Introduction
The Special Court for Sierra Leone represents a new model of international criminal justice, mixing elements of international and domestic law and procedure and involving international and local staff. High hopes surrounded the creation of the Special Court, which was intended to remedy some of the shortfalls of previous attempts to deliver international criminal justice in a number of concrete ways: it was supposed to be more modest in its aims, complete trials in a shorter period, be more cost-effective, and be more relevant and visible to the people of Sierra Leone. With this latter goal in mind, effective communication of the Court’s work, dissemination of norms and values relating to the rule of law, and rebuilding capacity in the domestic judicial system were crucial to the Court’s success as an instrument of peace-building. This project examines the extent to which the Court’s outreach and legacy programmes have succeeded in meeting these objectives. The research is being undertaken by a team from King’s College London (UK) with the support of a grant from the United States Institute of Peace. The researchers are not affiliated with the Special Court or United Nations in any way.

This interim fieldwork report presents the initial findings based on focus group discussions and semi-structured interviews with a broad a range of people in Sierra Leone in April-May 2007.
We are circulating it to key stakeholders as well as other academic researchers for review and very much welcome all feedback.

The report is organised into two main sections, focusing on outreach and legacy. The overall conclusion, based on the evidence gathered to date, is that whilst the Court should be congratulated on having implemented an extensive and ambitious outreach programme and on having given serious consideration to its legacy, the aims and objectives of both have not yet been fully met. The research indicates that this is not necessarily the fault of the Court, but, notwithstanding the not-inconsequential problems detailed in this report, might be because the goals themselves outstrip anything that can reasonably be expected. Another strand of this project examines the nature and volume of coverage in the domestic news media, which has been largely hostile, regularly making allegations of unfair trials and ill treatment of detainees. In a wider sense, the example of the Special Court, which has been far more ambitious in terms of outreach and legacy than either the ad hoc tribunals or, at least to date, the International Criminal Court, suggests that we need to be extremely cautious in managing expectations for international, or internationalized, criminal justice processes.
1. Outreach

The Special Court’s outreach program is far more extensive and ambitious than anything that has previously been undertaken, and marks a significant departure from the ad hoc tribunals, which were harshly criticized for having made inadequate efforts to reach their target populations. At a basic level, it was designed to inform people about the Court and to enable them to follow developments in the investigations and trials. It began in August 2002, when the Registrar, Robin Vincent and Prosecutor, David Crane travelled through the country to give presentations and answer questions relating to the work of the Court in so-called ‘Town Hall Meetings’. The Court now has a dedicated Outreach Programme, staffed by Sierra Leonean nationals. As well as distributing booklets describing the Court, the outreach program relies on oral and visual communications such as radio and television panel discussions and screening of trials, televised weekly summaries of court proceedings, poster campaigns, and theatre.

The Outreach Programme has as its main mission to ‘link the people of Sierra Leone with the Special Court’. Its activities aim to promote understanding of the SC and respect for human rights and the rule of law in Sierra Leone, to disseminate information and encourage dialogue, to foster two-way communication between the SC and Sierra Leone and to facilitate the participation of all Sierra Leone nationals in the judicial processes of the SC based on equality and mutual respect.¹ The project sought to establish the extent to which it had fulfilled these goals.

1.1. Outreach activities and communication of the Court’s work

The aim of the first strand of the project was to detail the activities of the outreach programme, levels of participation among the population, and main channels of communication. The challenges faced by the outreach programme on a day-to-day basis are formidable; simply travelling around the country presents its own logistical challenges as the roads are in appalling condition. However, lack of funding is cited as the main obstacle for the Outreach Programme.² The Court’s Outreach Section is not funded from the core budget so has to battle for every penny and is heavily reliant on voluntary contributions from third parties.

¹ Outreach Mission Statement, Special Court Outreach Report 2003-2005, Special Court for Sierra Leone
² Interview with Outreach Officer Freetown May 8th 2007
Staffing is also an issue. District Outreach Officers need to come from the area they are working in order to be accepted by the population. In most regions there is only one District Outreach Officer, in some places two. This makes the task of undertaking consistent outreach challenging and it is a heavy workload for one person. Numerous other challenges abound: illiteracy is high at approximately 70-80 percent of the population and equipment for conducting outreach events is scarce. They need to have the resources to undertake the work (fuel for generators, televisions, videos, up-to-date films, literature in the correct format for the region etc.). One District Outreach Officer (DOO) we spoke with did not have their own transport so relied on public transport, which made it difficult for them to reach more remote regions. We were also informed that every time the equipment broke down it had to be repaired in Freetown rather than locally, which means transporting heavy equipment back to Freetown, for some on public transport.

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

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

4 Interview with District Outreach Officer May 10th 2007

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

6 Focus Group Freetown May 7th 2007

7 Interview CSO Freetown May 7 2007

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

9 Interview with CSO May 10 2007
For some, the lack of coordination of Outreach activities was considered to be a missed opportunity; others were indifferent. There was a clear divide between those who viewed the work as essential and those who viewed it as peripheral to Sierra Leone’s peaceful progress, which suggests that the extent of cooperation was as contingent on the attitude of the CSO as it on that of the DOO. However, discussions with key stakeholders in the community, such as police, prisons and CSOs suggested that in some regions there was little visible outreach activity.

