

Truth vs. Justice?

Popular Views on the Truth and Reconciliation Commission and the Special Court for Sierra Leone

Edward Sawyer and Tim Kelsall

Introduction

The past two decades have witnessed an extraordinary growth in the number of societies transiting between periods of authoritarian rule, civil war, peace, and democracy. These transitions have been accompanied by new initiatives to confront legacies of human rights abuse, initiatives that include prosecuting individual perpetrators, establishing truth seeking initiatives, offering reparations to victims of state-sponsored violence, reforming penal and judicial organs, and removing human rights abusers from power.¹ Increasingly, these approaches are being grouped together under the idea of ‘transitional justice’.

Most prominent among these approaches have been trials and truth commissions, respectively representing retributive and restorative responses to the transitional justice dilemma. Much has been written about the relative merits of truth-telling versus trial based mechanisms.² On the retributive side, prosecutions are expected to establish individual criminal accountability, to remove dangerous individuals from society, to send a message about impunity, and to serve as a lodestar for re-establishing the rule of law.³ By contrast restorative mechanisms, including, most notably, truth commissions, typically pursue a broader set of goals, including documenting abuses, identifying broader social or systemic causes of conflict, and providing a platform for reconciliation.⁴ While commentators recognise that both are attempts to steer a course between vengeance and forgiveness,⁵ disputes about how best to strike the balance persist. As Avruch and Vejarano summarise, “[a] great deal of the controversy, not to mention passion, that surrounds the workings and assessment of these commissions by different parties, has to do with the tension existing between the two poles of this continuum: the

The authors would like to thank the British Academy for the generous financial support of this project.

¹ For a longer list, see Martha Minow, *Between Vengeance and Forgiveness* (Boston: Beacon Press, 1999), 23.

² See, for example, Priscilla Hayner, *Unspeakable Truths: Confronting State Terror and Atrocity* (London: Routledge, 2001), 86-106, Minow, *Between Vengeance and Forgiveness*, Robert I. Rotberg and Dennis Thompson, ed., *Truth v. Justice: The Morality of Truth Commissions* (Princeton: Princeton University Press, 2000).

³ Elizabeth M. Evanston, “Truth and Justice in Sierra Leone: Coordination between Commission and Court,” *Columbia Law Review* 104, no. 730 (2004): 750-1.

⁴ Evanston, “Truth and Justice in Sierra Leone,” 751-2; Hayner, *Unspeakable Truths*, 24-31.

⁵ See Minow, *Between Vengeance and Forgiveness*.

putatively primordial human impulses to wreak vengeance or to offer forgiveness, for terrible wrongs done”.⁶

Interestingly, the above debate is conducted largely by experts; we know relatively little about the opinions of ordinary people in societies recovering from trauma; relatively little about what they think of the transitional justice mechanisms devised for them by others.⁷ The current article provides a corrective to this. It does so by discussing the results of a 300-person opinion survey into transitional justice in Sierra Leone.

Sierra Leone is an instructive case in which to conduct such a survey: it is one of the few countries to pursue a dual and simultaneous approach to transitional justice, employing both an international tribunal, the Special Court for Sierra Leone (hereafter the SCSL or Court), and a truth and reconciliation commission (hereafter the TRC or Commission). Its TRC was established to produce an impartial historical record, to bring victims and perpetrators together through public hearings, and to promote healing.⁸ It held public hearings in 2003 and submitted its report to the government in October 2004. The SCSL was tasked, rather differently, with prosecuting “those who bear the greatest responsibility” for war crimes and human rights violations.⁹ It has indicted 13 individuals, the survivors among whom are being prosecuted in four separate trials.

The simultaneity of the two processes in Sierra Leone, achieved by accident rather than by design, stimulated a great deal of discussion in UN and NGO circles about how to make the two institutions compatible.¹⁰ As William Schabas has written, the TRC and SCSL have much in common: both can contribute to a historical account of the conflict, its causes, and those responsible for its atrocities, while also addressing impunity, providing redress to victims as well as “undermining future efforts to distort and deform the truth”.¹¹ Consequently, he suggests that a mutual relationship can exist, and that where truth commissions can contribute to many of society’s goals, they should be supplemented by other measures such as international tribunals.¹²

⁶ Kevin Avruch and Beatriz Vejarano, “Truth and Reconciliation Commissions: A review essay and annotated bibliography,” *Online Journal of Peace and Conflict Resolution* 4.2 (2002), http://www.trinstitute.org/ojpcr/4_2recon.pdf, 9.

⁷ A point observed, in regards to Sierra Leone, by Donna E. Artz, “Views on the Ground: The Local Perception of International Criminal Tribunals in the Former Yugoslavia and Sierra Leone,” *The Annals of American Academy*, 603, no. 1 (2006): 231.

⁸ The Truth and Reconciliation Act 2000, cited in *Witness to Truth: Report of the Sierra Leone Truth and Reconciliation Commission*, Vol. 1, 24.

⁹ The Special Court for Sierra Leone, “Agreement Between The United Nations and The Government of Sierra Leone On the Establishment Of A Special Court for Sierra Leone,” The Special Court for Sierra Leone, <http://www.sc-sl.org/scsl-agreement.html>, 1.

¹⁰ See Schabas, “A synergistic relationship” for a detailed review.

¹¹ William Schabas, “The Relationship Between Truth Commissions and International Courts: The Case of Sierra Leone,” *Human Rights Quarterly* 25, no. 4 (2003): 1064.

¹² David Crocker, “Truth Commissions, Transitional Justice and Civil Society,” in *Truth v. Justice: The Morality of Truth Commissions*, ed. Robert I. Rotberg and Dennis Thompson (Princeton: Princeton University Press, 2000), 99.

In practice, the relationship between the TRC and Special Court was not so smooth. Tensions surrounded the mismatch between the two institutions' resources, the poaching of at least one TRC investigator by the Court, the Court's investigative strategies in general, and the fact that the Court was perceived to be deterring perpetrators from testifying to the TRC, among other things. Frustrations, long simmering, came to the surface when three of the Court's indictees were denied permission to testify publicly before the TRC. The Commission devoted 67 pages of its final report to this saga, concluding that

The two institutions had little contact and when they intersected at the operational level, the relationship was a troubled one. It is the view of the Commission that the practical problems that afflicted the "dual accountability" model stemmed from the creation of the two institutions separately from each other. These problems were compounded by the subsequent and mutual failure of the institutions to harmonise their objectives.¹³

It is not a view that is shared by everybody. Schabas, himself a Commissioner, opines that "[i]t was most unfortunate that this quarrel between the Court and the Truth Commission came at the close of what had otherwise been a cordial and uneventful relationship". Schabas argues that the two organs, for the most part, worked well together, going so far as to say that "it may be that the term 'complementary' as a description of the relationship between the Court and the Commission is too conservative. 'Synergy' may well be the better term", although he adduces little evidence for the latter.¹⁴

There is also some debate in the literature about the cultural and political appropriateness of both institutions. Rosalind Shaw has argued that the TRC format has been indiscriminately rolled out in a country that has historically coped with trauma via institutionalised modes of social forgetting, recounting that, "[a]lmost without exception, people wanted 'to forget', even if such forgetting eluded them, often urging, 'let's forgive and forget'".¹⁵ Tim Kelsall has argued that the TRC's ideas of truth-telling sat uneasily with local cultural norms: "the practice of public confession and inquisitorial investigation may not be the most familiar vehicle by which to arrive at the truth in Sierra Leone",¹⁶ and he has also critiqued the Special Court, claiming that in trying to convict some of Sierra Leone's more popular political figures, it was deliberately screening out issues of political context, arguing that, "If the defendants can convince the public that the acts

¹³ Sierra Leone Truth and Reconciliation Commission, *Witness to Truth: Report of the Sierra Leone Truth and Reconciliation Commission*, Vol. 3B, 428-30.

¹⁴ Schabas, "A synergistic relationship," 50-4. Evanston "Truth and Justice in Sierra Leone," 755, also notices that, "In spite of the absence of formal coordination agreements between the two institutions, their relationship had been relatively untroubled, and several anticipated problems of coordination had not materialized."

¹⁵ Rosalind Shaw, "Rethinking Truth and Reconciliation Commissions: Lessons from Sierra Leone," *United States Institute of Peace Special Report 130* (2005), <http://www.usip.org/pubs/specialreports/sr130.pdf>, 8.

¹⁶ Tim Kelsall, "Truth, Lies, and Ritual: Preliminary Reflections on the Truth and Reconciliation Commission in Sierra Leone," *Human Rights Quarterly* 27, no. 2 (2005): 384.

they committed were politically justified, even where technically criminal, then the normative force of the law will be considerably weakened”.¹⁷

Taking a different tack, Beth Dougherty has argued that the Court’s shoestring funding imperils its ability to bring a meaningful accountability to the country.

The funding arrangements for the SCSL are nothing short of scandalous. In one of the world’s poorest countries, the UN is hoping to complete a task it is finding daunting in The Hague... In trying to avoid another \$100 million court, the UN has swung to the other extreme... producing a court that operates on a shoestring that is so tight it is in danger of snapping... Considerations of justice – the rights of the accused, the integrity of the institution – must be given more weight than budgetary concerns.¹⁸

Other commentators, including Lansana Gberie, point instead to its relative over-funding:

Nearly four years after the Court began its ponderous work, it has spent more than \$80 million dollars (sic) (mostly as salary for its mainly expatriate staff, amounting to \$16 million a year, more than that of the entire civil service), but has satisfied nobody’s sense of justice, reconciled no one to the brutal past, and left everyone angry, sad or plainly bemused.¹⁹

Given the debate surrounding the merits of these two institutions, how should we evaluate them? The data presented in this paper provides a new perspective, a point of view taken from beyond the offices of international organs and academic departments. By talking to hundreds of ordinary people in different locations of the country, we get a sense of how many of them are aware of the Court and TRC, how far they understand the two institutions, whether they think they are important or not, and whether they deem them successful. Opinions on indictees at the Special Court are also presented. Though the significance of the findings must be qualified in important ways, it is our contention that the results nevertheless provide valuable information on the appropriateness of these two mechanisms to peace in Sierra Leone.

Popular opinions in Sierra Leone

The empirical data in the following chapters is drawn from questionnaire fieldwork carried out in Sierra Leone in July and August 2005. The questionnaire was designed to measure the attitudes of Sierra Leoneans to the TRC and SCSL. It uses both open and closed questions, producing both quantitative and qualitative data. In total 300

¹⁷ Tim Kelsall, “Politics, anti-politics, international justice: language and power in the Special Court for Sierra Leone,” *Review of International Studies* 32, no. 4 (2006): 602.

¹⁸ Beth Dougherty, “Right-sizing International Criminal Justice: the hybrid experiment at the Special Court for Sierra Leone,” *International Affairs* 80, no. 2 (2004): 324-7.

¹⁹ Lansana Gberie, “A Court, a War Hero, and a baffled Country,” *Concord Times*, March 14, 2006 (accessed at <http://www.concordtimesl.com/features1.htm>). See also Lansana Gberie, “Briefing: The Special Court of Sierra Leone,” *African Affairs* 102, no. 409 (2003): 643.

questionnaires were completed – 100 in Freetown and the Western Area; 100 in Tonkolili District in the Northern Province, and 100 in Kenema District, Eastern Province. Within each district, 50 were carried out in the district’s major town, and a further 50 in the surrounding rural villages.