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

The outreach programme has undertaken some monitoring and evaluation of its own in the form of questionnaires, which we had hoped to be able to analyse in the initial phase of this project but were unable access them. The Outreach Section commissioned an impact study of its own, which was undertaken in late 2006 by a team at Fourah Bay College, led by Dr Memanatu Pratt. The resulting report has been provided to us; its conclusion is ‘indicative of a marked positive impact by the Outreach Section of the Court in transmitting the principles and

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10 This mixed view was expressed by participants across the regions with no specific pattern emerging. At first we believed that those who had no contact with the SC Outreach were indifferent through lack of knowledge but people expressed a similar view even if they had worked with the SC outreach. This view generally stemmed from a lack of ‘ownership’ in the outreach process. Many feeling that they were merely conduits for whatever the Court wanted to impart with little chance to input into how these messages or activities took place. The only constant was the feeling of frustration at not being able to be more involved in these processes.
11 Interviews in the Provinces April 23, 24, 27, May 10, 11, 12 2007
12 Interview Head of SC Outreach Freetown May 7 2007 (to be reported in the Outreach Report which will be completed in mid 2007)
13 Interview with District Outreach Officer May 9 2007
14 Interview Freetown May 13 2007
15 We were told that they were inaccessible as they were currently being archived.
understanding of the transitional criminal justice processes to civil society organizations and the people of Sierra Leone’.  

However, whilst this corresponds to the overall impression that the Court is at least moderately well understood and supported, it has limited utility in so far as the detail of people’s attitudes and understanding of the Court are concerned. The questionnaire on which it was based contains some questions which appear vague and somewhat loaded, which mitigates against their value as indicators of specific attitudes. Moreover, concern was expressed to us about the methodology underpinning this report and about the validity of the responses. We were told that certain of the organisations to whom it was sent were more concerned with how their answers would appear to the Court in respect of future funding opportunities than in giving honest answers to the questions. They also did not distribute the questionnaires to their own constituents, but rather filled them in themselves.

In terms of communication, much was made of the utility of radio as a means of widely disseminating information about the Court. Indeed, as discussed below, the BBC World Service is undertaking a joint project with the Court to cover the Charles Taylor trial and broadcast it widely through Sierra Leone. However, we found that although radio is a key method for transmitting information it is not a communication method accessible to all. Many people could not afford radios and if they could, they were not aware of the schedules and might miss the relevant broadcast; some officers informed us that they only held radio shows once a month. As with everything, however, there is only so much outreach can do to address this – radio broadcasts at least ensure that the information is available to those who are able to access it. The Internet is also a potential channel of communication but outside of Freetown, its utility is limited. The Court’s website unfortunately does not contain comprehensive listings of Outreach activities so even for people who have access to the Internet it is difficult to find out what’s happening. The gap between rich and poor and between Freetown and the provinces is evident

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16 Nationwide Survey Report on Public Perceptions of the Special Court for Sierra Leone, March 2007, by Memunatu Baby Pratt (Mrs), page 7
17 For example: Do you think the Outreach Teams are doing a great job? Yes/No/Don’t know. To what extent do you agree that the TRC has promoted peace and reconciliation in Sierra Leone? Strongly Agree/Agree/Disagree/Strongly Disagree. This latter question is a concern and is a surprise to find in a survey concerning SC Outreach. It does somewhat beg the question what will be done with such findings?
18 Interview Freetown May 13 2007
19 Interview District Outreach Officer May 10 2007
in the accessibility of information about the Court. Whereas those who are literate can read the papers and access the Internet (for trial dates and announcements on procedural outcomes etc.) others must rely on the radio and failing that, on second hand information, which is not always accurate.

If people are not able to access information about the SCSL through the official Court channels, where do they get it from? When asked this question, key stakeholders we spoke to (prison officers, police officers, magistrates, CSOs) mainly looked bemused and mentioned that you sometimes heard things on the radio but again this was not consistent. The media play a large role in adding grist to the rumour mill, as will be discussed elsewhere.

1.2. Understanding, attitudes and beliefs

The second strand of the research examined the precise impact of the outreach program in informing or altering Sierra Leonean perceptions of the Court by investigating how much people understood of the law and procedure, whether they were familiar with the cases on trial, to what extent they understood the legal issues involved. We also asked whether people knew that they could attend trials and whether they would do/have done so and set out to identify differentials in attitudes between sectors of society and regions.

There was some evidence of a shift in attitudes among some sectors of the population. People who previously expressed the view that the Court was a waste of time and money now seem to believe that it is generally ‘a good thing’ (HRW, 2004). This shift in attitudes was also relayed to the project team by one of the outreach officers, but it does not tell us how and why exactly attitudes have shifted. The majority of people interviewed claimed that people could tell you about the Court, they had an awareness of it, but they did not understand what it was trying to do. When questioned about this the response was due to lack of access to information on proceedings and more generally about the Court. However, a large number of people also stated that they were not that interested in hearing about the Court. Further investigation is required.

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

21 A report on local media coverage of the SC in Sierra Leone is in preparation.

22 This view was again expressed frequently during interviews and focus groups. This was more prevalent in the South and is perhaps exacerbated by the controversy surrounding the indictment of Hinga-Norman.
in order to ascertain where this sense of indifference has come from, in particular in terms of how attitudes have shifted over time.

As discussed, rumours and (mis-)perceptions quickly become ‘fact’, especially where communication from the Court has not been very effective. Even in Freetown people are not fully informed of the processes, procedures (why witnesses are protected, etc.) and more general information about the Court so create their own versions. “Communication is vital to counter misinformation and lies.”

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

We held some very interesting discussions with people about the issue of impunity. A somewhat contrary attitude was shared by many. On the one hand, there was criticism of the Court for having focused on such a small number of cases and individuals, given the large volume of crimes that were committed during the war. We were often asked what would happen to these people when the Court leaves. On the other hand, however, the same people would speak about the Court’s legacy in terms of its having established a norm of accountability and deterrence. A common theme was that the Court had shown people that they could not commit crimes and go ‘scot-free’; they would be punished and therefore be wary of bringing war again to Sierra Leone again. This is an interesting paradox that requires further investigation. One explanation might be that people were giving vent to their anger and frustration at the Court’s narrow mantra, whilst also being able to absorb and reiterate its core message of impunity. We also found

\[23\] Interview CSO Freetown April 25 2007
\[24\] Places visited: Makeni, Magburaka, Mapaki, Moyamba, Bo, Kenema, Freetown and Western Regions. Apart from Mapaki, and Freetown, the Capital, the rest are provincial headquarters towns
\[25\] In some places, we were asked to leave any literature we had about the Court with one of the elders who could read and relate it back to people. We were also asked various questions such as: What is the lifespan of the Court; why did the Registrar leave (Lovemore Munlo); what happened about the Australian sex case.
\[26\] This was most commonly expressed during focus group discussions. These meetings were held on April 23, 24, 26, May 8 in Freetown, April 28 Kenema and April 29 Mapaki, May 10 Bo, May 12 Kenema
anecdotal evidence that the Court had entered people’s consciousness and become a reference in daily life. For example, people were heard to say ‘if you slap me I’ll take you to the Special Court’, which certainly indicates a degree of awareness and familiarity with the Court.\textsuperscript{27}

However, in spite of this, we sensed a certain disconnect between the Court and the people of Sierra Leone. There are a number of possible reasons why this might have been the case, some of which fall outside of the Court’s control, such as the death of Hinga-Norman. The death of Hinga-Norman hung over most discussions, especially in the South and East and is an unavoidable fact that the Court is blamed for his death; regardless of the facts and post-mortem results and is something that the Court (and Outreach) will struggle to rectify. The feeling is that opinions have been set and minds are difficult to change on this issue. The difficulty for Outreach is that it can only inform people to the degree that they want to hear and as the public face of the Court, will also bear the brunt of the negativity surrounding decisions. The decision to indict Hinga-Norman has been particularly divisive and controversial. His death has only exacerbated this (many wanted to know when the charges were going to be announced and whether or not Hinga-Norman died a free man).

Charles Taylor’s transfer to stand trial in The Hague rather than in Freetown seems also to have had a negative impact in some quarters, which has not been properly addressed. Many commented that Outreach could have done more to prepare people for the forthcoming verdicts.\textsuperscript{28} The emphasis seems instead to have been placed on the Charles Taylor trial and building relations with Liberia. Even then, some have criticised the efforts to communicate the Taylor trial as woefully inadequate.\textsuperscript{29}

Although the indictment of Charles Taylor is a significant development for the SCSL the issue of Charles Taylor is not as central for many as is the issue of the indictment of President Kabbah and Vice President Berewa. This issue was referred to frequently and by nearly all interviewees:

\textsuperscript{27} Interview with Special Court Outreach Officer May 2005
\textsuperscript{28} Interview Freetown April 24, 25, May 25. Interview Magburaka April 30
\textsuperscript{29} ‘The Special Court Denies the People of Sierra Leone Access to the Taylor Trial’, Special Court Monitoring Programme, 3 July 2007.
http://www.slcmp.org/drwebsite/releases/The_Special_Court_Denies_the_People_of_Sierra_Leone_Access_to_the_Taylor_Trial.shtml [insert date].
‘What about Pa Kabbah?; Why is he not at the Court?; Will he be arrested when he leaves office?’

These questions seemed to be of much greater concern than the start of the Charles Taylor trial. This is not to discredit the sense of justice felt that this ‘big man’ had been arrested and would be held responsible for what he did to Sierra Leone. Despite the fact that he had been transferred to stand trial in The Hague, his first appearance in Court was in Sierra Leone, which was cited as a proud moment for many.