The locations were chosen to allow for a relatively even national geography in the sample and because the different regions of the country had varying experiences of the conflict and the multiple factions involved. Kenema District experienced intense fighting from almost the commencement of the conflict in March 1991, when original attacks in Bomaru, Kailahun District (bordering Liberia) by Liberian NPFL (National Patriotic Front of Liberia) and Sierra Leonean RUF (Revolutionary United Front) fighters quickly spilled into the District. Controlled by the RUF-AFRC junta in 1997, Kenema became a focus for resistance by the Civil Defence Force.²⁰

Tonkolili District also experienced high levels of conflict. Almost the entire Northern Province was controlled by the RUF when they expelled the SLA (Sierra Leonean Army) in June and July 1999. Tonkolili was one of several northern districts controlled by General Issa Sessay, the RUF’s second most senior commander and his two deputies, Brigadier Morris Kallon, and Augustine Gbao. Together they set about resisting disarmament and disrupting the Lomé Peace Accord, culminating in an attack on UNAMSIL in Magburaka in May 2000, abducting 318 peacekeepers in the region.²¹

Freetown remained relatively isolated from the war until its later stages. In 1998 it experienced fighting when the AFRC regime was dislodged with the help of ECOMOG forces, and in January 1999 when parts of the city were sacked by combined RUF and AFRC fighters. However, RUF activity in the hills surrounding Freetown is recorded as early as 1994.

It is these geographical variations on which decisions for conducting fieldwork in the three regions were based.²² The sample is made up of 184 men (61% of total) and 116 (39%) women of whom 194 (65%) were Muslims and 106 (35%) Christians. The majority of participants came from Sierra Leone’s two dominant tribes, Mende (37%) and Themne (36%). The remaining 27% were from minority tribes. 21% of those interviewed were between 17 and 25 years old, 59% were between 26 and 50 and a further 20% were above 51 years.

45% of those interviewed had either never been to school or not completed primary education. 41% had completed primary education and achieved some level of secondary education. 6% of participants had completed secondary school and the final 8% had completed some form of higher education. From the sample, 37% had unskilled

²⁰ *Witness to Truth*, Vol. 3A, 86-229.

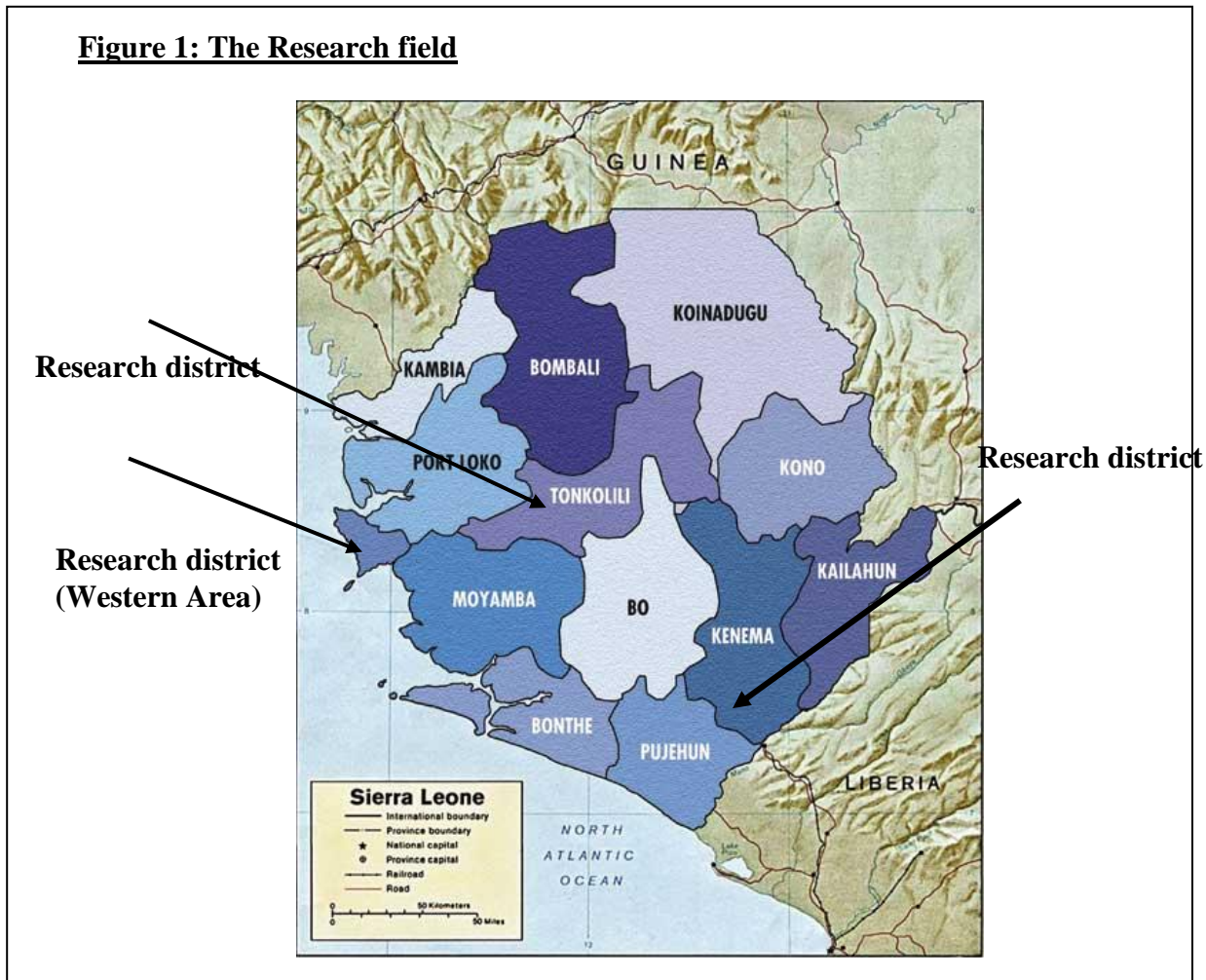
²¹ *Ibid*, 358.

²² These dates and figures were obtained from *Witness to Truth*, Vol. 3A, 86-462; No Peace Without Justice, “Mapping the Conflict,” No Peace Without Justice, <http://www.npwj.org>; K. Peters, “Footpaths to Reintegration: Armed Conflict, Youth and the Rural Crisis in Sierra Leone” (PhD diss., Wageningen University, 2006) 176-179.

jobs (predominantly small traders), 28% were subsistence farmers, 14% had skilled employment (or owned larger businesses), 10% were students, and the remaining 11% were either unemployed or retired.

31 out of the 300-person sample (10%) had not heard of the TRC while 27 out of the 300 (9%) had not heard of the SCSL. 33 pilot questionnaires were carried out. In total, only two interviews were not completed (these were not included in the sample).²³

Figure 1: The Research field



Map source: "The Districts of Sierra Leone," *ISS Maps*,
<http://www.iss.co.za/Pubs/Monographs/No68/Map2B.jpg> (accessed July 14, 2006).

In administering the survey, a face-to-face method was adopted to overcome the challenges of illiteracy and low response rate; each questionnaire was carried out

²³ Tim Kelsall and Edward Sawyer designed the survey and piloted it, together with assistants, in Magburaka town. Edward Sawyer conducted the main survey with the assistance of Andrew Bernard, Ahmadu Mannah, and Esther Kortu. The pilot stage was essential to allow for the fine-tuning of the questionnaire, in adopting a consistent approach to respondents and in developing the required skills for this study.

personally (each one took on average thirty minutes) with the assistance of a Sierra Leonean counterpart who translated the questions and provided local knowledge of the surrounding area. The questionnaires were carried out predominantly in Krio, an Anglophone-based language spoken by the majority of Sierra Leoneans, although many in the more rural regions spoke in their tribal dialect. A handful were carried out in English. This face-to-face interaction meant that answers could be rephrased, answers could be encouraged and probed (although not led on) and more meaningful responses could be gained.

A random sample was adopted (in this instance one in every four houses was approached) in an attempt to obtain a balanced response.²⁴ By conducting research in a location familiar to participants, it was hoped that some social barriers would be broken down.

The findings

Let us turn now to our findings. In brief, we found the following:

1. That both the TRC and the SCSL had broad public support;
2. Support notwithstanding, *actual knowledge* of the two institutions was thin;
3. There was a distinct geographical variation in the public's commendation of the two institutions;
4. There was significant geographical variation in whom the public thought should be on trial;
5. There was little perception of a contradiction between the two institutions, or of a preference for one institution over the other.

The following sections describe these findings in more detail.

Understanding, perceived success and importance to peace of the TRC and SCSL.²⁵

The questionnaire asked about the aims of the TRC and SCSL, their success in fulfilling those aims, and their overall importance to peace. The first six questions were as follows:

- 1) Have you heard of an institution called the Truth and Reconciliation Commission? Y/N
- 2) Did you ever a) attend, b) watch on TV, c) listen on the radio, d) read in a newspaper, e) attend a workshop/seminar about TRC hearings? Other (please state):
- 3) Can you say briefly what the aims of the TRC were?²⁶

²⁴ It should be noted that this approach became complicated when there was more than one person present in the house. When such a situation did occasionally rise, the participant was chosen in an attempt to keep other variables in the sample as balanced as possible, such as gender or age.

²⁵ Figures give in this analysis are to the nearest percent.

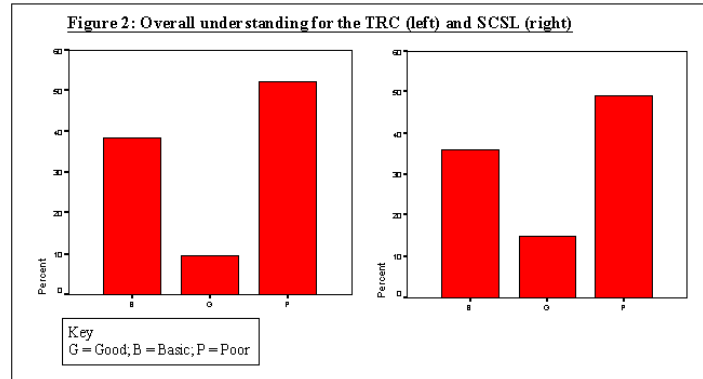
- 4) How successful do you think the TRC was in achieving its aims? a) very successful, b) quite successful, c) not successful, d) don't know
- 5) In general, how important do you think the TRC has been to peace in Sierra Leone? a) very important, b) quite important, c) not important, d) don't know
- 6) Do you have any other comments or observations about the TRC?

Questions 7-12 asked a similar set of questions for the Special Court.

By asking respondents to state the aims of the two institutions, it was possible to gauge their understanding of the TRC and SCSL's work. For those who had heard of the two institutions, Questions 3 and 8, asking about such aims, provided a perspective on respondents' understanding of the two institutions, an understanding that the researchers then coded as 'good', 'basic' or 'poor'. The table below illustrates our results.