It is difficult to establish whether this was due to the fact that they believed Charles Taylor is the most responsible for crimes committed in Sierra Leone or because he is a ‘big man’ and in Sierra Leonean patriarchal society ‘big men’ are central figures so to see one brought to justice in this way a significant coup. Many interviewees also wanted to know what was going to happen for Liberia and the crimes Taylor committed there: Would he also face justice there?

This raises the question: what level of understanding is necessary for the Court to have an impact? This question is crucial when judging the success of outreach activities. To what extent should people know and understand everything to do with the Court? Is it enough that most people are aware of the Court and that it is in Sierra Leone to address impunity after the conflict? Or, should they have a detailed knowledge of the cases and the stage they are at? This would seem to be an unrealistic expectation, particularly as illiteracy is very high, translating legal complexities and procedures into the various languages is a lengthy process and the funding is not available to commit to widespread, consistent information dissemination. (After all, can one say that in the United Kingdom, for example, people have a detailed knowledge of the judicial system and of the ins and outs of even the most high-profile cases, unless they are professionally or personally involved? William Schabas notes that most Europeans would not know the inner workings of the European Courts of Justice or their national courts.) Perhaps expectations should therefore be calibrated accordingly from the outset to ensure that people know exactly what will be done, what will not be done and what the Court can influence nationally (if anything). This would avoid the situation the Court currently faces whereby its message has not

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30 This came up in every focus group discussion held and most of the CSOs we spoke with in Freetown but more so in the regions.
31 Focus Group Makeni May 1 2007
32 Focus Groups Freetown April 23; Focus Group Magburaka April 26, Interview Freetown April 25, Interview Makeni April 30. General discussions with Sierra Leoneans in taxis and cafes would often result in people expressing how happy they were that Taylor had been brought to justice for Sierra Leone.
33 Focus Group Bo May 7, Focus Group Makeni May 1, Focus Group Magburaka April 26
34
been consistent causing negative or indifferent attitudes towards the Court, which is potentially damaging to the legacy process and wider goal of contributing to peace and security. Overall however, this lack of ownership and understanding in the process did not seem to detract from a fairly widespread awareness of the Court and of its role in ensuring impunity.\footnote{The Caveat here is the concern raised by the people in the South in light of the recent violence who spoke of being concerned that after Hinga-Norman’s detention and death there would be no leader to step-in should fighting start as they may be indicted as a war criminal. Focus Group Bo May 9 2007}

1.3. \textit{Ownership}

The third strand of the research examined the extent to which people were actively engaged with the Court and its work. One of the main advantages of the Court was thought to be that it was based in the country where the crimes took place and would deliver justice in a visible way, right in the midst of the affected population. In comparison to the ad hoc tribunals and the ICC, it would not suffer the same sense of remoteness in geographical and psychological terms. A key question therefore is to what extent has it been able to succeed in ensuring a sense of ‘ownership’ of the process among the people most affected?

One criticism we heard was that there is a sense that outreach is being targeted primarily at elite groupings in Sierra Leone (especially those that can read) and the international community (through the Office of Press & Public Affairs).\footnote{Interview CSO Freetown May 5 2007} However, since many of the victims of the conflict are the poorest people in some of the most remote villages, it is imperative that outreach reaches these people. International humanitarian law programmes were rolled out with the police and prisons, predominantly in Freetown; police and prison officers in the provinces had little contact with the court and seemed disinterested: \textit{‘The Court is doing its thing away from here and it does not affect our work or lives here’}.\footnote{Interview Kenema May 10 2007} This reflected a pervading sense of dislocation between Freetown compared to the Provinces. Moreover, the ‘Moot Court’ competitions, which have been a great success, have thus far operated only at University level.\footnote{Although this has changed recently with Outreach starting Moot Court competitions with the Army. This was due to take place in May 2007.} The sense of separation is discordant with the stated aim of the Court, having been established as a ‘mixed’ tribunal, to create a sense of ownership of the process among the people of Sierra Leone.
Many of the interviewees we spoke to had attended an Outreach event (mainly the screenings) but there were many people who had never attended any event and did not know who their local Outreach officer was. However, it should also be noted that in a handful of instances, the responses were contradictory. People who had told us that they had no idea who the Outreach officer was would then go on to tell you the name of the Outreach officer and mention that they were friends. Either they were confused or had misunderstood the question, or they were not aware of the Outreach officer’s job. Either way, it made it difficult to establish an accurate picture of what was going on in these instances.