²⁶ When a participant was not able to provide any answer, the authors devised a prompt that asked them to reply yes or no to the following statements. These were then separately documented into our 'good', 'basic' and 'poor' categories. In the TRC section of the questionnaire, the statements asked if the Commission had come a) to create an impartial historical account of the conflict, b) to allow victims and perpetrators to tell their stories, c) to promote healing and reconciliation, and d) to punish the perpetrators of atrocities. A similar system operated for the Special Court section, asking if it had come a) to forgive perpetrators of atrocities, b) to punish ALL those who committed atrocities, and c) to prosecute those who bear the greatest responsibility for war crimes and crimes against humanity? The authors ascertain that the first three statements in the TRC section are correct and the last statement in the SCSL section is also correct. As a result of the prompt, understanding apparently improved, sometimes by as much as 25%. For the purpose of transparency, we acknowledge this strand in the data, but have not included it into the analysis for the following reasons: a) it gave a bias towards people who were unable to give an answer, as the prompt was only asked to those who could not give any response; b) it became clear throughout this research that people often guessed, regularly responding 'yes' to all the options, even where some were wrong; c) the possibility that people lacked confidence to give answers, especially as they were the first open questions in the survey, have generally been dismissed as not only were people, certainly to our perception, overwhelmingly willing to help with this study, but that they were also willing to answer far more controversial questions later in the interview, notably regarding who should be on trial at the SCSL. Furthermore, plenty of time was allowed for participants to answer these questions, who were often encouraged if it was felt they were on the right track.

Much time has been spent deliberating the significance of these variations, and the following conclusions have been drawn. The fact that these differences exist cannot be ignored and furthermore, they are perhaps one of the greater limitations of this survey. The prompts acted, on a number of occasions, as a memory jogger to participants, relating perhaps to things they had seen or heard. However, it is argued that if the participants of this survey had a true understanding of these institutions, then they would be able to answer questions three and nine of the survey without the assistance of any prompt. Nevertheless, in interpreting this data it is worth acknowledging that perhaps understanding is slightly higher than represented, but not to the full extent that the prompt would suggest.



The important points to note are the following: Only a relatively small percentage of people had what we classed as a ‘good’ understanding of either institution, with marginally more people having a ‘good’ understanding of the Court (15% for the Court vs 10% for the Commission). Respondents with a ‘good’ understanding of the TRC knew that it provided a forum for victims and perpetrators, and they knew at least two of the following: that people asked for forgiveness, that it would promote healing and reconciliation, that the TRC would investigate the truth, create a historical record, etc. Respondents with a ‘good’ understanding of the Court, meanwhile, would know that it was created to prosecute those who bore the greatest responsibility, or the headmen of the war, or some variation on that theme, even if their interpretation was not completely accurate (if they thought, for example, that the Court was there to try those who committed the “worst” atrocities).

A larger percentage of people had what we called a ‘basic’ understanding: 36% for the Court and 38% for the Commission. Respondents with a ‘basic’ understanding of the TRC would mention that it was for victims or perpetrators, but they would not mention both; they might refer to just one of the aims mentioned above; and, typically, they might combine some accurate knowledge with some that was less accurate, especially the idea that the TRC was there to judge people. Respondents with a ‘basic’ understanding of the Court would realise that its purpose was to judge people, but they would have little appreciation of its restricted mandate, typically stating that it had come to try ‘those that did bad things in the war’, or ‘all those involved in the war’. Note that the researchers did probe interviewees to try and ascertain the real extent of their knowledge on this score.

While almost half the respondents had at least a ‘basic’ understanding of the two institutions, TRC and Court backers might be concerned to hear that the understanding of the majority was ‘poor’: specifically, 52% had a ‘poor’ understanding of the TRC and 49% had a ‘poor’ understanding of the Court. Respondents with a ‘poor’ understanding of the TRC would make nebulous or inaccurate statements such as, ‘They came to make peace’, ‘They came to help the poor’, ‘They brought an end to the war’, or ‘They came to administer justice/punish people’. Those with a ‘poor’ understanding of the Court might mention that it was there to judge people, but not mention the war; they might not mention judging people at all; or they might simply state that the Court was there to get ‘the truth’. Finally, this category included those that were unable to give any answers at

all.²⁷ Note also that although the researchers visited areas that were rural, these were far from being the most remote areas in Sierra Leone. One might expect that in more isolated areas, knowledge of the two institutions would decline still further. Such findings would appear to reflect what many feel to be one of the overarching difficulties of transitional justice institutions in Sierra Leone. To use the SCSL as an example, Lansana Gberie notes, “the main problem is that, in spite of a commendable outreach programme, the Court appears aloof from the general population”.²⁸

It is worth noting that urban respondents, Freetown respondents, educated respondents, male respondents, young respondents and Christian respondents tended to have a better understanding of the two institutions than did others, though the differences, with the exception of gender,²⁹ are not large. Kenema District, however, provides some exceptions.³⁰ Understanding was consistently highest in urban Freetown (72% had a ‘good’ or ‘basic’ understanding of the TRC, with 64% having a similar level for the SCSL), and consistently lowest in rural Tonkolili District (18% and 20% respectively).

²⁷ These figures are dismal reading in light of a Campaign for Good Governance study from November 2002, which asked participants whether they felt they understood the TRC and SCSL ‘fully’, ‘partially’ or ‘nil’. For the TRC, 17% replied fully, 47% partially and 36% nil. For the SCSL, 10% responded fully, 47% partially and 43% nil. See Campaign for Good Governance, <http://www.slccg.org/opinionpoll.pdf>. Clearly, when Sierra Leoneans are actually asked to qualify their answers, actual understanding appears to fall fairly dramatically. Given further that this study is three years on, there is clearly concern for those attempting to secure the Commission and Court’s legacy through outreach. See, for example, Sara Kendall and Michelle Staggs, “From mandate to legacy: The Special Court for Sierra Leone as a model of “hybrid justice,”” *U.C. Berkeley War Crimes Study Center*, http://ist-socrates.berkeley.edu/~warcrime/SLSC_Report.pdf, 32-4; Beth Dougherty, “Searching for Answers: Sierra Leone’s Truth and Reconciliation Commission,” *African Studies Quarterly* 8, no. 1 (2004): 45-6; *Witness to Truth*, Vol. 1, 156-8.

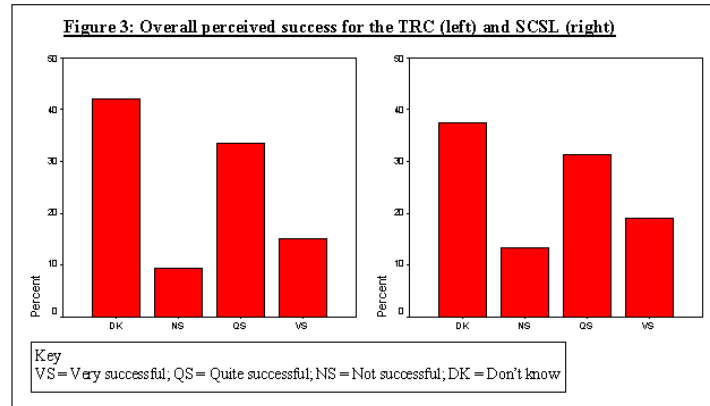
²⁸ Gberie, “Briefing,” 647.

²⁹ Only 7% of women had a ‘good’ understanding of the TRC, compared to 11% of men, with 63% of women having a ‘poor’ understanding, compared to 45% of men. For the SCSL, 10% of women had a ‘good’ understanding of its work, compared to 19% of men, with 72% having a ‘poor’ understanding, compared to 35% of men. These differences are a concern given that women were a target group of the TRC’s work, while the SCSL is the first international court to address rape as a major crime in its cases. See *Witness to Truth*, Vol. 3B, 86; Lyn Graybill, “Dealing with Gender Violence at the Special Court and TRC” (paper presented at the annual African Studies Association Conference, Washington DC, USA, November 17-20, 2005).

³⁰ The data from Kenema District provided some interesting results. Firstly, when broken down into an urban/rural divide, the rural respondents in the survey often had a greater understanding – and were subsequently more supportive – of the two institutions than their urban counterparts. For example, in rural Kenema, 20% had a ‘good’ understanding of the SCSL, compared to only 14% in Kenema town. On several other occasions, the gap between understanding, perception of success and importance to peace was narrow between urban and rural Kenema (compared to the other regions), a trend not repeated in any other region of this study. Aside from their strong opposition of Hinga Norman’s detention at the SCSL, addressed later in this paper, it was also in this region where support for the Court was the highest, interestingly, with 69% reporting it to be ‘very important’ to peace in Sierra Leone (compared to 57% in Freetown and 53% in Tonkolili District). Support for the TRC was also significantly high in this region, with 67% again reporting it to be ‘very important’ (Freetown – 46% and Tonkolili District – 61%). However, in terms of success, it was this same region that was most critical of both institutions, with only 13% reporting both to be ‘very successful’. One could speculate – but not verify – that such high support for these institutions, even where success is limited, originates from a desire for any institution that is working towards preventing a return to violence from a region that arguably had some of the worst and most intense experiences of the conflict

Not a single respondent in Tonkolili had a ‘good’ understanding of the TRC.³¹ We will return to the implications of this pattern later in the paper.

We turn now to a discussion of how successful respondents thought the two institutions had been in achieving their aims. The results are figured below.



The first thing to note about the results is the high ‘don’t know’ values (42% for the TRC and 37% for the Court), with the largest group of respondents not knowing, or not wanting to offer an opinion, on the success of the two institutions in achieving their aims. This is hardly surprising, given that so many of the respondents had a poor understanding of the aims in the first place. The problem was perhaps compounded by the fact that information on the performance of the two institutions was hard to come by or hard to interpret, because the respondents were distant from the two institutions, or because an insufficient period of time had elapsed since the institutions’ inception for success to be properly judged.³²

The next largest group of respondents suggested that the two institutions had been ‘quite successful’. This was probably a fence-sitting answer for many who lacked a good knowledge of the two institutions. For others it may have represented a genuine appraisal, perhaps linked to the idea that the institutions would not fully succeed until they had reached their final verdicts or reports.³³ Others had more clear cut opinions. 19% of

³¹ The figures from the survey show that in rural Tonkolili District, 0% had a ‘good’ understanding of the TRC, 18% a ‘basic’ understanding and 82% a ‘poor’ comprehension. Figures in regards to the Court are similarly dismal, with 2% having a ‘good’ understanding, 18% a ‘basic’ one and 80% showing a ‘poor’ understanding of its work.

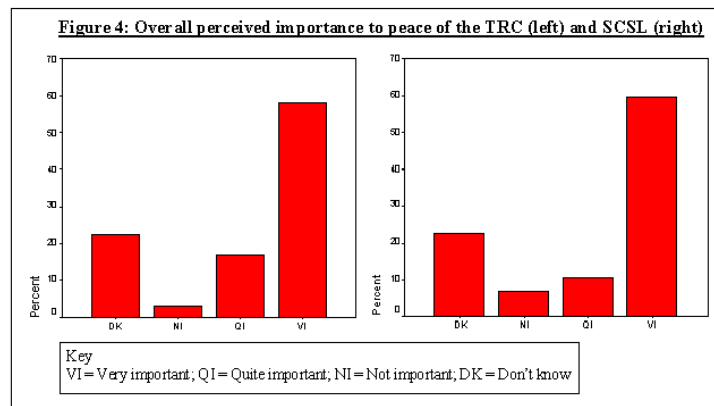
³² The publication of TRC’s final report was delayed by over a year, and while it was launched during this research, this delay was often cited as a limitation of its success as people said they had not received any of their findings. When it was published, it was initially only in its entire four volumes, and so relatively unavailable to citizens, both physically and in its format. Undoubtedly, this was not helped by the Government of Sierra Leone rejecting many of its recommendations (see Government of Sierra Leone, “White Paper on the Report of the Truth and Reconciliation Commission,” June 27, 2005). For the Court, respondents often reported that they were unable to provide an opinion since none of its cases had been completed, despite its three-year mandate being reached.

³³ Unfortunately, given the nature of our data, we have no way of sorting out the difference, although the authors hope that the former was reduced through the probing of answers.

respondents said that the SCSL had been ‘very successful’, compared to 15% who thought the same about the Commission. By contrast, 12% of the sample said that the SCSL was ‘not successful’, with only 9% saying the same about the Commission.

The good news for transitional justice advocates is that in both cases, a majority of respondents thought the two institutions either ‘quite successful’ or ‘very successful’, although the majority is slender. Only a small minority, on the other hand, actively dismiss the institutions as ‘not successful’.

We turn now to Questions 5 and 11, which asked about the importance of the two institutions, ‘to peace in Sierra Leone’. We should note for the record that some respondents had difficulty distinguishing between this and the previous question. However, we felt that it was a question worth asking, since it was conceivable that respondents might think that the institutions were in principle important, even if they were performing badly. Alternatively, respondents might think that the institutions were performing well in terms of their specific mandates, but that their importance to overall peace was marginal, with other factors, such as economic development, being more integral.³⁴ In any case, the significant variation in responses to this question and the previous one, suggests that many respondents did perceive a difference. The results are summarised below.



Interestingly, approximately 60%, a clear majority, believe that the institutions are ‘very important’. When combined with the ‘quite important’ category, the total is 75% for the Commission and 70% for the Court. Only very small percentages think they are ‘not important’ (3% and 7% respectively), with a slightly larger number (22% for the TRC and 23% for the SCSL) in the ‘don’t know’ category. The magnitude of this positive response fits with other observations regarding grassroots support,³⁵ but requires close

³⁴ Regrettably, the survey did not include a means by which we could distinguish between these different reasons, if indeed they existed, although many participants, usually those in the more rural areas of the study and with a poorer understanding of the institutions work, often stressed the need for economic development and poverty eradication above anything else when given the opportunity to express opinions on the TRC or SCSL.

³⁵ Specifically, for the SCSL, local support was high because they felt it was these key players indicted by the Court that caused the conflict (although the local NGO segment of the population were apparently

scrutiny. Remember that it is based firstly on a relatively poor understanding of the institutions' work (a 'good' understanding of both institutions was between 9% and 15%).³⁶ It was not unusual to hear respondents linking these institutions directly with ending the conflict and bringing peace to the country, and consequently regarding them highly. Secondly, it is combined with considerable scepticism about the success of the institutions (between 15% and 18% said that both institutions had been 'very successful' with a further 33% saying they had been 'quite successful'). The following discussion provides some possible explanations for this unusual combination.

Interpreting the results

It is our view that the large number of people who rated the two institutions as 'very important', or 'quite important' reflects 1) a widespread desire for institutions to tackle the issue of accountability in post-war Sierra Leone, and 2) a reserve of goodwill towards international and national elites in their attempts to formulate such institutions. These observations are reflected in the survey, by comments such as "[a]ny institution that comes to make peace is good."³⁷ However, this desire for accountability is an inchoate one, and the rather shallow understanding of the two institutions means that many people lack firm views about the success of the two organs. Supporting this interpretation is the fact that the better informed our respondents were, the more likely were they to express strong opinions. From those with a 'good' understanding of the two institutions, 23% found them 'very successful', with 19% claiming them to be 'not successful', while 67% found both institutions 'very important' to peace and security, with 9% stating that they were 'not important'.³⁸ For those with less knowledge, the obvious answer was that the institutions had been 'quite successful' or that they couldn't

frustrated that many midlevel figures were not charged). The Court was also seen as an opportunity not only to provide justice for the war, but to reform the country's entire justice system. See, Arts, "Views from the Ground," 233; Shaw, "Rethinking Truth and Reconciliation Commissions," 11; Zainab Bangura, "Sierra Leone: Ordinary Courts and the Special Court," cited in Arts, "Views from the Ground", 233.

³⁶ Interestingly, a very similar trend of the discrepancy between understanding and support emerged in a non-governmental study on perceptions of the TRC and SCSL. Here, 54% felt they understood the TRC while a noticeably increased 79% supported it, while for the SCSL, 41% felt they understood their work, while 59% supported it. See, Post-conflict Reintegration Initiative for Development and Empowerment (PRIDE), "Ex-combatant views of the Truth and Reconciliation Commission and the Special Court in Sierra Leone," PRIDE, <http://www.ictj.org/downloads/PRIDE%20report.pdf>.

³⁷ Interview with anonymous Sierra Leonean, Magburaka, Tonkolili District (August 4, 2005).

³⁸ Compare these figures to those with a 'basic' understanding, only 19% reported the institutions to be 'very successful' and 12% 'not successful', while only 14% of those with a 'poor' understanding reported it as 'very successful', with a mere 8% declaring it as 'not successful'. In regards to importance to peace, from the respondents with a 'basic' understanding, 71% reported them as 'very important' and 5% 'not important', while in the 'poor' understanding category, a reduced 48% declared the institutions as 'very important', with a only 4% stating them 'not important'. Note that the one exception to this better understanding/stronger opinion argument lies with perceived importance to peace of the two institutions, where a greater percentage of people with a 'basic' understanding said it was 'very important' to peace than those with a 'good' understanding. All these figures are an average percentage reading between the two institutions.

state how successful they had been.³⁹ Although tensions persist in Sierra Leone, it has not relapsed into war, and people might reasonably attribute some of this to the institutions under discussion, and, putting a high price on peace, determine them ‘very important’, even where they were unsure of their aims or success.

However, other interpretations are possible. Much has been written about the ‘situated’ nature of social research, including surveys, and about how the presence of the researcher can influence the nature of the results. The dangers of bias, consistency and translation are limitations worth considering at this stage.⁴⁰ Symbolic interactionist theory, for example, argues that the meeting of researcher and researched results in the individuals themselves becoming objects of influence which affect the results of face-to-face interviews.⁴¹ Respondents may hide their real feelings from researchers, and/or tell researchers what they think they want to hear. Both are distinct possibilities in Sierra Leone. Several anthropologists, most recently Mariane Ferme, have stressed that Sierra Leone is a country obsessed with secrecy, practising an ‘aesthetic of ambiguity’.⁴² In such a context, it would be surprising if the answers we received were straightforward. In similar vein, Rosalind Shaw has written about the popular expression ‘Tok Af Lef Af’ (lit. ‘Talk half, Leave half’), denoting a cultural imperative to conceal some aspects of your knowledge and feelings from others, at least until you are sure of their trust.⁴³ Shaw has also expressed concerns regarding quantitative data collection in post-conflict societies that are already distrusting of official information gatherers.⁴⁴ In addition, anecdotal evidence from Special Court staff suggests that local people often tell expatriates what they think they want to hear, rather than telling them the truth. Presuming that these cultural imperatives were in force, what are the implications for our data?

One possible implication is that all the data are unreliable. A random response pattern might suggest that this was the case with respondents making up answers willy-nilly. However, the pattern of responses was not random. Indeed, there are a number of statistically significant differences in the data that can be shown by testing the following three null hypotheses:

1. there is no significant difference in strong opinions of success of the TRC (ie. those stating it to be either ‘very successful’ or ‘not successful’) between those with a ‘good’ understanding and those with a ‘poor’ understanding of the institution;

³⁹ It is also plausible that those who lacked a good understanding thought the institutions had only been ‘quite successful’ because they had not done more to improve understanding and integrate them into the processes.

⁴⁰ Sara McLafferty, “Conducting Questionnaire Surveys” in *Key Methods in Geography*, ed. Nicholas Clifford and Gill Valentine (London: Sage, 2003) 93; Gillian Rose, “Situating Knowledges: Positionality, reflexivities and other tactics,” *Progress in Human Geography* 21, no. 3 (1997): 305-20

⁴¹ William Foddy, *Constructing Questions for Interviews and Questionnaires: Theory and practice in social research* (Cambridge: Cambridge University Press, 1993), 19-20.

⁴² Marianne Ferme ref

⁴³ Rosalind Shaw ref

⁴⁴ Shaw, “Rethinking Truth and Reconciliation Commissions,” 5-6.

2. there is no significant difference in strong opinions of importance to peace of the SCSL (ie. those stating it to be either ‘very important’ or ‘not important’) between those with a ‘good’ understanding and those with a ‘poor’ understanding of the institution;
3. there is no significant difference in those approving Chief Samuel Hinga Norman’s indictment between Kenema District and the sample as a whole.⁴⁵

The first and second hypotheses are based on trends in the data that were discussed earlier in this section. The third hypothesis is based on a further trend in the data - that support for Norman, and hence opposition to his indictment at the SCSL, was highest in his hometown Bo and its surrounding territories than the rest of the country.

Consequently, we can use the two-sample test for proportions (z-test), based on a normal distribution, to show that opinions in these three hypotheses are significantly different. While this does not prove outright that responses in the survey were not random – an impossible task anyhow – what it does show is that there are statistically significant trends in the data, based on qualified assumptions, which would suggest that answers weren’t being made-up willy-nilly.

Working at a 95% confidence level, with the formula

$$z = \frac{p_1 - p_2}{\sqrt{\frac{p_1(1-p_1)}{n_1} + \frac{p_2(1-p_2)}{n_2}}}$$

where n is the number of observations, p is the sampled proportion in the hypothesis, and the subscript numbers denote the two categories being sampled (eg. the ‘good’ and ‘poor’ understanding populations), we can reject the null hypothesis in each instance as the z value falls out of the z_{critical} region for the 95% confidence level of +/-1.96 given by the normal distribution table.⁴⁶

As a result, we can conclude that our observation that the better informed respondents were about the institutions, the stronger the opinions they gave, is statistically true to a 95% confidence level, according to the test carried out above. We

⁴⁵ The indictment of Hinga Norman is undoubtedly a controversial one, given his popularity in Sierra Leone (see later in the paper for a more detailed discussion). This hypothesis is proposed to test a strong trend in the data, that Norman’s support, and hence opposition to his indictment, is strongest in his home region of the Eastern Province. This finding is perhaps not too surprising, given that his popularity in the region is relatively common knowledge, and are exposed further in our data. It was also in Kenema District where Norman’s militia, the CDF and kamajors, were based for much of the conflict. See *Witness to Truth*, Vol. 2, 213-465.