When pressed as to why people felt disconnected with the Court why this was the case many commented that the Court, and more importantly Outreach, had not included them from the beginning and they did not feel a part of the process so they were therefore not interested in working with them at this late stage. The majority feeling was one of disinterest, especially now that the so called ‘big men’ were no longer there. What’s so Special about the Special Court? was a common question. Others were hostile toward the Court for various reasons ranging from cost (the excessive amount of money it took to build and now run the Court to the salaries of the international staff), the sense of distance from everyday lives of many Sierra Leoneans, exacerbated by the knowledge that international staff tended to frequent places that many Sierra Leoneans could not afford, augmenting the sense of distinction between the international staff of the Special Court and ordinary people in Sierra Leone. Many also felt impatient at the length of time it is taking for the trials to finish (most people wanted justice to be delivered a lot faster so that they could go on with their lives – this is the way it was perceived, once the Court had gone they could forget about the war) and criticised the prosecutorial strategy. With only a handful of indictees and the fact that those who are popularly seen as most responsible have died (Sam Bockarie, Foday Sankoh) or are missing (Johnny Paul Koroma), people questioned the relevance of the Court. We often heard the Krio expression ‘die one one’ in relation to the Court, which means they’re killing them off one by one. Meanwhile, people see those they consider to also be responsible, many of whom for the crimes against themselves, still living in their communities, or appearing as witnesses at the Court (the perception that they were given

39 We were informed of this during discussions with CSOs in Makeni, Bo and Kenema. This is not perhaps unusual from an ordinary citizen’s perspective but from the point of view of CSOs (civil society organisations) it is somewhat surprising as officers are active in their communities.

40 Interview Kenema May 10 2007; Interview Freetown May 5 2007; Focus Group Freetown May 3 2007; Focus Group Makeni May 7 2007
financial remuneration and otherwise ‘looked after’ by the Court abounded). The concept of insider witnesses was an anomaly for many interviewees (across the regions) and one that perhaps has not been fully explained, or that simply does not translate into many Sierra Leoneans perception of justice.

The lack of ownership was often blamed on early efforts at outreach.\(^{41}\) The overriding impression of the first set of outreach events, conducted by the then Registrar, Robin Vincent, and Prosecutor, David Crane, was of Court staff flying in to remote regions on helicopters and travelling (hurting) along in white UN jeeps, arriving at the venue and giving a short presentation, answering a few questions, which had often been prearranged, and then leaving the same way they left; very fast and not looking back. On a positive note, this helped reinforce the Courts international and ‘impartial’ image and the formality and sense of importance behind this process. However we were also told that they were behaving in the same way as the President and Vice-President in the way that they travel through the country with their cavalcades, which created a sense of superiority and difference.\(^{42}\) They travelled with large entourages, driving fast and making fleeting visits to communities.\(^{43}\)

To some extent, this has changed with the establishment of an Outreach section, staffed exclusively by Sierra Leoneans. This development can be seen as a positive step for Outreach as this strengthens the link between the Court and Sierra Leoneans, and is also a crucial development for international justice mechanisms as it establishes the importance of outreach for these institutions. However, discussions with people inside and outside of the Court indicated that the fact that the outreach section is now wholly Sierra Leonean serves to isolate it from the rest of the Court.\(^{44}\) Many of the Staff in other sections did not know what the Outreach section was doing or what events were taking place. Meanwhile, outside of the Court people commented that outreach officers would come and talk to them whilst observing certain international protocols that served to isolate them from ordinary Sierra Leoneans such as turning up to communities in suits and ties carrying clip-boards (this was mentioned a few times by various people in different regions).\(^{45}\)

\(^{41}\) Interview Freetown May 13 2007  
\(^{42}\) Interview Freetown May 12 2007  
\(^{43}\) Interview Freetown May 5 2007  
\(^{44}\) Interview Freetown April 25 2007; Interview Freetown May 13 2007  
\(^{45}\) Ibid. Interview Magburaka April 30 2007
There were also logistical problems which meant that certain groups felt excluded. For example, we were told that some Outreach events were organised during the day (mainly screenings) when people would be at work or on their farms so not everyone could watch or ask questions and by the time people had returned they had left. People who had seen screenings spoke of a really busy event that they were unable to see, either because they were working (selling items) so they had to try and watch alongside which made it difficult, or that they could not see because there were too many people there. Most people wanted to see the screenings and were really enthusiastic about them as they wanted to see the Court for themselves. Many women spoke of holding screenings just for them so that they could see what was going on and that this should be done on a Sunday evening when they would have time to watch. In Bo and Kenema people who had seen the screenings were pleased to see Hinga-Norman defending himself as well as seeing Charles Taylor be formally charged in Sierra Leone.

It is difficult to state if the trials meet/satisfy victim’s needs as many were angry that little had been done to help them and there immediate concerns such as housing, food, jobs, education, health and war reparations. A significant amount of people we spoke with perceived that the injustice in SL is the level of assistance given to help the perpetrators of the violence with very little being done to help the victims. This is true also for perceptions of injustice felt towards the SCSL, where people outside saw the people indicted as being well looked after – given food, medical treatment and education. “Large facilities for just a few people. Money spent would have provided facilities for many more people in prison or remand.” Regardless of whether these people’s freedom had been withdrawn and they were being prosecuted for bearing the greatest responsibility for the worst crimes against humanity, all that people saw is that these people were getting what they didn’t have – namely food, shelter and security. A lot of this information is obtained by people second hand so they do not have all of the facts. A meeting at the War Wounded camp at Grafton reinforced all of these factors as well as a visit to the Court with a Sierra Leonean friend to observe the RUF defence trials. He had never been so was in awe of the Court and the

46 Focus Group Freetown April 23 2007; Focus Group Bo May 11 2007
47 Focus Group Freetown April 23 2007
48 Focus Group Grafton April 23 2007; Focus Group Freetown May 8 2007
49 Interview with CSO Freetown January 9 2007
50 Opening of the RUF Accused Defence case (Issa Sesay) May 3 2007
compound and remarked how fat the indictee was looking because he was being so well looked after over the fact that he was testifying his innocence.

This is all understandable if you compare it to the treatment of the indictees at Pademba Road prison which is hideously overcrowded and conditions are deplorable. However, in a culture that is staunchly ‘guilty until proven innocent’ this treatment appears fitting. The reverse is difficult to comprehend and in many ways insulting. This is where Outreach should be informing people and perhaps where the SCSL could have helped address reforms in the national system to ensure that these processes were acceptable. With no changes happening within the country it is hard for people to accept this institution that is completely alien to the national system. It is a challenge for the Court and one that will have to be considered if such a body is called for in the future. It is also perhaps a major shortcoming that will overshadow the positive aspects of the Court.

51 This is not to claim that Sierra Leoneans believe such treatment is in anyway acceptable but to show the contrast in the perception of punishment and treatment of the indictees at the Court.
2. Legacy

As well as the outreach programme, we also set out to examine issues related to legacy. These can be grouped into two sets of issues. One is the extent to which the SCSL has contributed in concrete terms to building capacity in the domestic judicial system and respect for the rule of law and the other, more nebulous question surrounds its contribution to bringing peace through justice. This project sought to evaluate the first of these issues.

The involvement of local actors and the location in which the crimes were committed was thought to bode well for its contribution to the process of peace and reconciliation because of the residual contribution it would make, and there are a number of initiatives designed to achieve this aspect of the Court’s legacy. Sierra Leonean staff were employed by the Court, in-house training is provided for investigators and trial attorneys in the Office of the Prosecutor and Sierra Leonean prison staff are rotated through the Detention Unit. We were informed that Outreach was working with Prison Watch in the North to help inform people about due process, penal reform etc. But conversations with prison staff in the North revealed that they had little contact with the Court and were not included in the rotation system which was a cause of much consternation, particularly as there are financial benefits of being included in this and made all the worse by their poor working conditions and small pay.\(^{52}\)

As of April 30 2007, 175 Sierra Leoneans were employed throughout the Court with 129 international staff, including many African countries, but the highest number of internationals coming from the UK, USA, Canada and Australia.\(^{53}\) Sierra Leoneans are employed in every organ of the Court with the highest in Security, General Services\(^{54}\), Outreach, Witness and Victim Support, Court Management and CITS\(^{55}\). Five Sierra Leonians work in the OTP, seven in Defence and two Sierra Leonean judges. This is again higher than any other nationality and a Sierra Leonean has recently been appointed Deputy Registrar.\(^{56}\) Despite this, the Court is still criticised for its overwhelmingly international character and this perception is not something the

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\(^{52}\)Focus Group Prison Magburaka April 30 2007. Similarly police and prison officers in Bo and Kenema had not been a part of this process.
\(^{53}\)Source: Personnel statistics given by Maria Cruickshank, Chief of Personnel, Special Court for Sierra Leone, Freetown, May 8 2007
\(^{54}\)General Services Section is comprised by Transport Section, Supplies and Logistics, Facilities Management Unit. The type of jobs are mainly of an operational nature, drivers, cleaners, generator mechanics, plumbers, etc.
\(^{55}\)Communication Information and Technology Section
\(^{56}\)Mrs Binta Mansaray, former Head of Outreach, July 2007
Court appears to be able to change. Many CSOs cited that the Sierra Leoneans who worked at the Court would leave once the Court finishes so again Sierra Leone would not benefit from these people being trained and they also pointed to fact that their were no jobs for these newly trained people anyway.  

Judicial reform is not explicitly a part of the Court’s mandate, and it cannot address all of the issues alone, but part of the Court’s legacy is to contribute to the process through training programs aimed at police, military, lay magistrates, and prison officers and activities aimed at fostering community rehabilitation and self-reliance, such as empowering local courts and community-based initiatives such as reconciliation panels, involving Paramount Chiefs, religious leaders, the military, police and civil society leaders. Our discussions with members of the judiciary and security services, Paramount Chiefs and religious leaders did not confirm that such activities were currently taking place. We were informed that due to the negativity arising from a training workshop in 2005 the majority of Sierra Leone judiciary no longer worked with the Court claiming to have been patronised by the international counterparts. A recent speech by the Acting President of the Sierra Leone Bar Association seems also to lend weight to this claim “The claim by the interim Registrar and Antony Triolo is false. It is wrong and misleading for the two gentlemen to say the Bar has been working with the SC to train lawyers and judges. The Bar Association has not done any business with the SC for the last twelve months.” However, the Moot Court competitions with the army are believed to be a successful development for Outreach, moving on from Universities, and contributing to legacy. It should also be noted that the Court helped contribute to the writing of the International Humanitarian Law booklet for the army with the ICRC. This is a necessary and positive step considering the armies history of coups in Sierra Leone but despite this training and investment there is “always the potential for a coup, especially if the government does not wake up to the situation and make conditions better for the soldiers.”