⁴⁶ The z values are as follows: Hyp1 = 2.22; Hyp2 = 4.63; Hyp3 = 9.09. All figures are given to 3 significant figures.

can also conclude that the response to Hinga Norman's indictment was significantly different in Kenema District, where it is statistically true, again to a 95% confidence level, that they opposed his detention at the Court significantly more than those in the other parts of the country from our study. Given firstly that our interpretations and assumptions regarding the data are scientifically true, and secondly that the confidence level in each hypothesis is high, there is strong evidence to suggest that respondents did not provide random answers in this survey.⁴⁷ If these tests had shown, for example, that those with 'poor' understanding of the Commission or Court was accompanied by the opinion that they had been 'very successful' etc., the evidence for random responses would be much stronger. The fact that statistical evidence shows that those with a 'poor' understanding gave either a fence-sitting or 'don't know' response appears to support the argument that answers provided here were not random.

Another possibility is that respondents were honest in admitting their ignorance of the institutions' aims and in their appraisals of the two institutions' success, but that when it came to appraising the importance of the institutions, they lied in an attempt to try and please us (despite our protestations that we were in no way associated with the TRC or SCSL). However, this seems unlikely. To begin with, if respondents wished to please us, why did significant numbers claim that the institutions weren't successful? Further, in the qualitative responses, some of which are detailed below, it was not uncommon to hear apparently frank criticisms of the two institutions. If respondents had been determined to hide their true feelings, and or to try and please us, one would have expected fewer such comments. If there is a culture of secrecy and a 'Tok Af Lef Af' imperative in Sierra Leone, then, it does not operate uniformly. Some people, at least, were relaxed enough to venture answers that they might prejudicially have assumed we did not wish to hear, and had confidence later on in the questionnaire to give opinions about Special Court indictees. Thus, even accepting elements of the 'symbolic interactionist/anthropological' critique, the most we might reasonably expect would be that we have overestimated, to some unknowable degree, the perceived importance of the two institutions, and underestimated people's criticisms of them. Had these imperatives not been operating, the 'success' and 'importance' indicators might have been closer aligned; but it is unlikely, for the reasons stated above, that they would have been aligned completely.⁴⁸

⁴⁷ Given that the object of these tests is to show significant differences *between* populations within the sample to prove answers were not random, rather than to significantly apply the findings to the population of Sierra Leone as a whole, we have not calculated for a Type II error in this instance.

⁴⁸ We could perhaps speculate that a further reason for success and importance not being aligned is linked with cultural context. If Shaw is correct in arguing that in some regions of the country, people have alternative forms of remembering other than verbal admissions (supported in part by Ferme's observations of intense secrecy in the country), and Kelsall is correct in arguing that the confession and repentance format of the TRC hearings sat uneasily with more traditional local mechanisms of obtaining the truth, then it is possible to propose that many Sierra Leoneans saw this also as a major limitation to the Commission and Court's success in obtaining the truth, but felt that the overall framework of these institutions, combined with a reserve of goodwill towards international organisations attempting to consolidate peace in the region, were important in Sierra Leone. See Rosalind Shaw, *Memories of the Slave Trade: Ritual and the Historical Imagination in Sierra Leone* (Chicago: Chicago University Press, 2002); Marianne Ferme, *The Underneath of Things: Violence, History and the Everyday in Sierra Leone* (California: California University Press), 2001; Kelsall, "Truth, Lies, Ritual."

Startling in the results is the relatively equal appraisal given to each institution. Again, for the majority of respondents, this probably reflects a lack of clear understanding about the difference in the two institutions' roles. For others, it might suggest the model's compatibility.

Qualitative perceptions of transitional justice in Sierra Leone

This section turns now to analyse the qualitative data that the questionnaire produced. In particular, it uses questions 3 and 9 (asking participants to give the aims of both the Commission and the Court) and 6 and 13 (asking for any further comments about the two institutions) to draw out a number of themes amongst the sample. These themes are now discussed below.⁴⁹

The relationship between the Commission and the Court: Much has been documented of the often uneasy relationship between the TRC and SCSL. This study has found that a certain degree of confusion existed in society about what each institution was trying to achieve. Indeed, the following statements below confirm this:

The TRC came to try those who committed atrocities during the war.⁵¹

The TRC came to try those who were guilty of human rights abuses.⁵²

The SCSL came for people who did bad during the war to talk and be granted forgiveness.⁵³

Furthermore, some respondents mentioned they thought the TRC and SCSL were the same institution, whilst others thought that they were both working together, and as a result, people feared to speak out at TRC hearings. Incidents such as staff working for both organisations and interviewing the same people could only contribute to deepening this confusion.⁵⁴ Consequently, for a future model of transitional justice to run more smoothly, considerations such as the extent to which both mechanisms run concurrently and of which staff are eligible to work for both institutions, should be addressed.⁵⁵

The Commission and a weighting towards perpetrators: Many participants in this study told how the TRC was essentially for rehabilitating ex-combatants. Many felt that the Commission offered little to victims of the conflict other than the provision of a stage

⁴⁹ Due to restrictions of space, only limited examples will be presented here on each theme. However, in practice, these themes ran consistently throughout the data.

⁵¹ Interview with anonymous Sierra Leonean in Hastings, Freetown District (July 26, 2005).

⁵² Interview with anonymous Sierra Leonean in Hastings, Freetown District (July 26, 2005).

⁵³ Interview with anonymous Sierra Leonean in Magburaka, Tonkolili District (August 3, 2005).

⁵⁴ For a specific incident in Magburaka, see *Witness to Truth*, Vol. 3B, 377. For a more detailed analysis regarding information sharing between the two institutions, see Artz, "Views from the Ground," 234-5.

⁵⁵ See Schabas, "A synergistic relationship" or Evanston, "Truth and Justice in Sierra Leone."

and an audience for them to tell their stories.⁵⁶ As a result, several Sierra Leoneans understood the Commission's work in this light:

The TRC came for the bad people of the war to confess what they have done.⁵⁷

The TRC came for those who committed crimes during the war – after they confessed to the things they had done they were forgiven.⁵⁸

Expectations beyond the Commission's mandate: It should also be observed, however, that expectations placed on Commissions, already with a broad and challenging mandate, are often extremely high, and in the case of this study, often went well beyond the mandate. As Beth Dougherty notes:

Truth commissions generate high hopes, despite the mismatch between their weighty goals and limited resources... It is wise to keep this in mind when critiquing the TRC; Sierra Leone is a deeply traumatized place with crushing and longstanding problems such as dire poverty, entrenched corruption, rampant disease and barely functional state institutions. The TRC can only go so far in alleviating Sierra Leone's burdens.⁵⁹

Some of the data collected in the questionnaire supports such a statement:

The TRC came to make peace – for people to say what had happened to them during the war. Because these people lost a lot of things, the TRC can provide for them.⁶⁰

The TRC came for those who don't have anything and to promote life in Sierra Leone – they can educate and train people for the future.⁶¹

The TRC came to make people come together and wipe out poverty.⁶²

These kinds of response confirm that some of our interviewees had unrealistic expectations of the Commission, providing another explanation for why some of them perceived it to have had only limited success.

The Commission and its contribution to justice: A consistent theme that ran through the data was that the TRC was contributing to justice, as well as forgiveness and reconciliation. This is perhaps a significant development to those who criticised the South

⁵⁶ Such benefits of a TRC for victims, albeit for other reasons, has been observed by Shaw, "Rethinking Truth and Reconciliation Commissions," 6-7.

⁵⁷ Interview with anonymous Sierra Leonean in Kenema, Kenema District (August 13, 2005).

⁵⁸ Interview with anonymous Sierra Leonean in Njala, Kenema District (August 17, 2005).

⁵⁹ Dougherty, "Searching for Answers," 47.

⁶⁰ Interview with anonymous Sierra Leonean in Angola Town, Freetown District (July 27, 2005).

⁶¹ Interview with anonymous Sierra Leonean in Hastings, Freetown District (July 26, 2005).

⁶² Interview with anonymous Sierra Leonean in Talia Makaiya, Kenema District (August 16, 2005).

African TRC for providing individual amnesty to perpetrators who testified in front of the Commission and allowed many individuals who committed gross human rights atrocities not to be held accountable, aside from an (often partial) account of their actions and without an apology.⁶³ The perception that in Sierra Leone the Commission did contribute to justice is reflected in the following statements:

The TRC came mainly to get the truth about what happened during the war while at the same time bringing justice to the country.⁶⁴

The TRC came to investigate about justice and for people to explain what they know about the war.⁶⁵

These statements acknowledge that, although not bringing all perpetrators of the conflict before the courts, accountability, justice and impunity can be addressed through other approaches, in particular the acknowledgement by both victims and perpetrators of atrocities and the offer of an apology on behalf of perpetrators. Consequently, based on this study, there appear to be opportunities for future commissions to address justice through this mechanism.

The Special Court as a deterrent for future conflicts: Court personnel often claimed that it would bring an end to the culture of impunity in Sierra Leone.⁶⁶ Some interviewees echoed this belief:⁶⁷

The SCSL came to judge those that have done wrong during the war and for others to be encouraged not to do the same thing.⁶⁸

The SCSL came to prevent a repetition of the war, because if people see what happens to the culprits they will fear to do the same thing...⁶⁹

The SCSL came to judge the headmen of all the factions who were involved in the war so they will not repeat their actions.⁷⁰

In light of this argument, holding individuals accountable for war crimes in Sierra Leone is considered by some to be the major omission from previous peace agreements in

⁶³ This issue is addressed by Lyn Graybill, *Truth and Reconciliation in South Africa: Miracle or Model?* (London: Lynne Rienner, 2002). It should be noted, however, that some people were brought before the courts in South Africa if their accounts of the truth were not considered sufficient or where their acts were deemed to have objectives outside the political realm.

⁶⁴ Interview with anonymous Sierra Leonean in Kenema, Kenema District (August 11, 2005).

⁶⁵ Interview with anonymous Sierra Leonean in Kenema, Kenema District (August 11, 2005).

⁶⁶ Interview with Patrick Fatoma, Outreach Department, Special Court for Sierra Leone in Freetown, Sierra Leone (August 26, 2005).

⁶⁷ For analysis on this point, in particular the essential relationship between credibility of the Court and its effective deterrence, see Artz, "Views on the Ground."

⁶⁸ Interview with anonymous Sierra Leonean in Magburaka, Tonkolili District (July 18, 2005).

⁶⁹ Interview with anonymous Sierra Leonean in Magburaka, Tonkolili District (July 18, 2005).

⁷⁰ Interview with anonymous Sierra Leonean in Kenema, Kenema District (August 13, 2005).

the country,⁷¹ and vital for future stability in the region. Others felt that by holding the trials in the country concerned, people could see justice being done, even if they were ultimately found not guilty.