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

57 Interview Freetown April 24 2007  
58 Interview Freetown April 24 2007. This was also confirmed by a UK legal expert who has been working in Sierra Leone since 2005. Interview Freetown May 13 2007  
60 Discussion with IMATT Officer Freetown January 10 2007
— it shows that we have Sierra Leoneans that are capable of handling trials of this nature.”

Some stated that “If the High Court was trying the officials it would not work”. And some believed that the “High Court should be trying the rebels with the assistance of the international community”, while others thought that, “Those who bear greatest responsibility – people are only focussing on that. It’s seen as a political target rather than judicial as there are others who have done the same or worse. There are still strong men in the present government so why has no one else been indicted.”

A discussion with a prominent human rights advocate highlighted the continuing failings of the national court system, even in terms of record management, which is apparently a shambles. Cases are still delayed and people do not always have adequate representation. There are various international donor organisations working to address these issues but they believed, like many others, that the Court would also help influence positive changes. The fact that it hasn’t appears to be divisive in terms of its legacy: how much should the Court be involved?

When asked the question how will the Court be remembered we were given varied responses:

“Bringing peace by indicting Those Who Bear Greatest Responsibility. Sometimes in meetings some say they hope the local Courts will copy the SCSL.”

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

“There are two schools of thought - for or against, and the legacy depends on where you sit in this. Those against think it is a waste of money and time. People have not received anything, the trials have not ended so we still do not know anything. Hinga-Norman – a very serious issue. Outreach has not concentrated on explaining why the

61 Focus Group Fourah Bay College, Freetown April 24 2007
62 Focus Group Milton Margai College, Freetown April 24 2007
63 Ibid.
64 Interview CSO Tonkilili District April 30 2007
65 Interview CSO Freetown May 14 2007
66 We framed the question in this way as when we asked people ‘what the legacy of the SC would be’ people did not appear to understand our meaning fully.
67 Interview CSO Magburaka April 30 2007
68 Interview Judiciary Kenema May 11 2007
indictment process happened as it did and why HN arrested. Most see as political, especially as Kabbah not indicted and in Bo. This presents a security aspect.⁶⁹

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

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

No idea about the impact of the SCSL – what about her and her cut head and neck and i have small children

Tarpaulin houses and rain’s coming. How will it benefit the children?

The extent to which these programs might have changed or informed Sierra Leonean attitudes and knowledge of international human rights norms and standards is difficult to measure. We can say generally that knowledge of these issues has increased, but connections were not always made between this and the Sierra Leone judicial system. Nor was there much evidence of the assimilation of norms relating to fairness of proceedings, treatment of detainees and respect for the rights of the accused. There is more concrete evidence available regarding the Court’s contribution to the rehabilitation and protection of witnesses and victims of sexual and gender based crimes in so far as these relate to its extensive Witnesses and Victims Programme, but there were no procedures for compensating individual victims beyond satisfying the need to see justice done. There are clear limits on what the Court can do. It has not made any inroads into tackling wider justice and rule of law problems, such as combating child trafficking and promoting children’s rights, but how much of this should be part of the Court’s mandate? Most of the people we spoke to thought it should or expressed disappointment that it hadn’t got more involved.

⁶⁹ Interview Judiciary Makeni April 27 2007
⁷⁰ Focus Group Milton Margai College, Freetown April 24 2007
⁷¹ Ibid.
It is an unavoidable hurdle for the Special Court that Sierra Leone is ranked as the second poorest country in the world (UNDP HDI), corruption is endemic, the justice system is defunct and there are significant levels of international people working throughout Sierra Leone on development issues but the country does not seem to be moving forward. It is not the Court’s responsibility to address any of these issues although many believe it is a missed opportunity for it not to have been more active in highlighting the archaic legal system and laws that still exist as well as to help drive the reform processes forward, as well as work towards the abolition of the death penalty. A comment made by various people in the CSO/NGO community was that ‘the death penalty is not okay for the international community but it is fine for Sierra Leoneans’.

It seems the reality lags somewhat behind the hype as far as legacy programme is concerned. Largely, this is due to lack of funding. The Legacy section at the Court also seems somewhat beleaguered by the lack of donor interest. There appears to be little interest in funding projects that may make a genuine lasting impact such as a Witness Victim Support Unit or Legal Aid system. This is in line with the fact that the Court has to battle to get sufficient funds for it to run which is pretty shameful for international justice. The commitment to this type of justice seems to be waning which is distressing considering the level of commitment already invested in the peace process, to give up now seems nothing less than short-sighted and a missed opportunity. However, as a judicial body with a relatively narrow mandate, there are limits on what it can achieve.