The qualitative data also provides some less common, but nevertheless important themes, which are now summarised. In terms of the TRC, informants said that the Commission was limited in scope (a reference to the time spent in each district, the number of people who were involved, and especially a lack of attention to rural areas of the country); several rural populations were marginalized because hearings – and subsequent media coverage – were in either Krio or English but not in any tribal dialect; that the TRC hearings were poorly attended; that the TRC should have provided compensation to victims; and that the truth was often not told by participants (“Those that gave evidence didn’t always tell the truth”⁷⁴). Perhaps of most concern were the reports that the same conditions that triggered the war are still present, a feeling mirrored both by the Commission’s final report and other post-conflict analyses of the country. Some also questioned the point of reconciliation when people remained hungry and lacked public services.⁷⁵ Others mentioned that the TRC came only for certain individuals, and that others were prevented from speaking at hearings.⁷⁶

In regards to the Special Court, there were equally important, but less common, themes running through the data. Several participants felt that the Court’s progress was too slow, creating impunity as well tensions between different ethnic groups (although a few people said they should take their time in order to do a good job). Some said that the Court should have waited until peace was consolidated, or until the TRC had finished, before commencing, while others reported that the Court was too costly and instead the money should have been spent on developing the country’s services and infrastructure (although a couple of respondents said that the Court needed more money).⁷⁷ Others still said that it was nobody’s position to judge people and that role was reserved for God alone; that the indictees at the Special Court were better off (in terms of access to food and facilities) than the country’s citizens; that it was only Freetown residents that were involved in the Court’s progress, and that you had to attend the Court to understand and benefit from it; that there was a lack of attention and information-collecting by the Court in regards to rural areas of the country. Some felt that people had limited access to outreach programmes; that sometimes the court would act as part of the national judiciary, and could settle personal legal disputes; others said that they relied solely on

⁷¹ Interview with Patrick Fatoma.

⁷⁴ Interview with anonymous Sierra Leonean in Freetown, Western Area (July 24, 2005).

⁷⁵ See, for example, *Witness to Truth* or Paul Richards, “To Fight or to Farm? Agrarian dimensions of the Mano River Conflicts (Liberia and Sierra Leone),” *African Affairs* 104, no. 417 (2005): 571-90. Several of the root causes of the conflict identified by the Commission’s Report (in particular poor governance, exclusionary politics, lack of personal advancement, abuse of power and resources by country officials, a weak media and deep-rooted poverty) remain today: see Gavin Simpson, “The Sierra Leone Truth and Reconciliation Commission: A Compelling Case for ‘Transformative Justice’ in a Conflict-Prone State” (A Public Lecture at the Nordic Africa Institute, Uppsala, Sweden, March 16, 2006).

⁷⁶ This opinion is likely to refer to the SCSL preventing certain indictees appearing at the TRC’s hearings. See, *Witness to Truth*, Volume 3B, 328-425.

⁷⁷ See also William Schabas, “An Expensive Exercise,” *West Africa*, July 2005.

the media for information regarding the Court; that the Court was struggling to separate political and criminal acts but that it was an important tool for getting information and the truth about the conflict;⁷⁸ and that Sierra Leone was too dependent on the West for sorting out its own problems. Some respondents commented on the fact that witnesses were allegedly paid for testimony at the Court. Several questioned the extent to which the Court could claim they were prosecuting those “who bear the greatest responsibility” when Foday Sankoh and Sam Bockarie were dead (some people reported that they doubted his death until they received evidence to the contrary) while others such as Charles Taylor (at the time) and Jonny Paul Koroma were at large. Many said they were unsure about what punishment the indictees would receive if they were found guilty. There were conflicting statements about the number of people indicted – several felt that there were not enough people facing trial for their actions in the conflict, while others felt that there were too many considering that the Court hadn’t even been able to arrest all those indicted.⁷⁹ Several said that the Court should be scrapped,⁸⁰ while others felt that the Court was addressing justice in the country more broadly. Some commented that the presence of defence lawyers was a positive development in Sierra Leone, especially international ones who could provide impartiality to court proceedings.

Despite the apparent compatibility between the two institutions, there was certain axis of tension regarding the model. Several respondents claimed to be confused by the Court’s message of retribution, since the TRC had promoted forgiveness and restorative reconciliation. Others claimed that it was better to forget about the past and ‘let it go’, rather than to remember it.⁸¹ One person said that the Commission’s insistence on recalling the past caused more pain and meant that “people took actions as revenge.”⁸² In regards to the Court, there was a degree of sentiment that the Court was forcing people to relive old pains, that the trials were re-creating tensions and problems between people, and that the trials were futile because what had been lost in the conflict could never be returned. Apologies were seen as more important to peace than trials for some of these individuals. Others, however, stated that the indictees should never be forgiven if they are found guilty, and that, had there been no trials, people would have taken revenge against their enemies.

This paper finally turns to opinions regarding certain individuals on trial at the Special Court. A common response when asked if these people should be on trial was ‘let the law take its course – if these people are found guilty, then they will be punished and if they are found innocent they will be free and people will no longer point fingers.’

⁷⁸ For a detailed analysis on this point, see Kelsall, “Politics, anti-politics, international justice.”

⁷⁹ The discrepancy over the number of indictments at the Special Court is discussed by Artz, “Views from the Ground,” 233.

⁸⁰ A point echoed by former British High Commissioner, Peter Penfold. See “Will justice help peace in Sierra Leone?” *The Observer*, October 20, 2002.

⁸¹ For a detailed account on issues of remembering in Sierra Leone, in particular alternative methods of other than those that are discursive, see Rosalind Shaw, “Transitional Subjectivities: Reconciling Ex-Combatants in Northern Sierra Leone,” unpublished manuscript; Shaw, *Memories of the Slave Trade*; Shaw, ‘Rethinking Truth and Reconciliation Commissions’.

⁸² Interview with anonymous Sierra Leonean in Freetown, Western Area (July 22, 2005).

Who should be on trial at the Special Court?

There are currently nine people detained at the Special Court.⁸³ Issa Sessay (Interim leader of the RUF since May 2000), Morris Kallon (a senior Battalion Commander of the RUF) and Augustine Gbao (commander of the RUF Internal Defence Unit) are all charged on eighteen counts of crimes against humanity, international violations of the Geneva Conventions and other serious violations of humanitarian law, including unlawful killings, sexual violence, physical violence, terrorizing the civilian population, the use of child soldiers, abduction and forced labour, looting and burning, and attacks on UNAMSIL (United Nations Mission in Sierra Leone) staff.⁸⁴ For the AFRC, Alex Tamba Brima (Public Liaison Officer 2 [PLO2]), Brima Bazzy Kamara (Public Liaison Officer (PLO 3) and Santigie Borbor Kanu (a member of the Supreme Council) are all facing similar charges (with the exception of attacks on UNAMSIL personnel).⁸⁵ Sam Hinga Norman (National Coordinator of the Civil Defence Force [CDF]), Moinina Fofana (National Director of War for the CDF) and Allieu Kondewa (High Priest/Chief Initiator for the CDF) face an eight count indictment for unlawful killings, physical violence and mental suffering, looting and burning, terrorizing the civilian population and the use of child soldiers.⁸⁶ Former warlord and Liberian president Charles Taylor, finally arrested on 29 March 2006, faces a reduced eleven charges, including terrorizing the civilian population, unlawful killings, sexual violence, physical violence, the use of child soldiers, abductions and forced labour and looting.⁸⁷

This data is drawn from a question in the survey asking participants which of the following people should be on trial – Norman (first indicted for the CDF), Sessay (first indicted for the RUF) and Alex Tamba Brima (first indicted for the AFRC). Finally, we asked whether respondents felt Charles Taylor should be brought to trial at the Special Court.⁸⁸

Overall, people were most supportive of Issa Sessay's indictment – from the 82% of respondents that had heard of him, 74% felt he should be on trial while only 4% said

⁸³ Thirteen people in total were indicted, but Foday Sankoh, former Commander-in-Chief of the RUF, died in custody at the Court, while Sam 'Mosquito' Bockarie, an RUF Battlefield Commander amongst other positions, is considered dead. Jonny Paul Koroma, leader of the AFRC, is presumed to be at large (see <http://www.sc-sl.org/cases-other.html>). Charles Taylor's case has now been moved to the International Criminal Court, The Hague, due partly to concerns over security.

⁸⁴ The Special Court for Sierra Leone, "Summary of charges," *The Special Court for Sierra Leone*, <http://www.sc-sl.org/RUFcasesummary.html>; individual positions in the movement are taken from *Witness to Truth*, Vol. 2, 48-9.

⁸⁵ The Special Court for Sierra Leone, "Summary of charges," *The Special Court for Sierra Leone*, <http://www.sc-sl.org/AFRCcasesummary.html>; individual positions in the movement are taken from *Witness to Truth*, Vol. 2, 64.

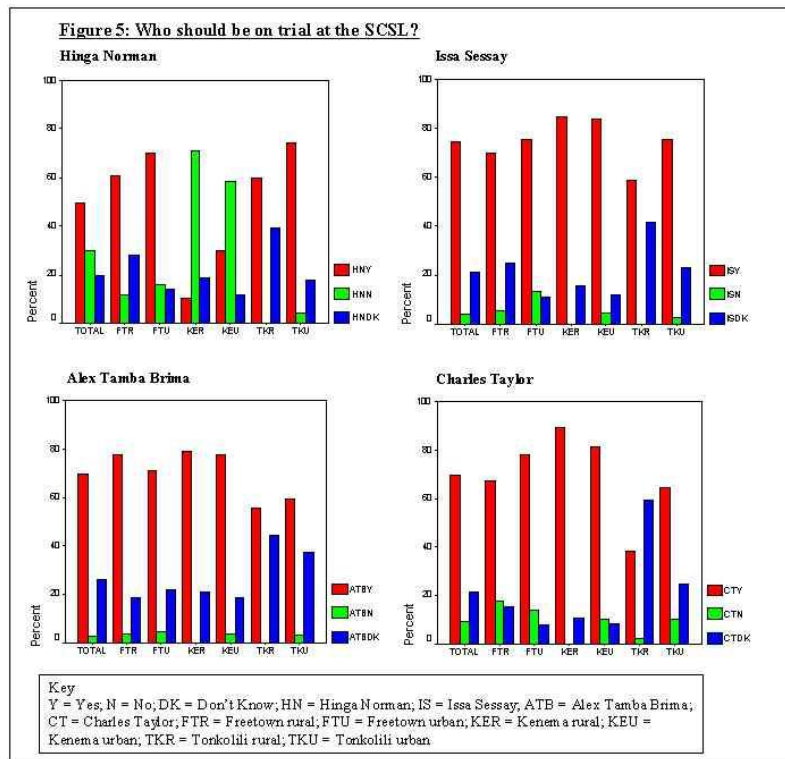
⁸⁶ The Special Court for Sierra Leone, "Summary of charges," *The Special Court for Sierra Leone*, <http://www.sc-sl.org/CDFcasesummary.html>; individual positions in the movement are taken from *Witness to Truth*, Vol. 2, 80-2.

⁸⁷ The Special Court for Sierra Leone, "Summary of charges," *The Special Court for Sierra Leone* (<http://www.sc-sl.org/Taylorcasesummary.html>).

⁸⁸ It should be noted that at the time of this study, Charles Taylor remained in exile in Nigeria.

that he should not be on trial. 70% of those that had heard of Charles Taylor felt that he should be brought to Sierra Leone for trial, suggesting that his indictment was the next most popular (although 9% said otherwise, predominantly because they thought it would destabilise peace). 70% felt that Alex Tamba Brima should be on trial, with support for him being lowest amongst the four indictees, with only 3% of the sample saying he should not be on trial. In addition, 42% of respondents stated that they hadn't heard of him.

By far the most controversial issue was the indictment of Hinga Norman – only 51% of those that had heard of him in the sample felt that he should be on trial with 28% saying outright that he should not be. These findings are analysed in more detail below.



Hinga Norman: 92% of the respondents in this survey had heard of Hinga Norman, but support for his indictment has significant geographical variations. It was strongest amongst the Tonkolili and Freetown samples – from those that had heard of him, 76% in Magburaka and 70% in Freetown city said he should be on trial and a further 60% agreed in the rural areas surrounding the two regions. Only 2% of those in Tonkolili District said he should not be on trial, although a further 30% said they were unsure. In Freetown, a larger 14% said Norman should not be on trial, with a further 21% saying they were unsure.

It was in the Eastern District of Kenema, however, where support for Norman was at its strongest – only 29% in urban Kenema and a mere 10% in the surrounding rural areas said that he should be standing trial. An overwhelming 65% said outright that he should not be on trial, and another 16% said that they were unsure. This trend would further support the observation by the TRC report that there was tension between Norman and his CDF counterparts in the Northern Province, which could explain the high support for his indictment in Magburaka. Furthermore, the report observes that Norman and his militia targeted individuals along ethnic lines, in particular tribes from the Northern Province.⁸⁹ Our data would appear to support such an analysis, since although there was strong opposition to Norman's indictment in Kenema (65%), this fell to only 29% from the non-Mende respondents in the region.⁹⁰ Comments such as the following sum up the feeling around Norman and his counterparts' detention:

Hinga Norman should not be on trial because he brought peace in Sierra Leone - we are really troubled here about his arrest. When the government was overthrown he was the only minister left in Sierra Leone fighting for democracy.⁹¹

Hinga Norman should not be on trial - he fought for our lives. Without him we would not be in the villages today and still in the bush.⁹²

Hinga Norman should not be on trial because he was taking orders from higher ranks.⁹³

Many also felt that if Norman was on trial as Deputy Minister of Defence, so too should the man he was taking commands from, the then Minister of Defence and President, Ahmad Tejan Kabbah.⁹⁴ Such feelings were strongest in Freetown. However, others felt that Norman should be on trial, often because it was an opportunity to find out the truth and to allow the law to take its course.

Hinga Norman should be on trial - if he is found innocent he will be set free.⁹⁵

⁸⁹ See *Witness to Truth*, Vol. 2, 79-80.

⁹⁰ For another opinion on Hinga Norman's role in the conflict and his popularity more generally, see Lansana Gberie, "An Interview with Peter Penfold," *African Affairs* 104, no. 414 (2005): 117-25; Penfold, "Will justice help peace in Sierra Leone?"

⁹¹ Interview with anonymous Sierra Leonean in Talia Makaiya, Kenema District (August 16, 2005).

⁹² Interview with anonymous Sierra Leonean in Njala, Kenema District (August 17, 2005).

⁹³ Interview with anonymous Sierra Leonean in Freetown, Western Area (July 20, 2005).

⁹⁴ Interview with anonymous Sierra Leonean in Freetown, Western Area (July 20, 2005); Interview with anonymous Sierra Leonean in Freetown, Western Area (July 21, 2005); Interview with anonymous Sierra Leonean in Freetown, Western Area (July 22, 2005). This irony is compounded by Kabbah initially requesting the Court. It is arguably also in Kabbah's favour that Norman is now detained at the Court, inasmuch as it eliminates his key rivals, a point inferred by Gberie, "A Court, a War Hero, and a baffled Country."

⁹⁵ Interview with anonymous Sierra Leonean in Tissoh, Kenema District (August 15, 2005).

Hinga Norman has the opportunity to defend himself and then people won't point fingers at him anymore.⁹⁶

Issa Sessay: Overall, 82% of the sample had heard of Issa Sessay, the first accused for the RUF. From them, Sessay's indictment was the most popular amongst the sample, with 74% saying that he should be on trial. From the 4% who said he should not be on trial, many felt that this was because people often shared his views and that he was committed to peace by signing the Lomé Peace Accord. Such feelings were strongest in the rural areas of Kenema, with 85% of those that had heard of him saying that he should be on trial, with not one person saying he should not be. Over 80% from Kenema town also felt Sessay should be on trial. Freetown city was also supportive of his indictment, with 76% saying he should be on trial, although 13% felt he should not be. Support for Sessay's indictment was lowest in rural Tonkolili District, with 59% saying that he should be on trial⁹⁷ (although from Magburaka a significantly higher 75% said he should be). Only 1% in this district said he should not be on trial.

Alex Tamba Brima: Brima was a former senior official under Jonny Paul Koroma's AFRC regime, and is accused of helping to mastermind the 1997 Freetown coup.⁹⁸ He appears to have had less significance for the Sierra Leoneans in this sample. Indeed, only 58% said they had heard of him, although this rose to 72% in urban Freetown.

Nevertheless, support for his indictment and subsequent trial at the SCSL appears to be one of the better supported – 70% of those who had heard of him felt he should be on trial, while only 3% said that he should not be on trial, the lowest opposition to the four indictments in the study. Support for his detainment at the Court was greatest in the Kenema sample, where 79% of those that had heard of him felt he should be on trial. Support for his indictment in the capital was also high - only 72% felt that it was right that he was on trial, which rose to 78% in the surrounding rural areas. 5% of respondents in the region did not feel that he should be on trial. In Tonkolili District, support for his trial was lowest at 58%, but 41% of the sample said that they hadn't heard of him, and even when they had, although 41% were unable to give an opinion on whether he should be on trial.

Charles Taylor: Perhaps the most contentious issue surrounding the SCSL was the failure at the time to bring Charles Taylor, Liberia's former President, to trial, despite him being indicted in March 2003. As Kimberley Lanegran argues, his indictment brought the foreign press to near-hysteria, with the event being the single-most covered by the media in regards to the Court. The International Community's seeming unwillingness to bring Taylor to the trial, most notably President Obasanjo of Nigeria where Taylor was in exile, was thought to be seriously damaging, not only to the Court,

⁹⁶ Interview with anonymous Sierra Leonean in Sammy Folluma, Kenema District (August 16, 2005).

⁹⁷ This low figure is not altogether surprising, since Tonkolili District had a reputation of being sympathetic towards the rebels. See Kelsall, "Truth, Lies, Ritual," 382-3.

⁹⁸ See Trial Watch, "Alex Tamba Brima," Trial, http://www.trial-ch.org/en/trial-watch/profile/db/facts/alex-tamba_brima_214.html.

but to the legacy of International criminal justice.⁹⁹ Human Rights Watch and NPWJ (No Peace Without Justice, an NGO which advocates for retributive reconciliation mechanisms) have also stated that bringing Charles Taylor to Freetown was the biggest obstacle for the SCSL.¹⁰⁰ But with no UN Chapter VII powers to enforce the cooperation of other states, the SCSL had been, until recently, unsuccessful in obtaining Taylor.

The question of Taylor brought interesting responses amongst this sample. While there was high support for bringing him to the SCSL (70% of the sample), there was also, after Norman, the highest opposition to bringing him. While this was only 9% of the total, it was significantly higher opposition than for Sessay and Tamba Brima's indictments (4% and 3% respectively). Many stated that bringing him to Freetown would risk peace and security in the country, and fuel a conflict with Liberia. A common feeling in this context was the following eloquent response:

Judging Charles Taylor will bring problems for Sierra Leone - if it rains in Liberia, Sierra Leoneans have to drink that water.¹⁰¹

Taylor's move to The Hague is for exactly these security fears, as it is thought that he still has strong support in the region. Others felt that he should be on trial in Liberia, while others thought it wrong that (at the time) the Court was attempting to try those that bear the greatest responsibility while Taylor looked unlikely to face trial. Given the popular sentiment that he does bear the *greatest* responsibility of all for fuelling the violence and supplying arms and ammunition to the conflict, many claimed that the SCSL would be a failure if it did not bring him to trial:

If they fail to catch Charles Taylor, how can they then try other people who have committed lesser crimes?¹⁰²

Others, while supporting his indictment, expressed doubt that he would ever be brought to trial in Freetown.

However, amongst those that felt that Taylor should not be on trial at the Special Court, reasons focussed on the fact that he was not from Sierra Leone and therefore the Court had no place in trying him; that Liberia is responsible for putting him on trial, at least in the first instance, or that his trial in Freetown should wait until Liberia had secured some level of peace; also that Taylor's amnesty had been agreed and it would be wrong to go against that by putting him on trial.

⁹⁹ Kimberley Lanegran, "Charles Taylor and the Special Court for Sierra Leone," (paper presented at the annual African Studies Association Conference, Washington DC, USA, November 17-20, 2005).

¹⁰⁰ Human Rights Watch, "Letter to President Obasanjo on Bringing Charles Taylor to Justice", Human Rights Watch, <http://www.hrw.org/press/2003/11/nigeria-ltr111703.htm>. See also No Peace Without Justice, <http://www.npwj.org>.

¹⁰¹ Interview with anonymous Sierra Leonean, Freetown, Sierra Leone (July 20, 2005)

¹⁰² Interview with anonymous Sierra Leonean, Magburaka, Tonkolili District (August 4, 2005).

In terms of an area breakdown, support for Taylor's indictment was again highest in Kenema District (89% of those in the rural areas that had heard of him felt he should be brought to trial, with not one person saying he shouldn't – the remaining 11% said they were unsure). While slightly lower in Kenema town, support was still higher than in any other region. Support for his trial was also high in Freetown with 73% saying he should be brought to the SCSL, although a significantly higher 16% felt that he shouldn't be brought to trial. While support for his presence at the SCSL was lowest in Tonkolili District (only 38% from rural Tonkolili felt so, although this increased somewhat to 65% in Magburaka), a high "don't know" value (43%) suggests that people in this area are undecided about his indictment.

This paper has discussed several findings and themes on the TRC and SCSL, and the relationship between the two organisations, based on the empirical data presented. Finally, we draw several conclusions from the study, as well as suggesting possible considerations on the future of this transitional justice model.

Conclusions

What conclusions can we draw from the data? First, it is important to qualify its significance. We took a relatively small sample from only three of Sierra Leone's twelve districts, and while we incorporated a variety of different social strata, a larger survey would make our results more robust. Further, the results of our survey, like those of all surveys, need to be qualified by an awareness of potentially distorting cultural and situational factors.

These caveats notwithstanding, we believe our survey does offer useful impressionistic insights into popular views about transitional justice in Sierra Leone. We will use this conclusion to recapitulate those insights.

Firstly, there is widespread support for transitional justice mechanisms in Sierra Leone, a genuine desire, we infer, for some form of accountability process. This provides a different perspective to some earlier ethnographic work. For example, while Rosalind Shaw may have been right that, "there was little popular support for bringing a [truth] commission to Sierra Leone", with backing for such measures confined to a vocal minority of NGO activists,¹⁰³ we can see now that support for the institution(s) has expanded beyond that group. Further, if Kelsall is correct about the dissonance between the TRC's conception of truth and that of ordinary Sierra Leoneans, it was not a factor that the latter chose to articulate in the context of this survey.