A Court employee told us that money was not forthcoming for legacy activities until Taylor came into the equation and then money for projects was made available: ‘People were not interested in Outreach and Legacy until Taylor came along’. Now there is a project with the World Service to ensure that journalists are trained to report on the trials accurately and report this back to local media outlets, members of CSOs will be based in The Hague to monitor the trials and then feedback to Sierra Leone as well as the money to conduct Outreach in Sierra Leone on the trials.

What does legacy mean for people? In discussions, the Court’s role in establishing impunity was frequently cited as a ‘good thing’. People were also keen to discuss the future of the site. The fact that it was built and established in SL was a positive development for the country and

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72 Interview Freetown April 24 2007
73 Interview SCSL Employee May 11 2007
something to be proud of. Others said that this was not enough: how can we be satisfied with a building when other more fundamental issues remain to be addressed? Many cited the fact that the government would be given responsibility for the buildings as worrying, given that they had neither the funds nor the will to maintain them so they would slowly become ruined. Some even suggested that the structure should be turned into a dancehall and the space be returned back to the New England community whom had been removed from it in the first place to make way for the Court. This was not a flippant suggestion; the people that made this comment were aggrieved by the Court’s presence as it had destroyed a lively community centre to make way for its structure and the workers employed to work on it were paid less than $1 per day and often not paid for several months.

Many would argue that this is outside its remit and indeed judicial reform is part of a separate DfID-funded project. Nevertheless, individual staff at the Court have taken it upon themselves to become involved with pro bono work in the prison system, largely at Pademba Road detention facility as well as with CSOs/NGOs and given lectures/talks at the Universities. Some employees commented that the Court should be doing more to help drive the legacy process and encourage Court employees to get outside of the Court but this is difficult to ask people to do as many have already given up a lot to work there, some are not there for long periods and others are not there to rebuild a judicial system; they are there to prosecute war crimes cases. A large number of Court employees we met with could not speak Krio and had lived there for a long period of time (6-18 months). This is not a criticism of them but it does highlight the isolation that many people actually live in relation to many Sierra Leoneans and do not have to communicate on anything other than a daily pleasantry basis with people outside of the Court.

As has been claimed the national judiciary turned its back on the SCSL, which highlights that there were problems to be addressed at the outset if the Court was going to make a positive contribution to justice and peace in Sierra Leone. Allegations of judges and lawyers being patronised by their international counter parts during training sessions seems to have reinforced this divide. It seems short-sighted that these legacy issues have not been addressed at the outset and pursued with vigour to ensure the Court leaves a positive legacy. This is a criticism of the

74 Discussion with CSO Freetown May 5 2007; Interview with CSO Freetown January 9 2007
75 This is the first time we had been told of this in the two-years of travelling to Sierra Leone so perhaps needs verifying from another source. It’s certainly not something that is well known and is obvious why.
international community as much as for the Court. What use is such an investment if the benefits are for the short term not long term investment? How will the SCSL benefit SL and help re-establish faith in the justice system setting it firmly on the road to peace? If this steps beyond its role and mandate it needs to be clearly communicated to Sierra Leoneans as to what exactly the institution will and will not do, as the belief that such a transitional justice institution would in some way be transformative is prevalent.

Conclusion
The outreach and legacy programmes were ambitious and, whilst they have fulfilled some of their objectives, mostly in relation to communicating the core purpose of the Court, namely to ensure that impunity did not prevail, there are a number of shortcomings. At heart, there seems to be a gap between expectations and reality. The Court had much vested in it, in terms of offering a new model of international justice, and was imbued with hopes that it could not hope to fulfil. That it has operated as an instrument of justice, albeit only for a handful of accused, is in itself remarkable. That it has managed to communicate its work to the people of Sierra Leone, arguably more successfully than the ICTY or ICTR did to the former Yugoslavia and Rwanda, respectively is also a point worth noting. However, there does seem to have been a missed opportunity to engage more directly with the people of Sierra Leone, especially in respect of the rule of law.

However, it cannot be judged in isolation and it is recognised that this is a long-term process. Significant investment has been made in Sierra Leone to aid its recovery and plant it firmly on the road to peace. The Special Court is one aspect of this larger process. It is perhaps to its detriment that this ‘visible’ beacon of justice is actually becoming a source of hostility and divisive issue for Sierra Leoneans. Greater access to information and communication of the Courts key message may have avoided this but the erratic financial backing from the international community has done little to ease this. However, ensuring access to information and involving Sierra Leoneans in the process is something in the Court’s control and perhaps this is where its biggest shortcomings have been and will leave a lasting legacy; lack of local ownership in the process. Years of conflict undermined people’s faith in the judicial system in Sierra Leone and will require significant investment to restore. The separation of the Court from Sierra Leone marks its impartiality but has also served to sever its ties with the key sectors needed to strengthen its judicial capacity and thus work towards reinstalling faith in the system.