Second, the survey results may serve to dispel a myth that circulates especially in certain Freetown circles, namely that the Special Court's indictments are unpopular. The data suggest that a clear majority of Sierra Leoneans think the indictments are justified, with a more knowledgeable minority believing there should be a fair trial, with defendants acquitted if proved innocent. With the exception of Kenema District, this

¹⁰³ Shaw, "Rethinking Truth and Reconciliation Commissions," 1, 4.

opinion applies even to Chief Samuel Hinga Norman, frequently portrayed as a popular hero of the nation.¹⁰⁴

Third, Sierra Leoneans perceive little, if any contradiction between trial-based and truth-telling mechanisms. Furthermore, they seem to support the emerging consensus on the complementarity of the two approaches in providing post-conflict justice—a complementarity that the International Criminal Court, as Schabas points out, has made a necessity-now advocated by the United Nations.¹⁰⁵ However, it needs to be stressed that this attitude is based, to a large extent, on ignorance of what the two institutions are actually doing, and, at times, a confusion between the two. Schabas has argued that such ignorance is not necessarily a problem:

There have been frequent expressions of frustration that ordinary people in Sierra Leone did not appreciate the distinction between the two institutions... They often seemed confused about the respective roles of the two bodies. There was no shortage of proposals to develop ‘sensitisation projects’ in order to help improve the situation. But is this really such a problem? Most law students would be challenged to explain the difference between the European Court of Justice and the European Court of Human Rights, so is it reasonable to expect a sophisticated grasp of the distinctions between post-conflict transitional justice institutions from ordinary people in a country with a high illiteracy rate? The fact is, if average (sic) Sierra Leoneans now understand that there are two institutions working towards accountability for the atrocities and victimisation they suffered, this is mission accomplished.¹⁰⁶

We regard this as a remarkably blasé attitude, not least because transitional justice is a special type of project. To quote 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’.¹⁰⁷ We might add that such transformations ought, for their sustainability, to be popular, confined not merely to an elite.

¹⁰⁴ See for example Gberie, “An Interview with Peter Penfold,” 117-25; Penfold, “Will justice help peace in Sierra Leone?” The Kenema results do confirm the argument of some Norman supporters that the Court is divisive. Hinga Norman himself died in custody on 22 February 2007, just as this article was going to press.

¹⁰⁵ ‘Where transitional justice is concerned, the best approach is usually not an “either/or” choice between prosecutions and truth commissions. Instead, a nationally determined combination of mechanisms will generally work better – including, where appropriate, traditional justice mechanisms’. UN Doc. S/PV.5052 (2004): 3, cited in William Schabas, “A Synergistic Relationship: The Sierra Leone Truth and Reconciliation Commission and the Special Court for Sierra Leone,” *Criminal Law Forum* 15, nos. 1-2 (2004): 53.

¹⁰⁶ Schabas, “A Synergistic Relationship,” 54.

¹⁰⁷ Evanston, “Truth and Justice in Sierra Leone,” 753.

Tim Kelsall (tim.kelsall@gmail.com) is Lecturer in Politics at Newcastle University, and currently Visiting Scholar at the East-West Center, Honolulu, and in the Department of Rhetoric, University of California at Berkeley. He holds a BA from the University of Oxford, MA and PhD from the University of London. He is the author of numerous articles on Tanzania and Sierra Leone published in peer-reviewed international journals, the co-editor of *Between a Rock and a Hard Place: African NGOs, Donors, and the State* an edited collection published by Carolina Academic Press, and co-editor of *African Affairs*, the world's highest impact Africanist journal. He is a council member of the Royal African Society, a consultant to the Department for International Development, and a recipient of a British Academy grant for the study of transitional justice in Sierra Leone.

Edward Sawyer, a graduate of Newcastle University, tragically passed away in May 2007. This article is dedicated to his memory.

References

- Artz, Donna E. "Views on the Ground: The Local Perception of International Criminal Tribunals in the Former Yugoslavia and Sierra Leone." *The Annals of American Academy*, 603, no. 1 (2006): 226-39.
- Avruch, Kevin and Beatriz Vejarano. "Truth and Reconciliation Commissions: A review essay and annotated bibliography." *Online Journal of Peace and Conflict Resolution* 4.2 (2002), http://www.trinstitute.org/ojpcr/4_2recon.pdf.
- Campaign for Good Governance. <http://www.slugg.org/opinionpoll.pdf> (accessed September 16, 2005).
- Crocker, David. "Truth Commissions, Transitional Justice and Civil Society." In *Truth v. Justice: The Morality of Truth Commissions*, edited by Robert I. Rotberg and Dennis Thompson, 99-121. Princeton: Princeton University Press, 2000.
- Dougherty, Beth. "Right-sizing International Criminal Justice: the hybrid experiment at the Special Court for Sierra Leone." *International Affairs* 80, no. 2 (2004): 311-28.
- Dougherty, Beth. "Searching for Answers: Sierra Leone's Truth and Reconciliation Commission." *African Studies Quarterly* 8, no. 1 (2004): 39-56.
- Evanston, Elizabeth M. "Truth and Justice in Sierra Leone: Coordination between Commission and Court." *Columbia Law Review* 104, no. 730 (2004): 730-67.
- Ferme, Marianne. *The Underneath of Things: Violence, History and the Everyday in Sierra Leone*. California: California University Press, 2001.
- Foddy, William. *Constructing Questions for Interviews and Questionnaires: Theory and practice in social research*. Cambridge: Cambridge University Press, 1993.
- Gberie, Lansana. "A Court, a War Hero, and a baffled Country." *Concord Times*, March 14, 2006 (accessed at <http://www.concordtimesl.com/features1.htm>).
- Gberie, Lansana. "An Interview with Peter Penfold." *African Affairs* 104, no. 414 (2005): 117-25.
- Gberie, Lansana. "Briefing: The Special Court of Sierra Leone." *African Affairs* 102, no. 409 (2003): 37-48.
- Government of Sierra Leone. "White Paper on the Report of the Truth and Reconciliation Commission." June 27, 2005
- Graybill, Lyn. "Dealing with Gender Violence at the Special Court and TRC." Paper

- presented at the annual African Studies Association Conference, Washington DC, USA, November 17-20, 2005.
- Graybill, Lyn. *Truth and Reconciliation in South Africa: Miracle or Model?* London: Lynne Rienner, 2002.
- Hayner, Priscilla. *Unspeakable Truths: Confronting State Terror and Atrocity*. London: Routledge, 2001.
- Human Rights Watch. "Letter to President Obasanjo on Bringing Charles Taylor to Justice." Human Rights Watch, <http://www.hrw.org/press/2003/11/nigeria-ltr111703.htm>, accessed June 15, 2006).
- Kelsall, Tim. "Politics, anti-politics, international justice: language and power in the Special Court for Sierra Leone." *Review of International Studies* 32, no. 4 (2006): 587-602.
- Kelsall, Tim. "Truth, Lies, and Ritual: Preliminary Reflections on the Truth and Reconciliation Commission in Sierra Leone." *Human Rights Quarterly* 27, no. 2 (2005): 361-91.
- Kendall, Sara and Michelle Staggs. "From mandate to legacy: The Special Court for Sierra Leone as a model of "hybrid justice."" *U.C. Berkeley War Crimes Study Center*. http://ist-socrates.berkeley.edu/~warcrime/SLSC_Report.pdf (accessed August 13, 2006).
- Lanegran, Kimberley. "Charles Taylor and the Special Court for Sierra Leone." Paper presented at the annual African Studies Association Conference, Washington DC, USA, November 17-20, 2005.
- McLafferty, Sara. "Conducting Questionnaire Surveys." In *Key Methods in Geography*, edited by Nicholas Clifford and Gill Valentine, 87-100. London: Sage, 2003.
- Minow, Martha. *Between Vengeance and Forgiveness*. Boston: Beacon Press, 1999.
- No Peace Without Justice. "Mapping the Conflict." No Peace Without Justice. <http://www.npwj.org> (accessed July 15, 2006).
- Penfold, Peter. "Will justice help peace in Sierra Leone?" *The Observer*, October 20, 2002.
- Peters, K. "Footpaths to Reintegration: Armed Conflict, Youth and the Rural Crisis in Sierra Leone." PhD diss., Wageningen University, 2006).
- Post-conflict Reintegration Initiative for Development and Empowerment (PRIDE).

- “Ex-combatant views of the Truth and Reconciliation Commission and the Special Court in Sierra Leone.” PRIDE.
<http://www.ictj.org/downloads/PRIDE%20report.pdf> (accessed October 2, 2005).
- Richards, Paul. “To Fight or to Farm? Agrarian dimensions of the Mano River Conflicts (Liberia and Sierra Leone).” *African Affairs* 104, no. 417 (2005): 571-90.
- Rose, Gillian. “Situating Knowledges: Positionality, reflexivities and other tactics.” *Progress in Human Geography* 21, no. 3 (1997): 305-20.
- Rotberg, Robert I. and Dennis Thompson, ed. *Truth v. Justice: The Morality of Truth Commissions*. Princeton: Princeton University Press, 2000.
- 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): 3-54.
- Schabas, William. “An Expensive Exercise.” *West Africa*, July 2005.
- Schabas, William. “The Relationship Between Truth Commissions and International Courts: The Case of Sierra Leone.” *Human Rights Quarterly* 25, no. 4 (2003): 1035-66.
- Shaw, Rosalind. *Memories of the Slave Trade: Ritual and the Historical Imagination in Sierra Leone*. Chicago: Chicago University Press, 2002.
- Shaw, Rosalind. “Transitional Subjectivities: Reconciling Ex-Combatants in Northern Sierra Leone.” Unpublished manuscript.
- Shaw, Rosalind. “Rethinking Truth and Reconciliation Commissions: Lessons from Sierra Leone.” *United States Institute of Peace Special Report 130* (2005), <http://www.usip.org/pubs/specialreports/sr130.pdf>.
- Simpson, Gavin. “The Sierra Leone Truth and Reconciliation Commission: A Compelling Case for ‘Transformative Justice’ in a Conflict-Prone State.” A Public Lecture at the Nordic Africa Institute, Uppsala, Sweden, March 16, 2006.
- The Sierra Leone Truth and Reconciliation Commission, *Witness to Truth: Report of the Sierra Leone Truth and Reconciliation Commission*.
- The Special Court for Sierra Leone. “Agreement Between The United Nations and The Government of Sierra Leone On the Establishment Of A Special Court for Sierra Leone,” The Special Court for Sierra Leone. <http://www.sc-sl.org/scsl-agreement.html> (accessed September 16, 2006).

The Special Court for Sierra Leone. <http://www.sc-sl.org> (accessed between June 15 2005 – October 10 2006).

The Special Court for Sierra Leone. “Summary of charges.” *The Special Court for Sierra Leone*. <http://www.sc-sl.org/AFRCcasesummary.html> (accessed September 23, 2006).

The Special Court for Sierra Leone. “Summary of charges.” *The Special Court for Sierra Leone*. <http://www.sc-sl.org/CDFcasesummary.html> (accessed September 23, 2006).

The Special Court for Sierra Leone. “Summary of charges.” *The Special Court for Sierra Leone*. <http://www.sc-sl.org/RUFcasesummary.html> (accessed September 23, 2006).

The Special Court for Sierra Leone. “Summary of charges.” *The Special Court for Sierra Leone*. <http://www.sc-sl.org/Taylorcasesummary.html> (accessed September 23, 2006).

Trial Watch. “Alex Tamba Brima.” Trial, http://www.trial-ch.org/en/trial-watch/profile/db/facts/alex-tamba_brima_214.html (accessed October 10, 2006).