The problem or issue(s) to be addressed:

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. But whilst a number of potential advantages and disadvantages of this new approach have been identified, the purported contribution it will make to sustainable peace has not been empirically studied. The project will address this gap by providing an evaluation of the communication, dissemination and capacity building strategies implemented by the Special Court for Sierra Leone – its outreach and legacy programs.

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 are all key to the Court’s success as an instrument of peace-building, but the outreach and legacy programs have not been subject to systematic empirical evaluation so we do not know what impact they have had. In providing this evaluation, the project will make a direct practical contribution to the work of the Special Court. It will also fill a gap in our understanding of transitional/post-conflict justice and have direct policy relevance for states and other institutions of international criminal justice grappling with complex and difficult issues surrounding the relationship between justice and peace in countries emerging from violent conflict in Africa and elsewhere.

Context:

There are two broad contexts for this research: the civil war in Sierra Leone and the establishment of the Special Court, and the relationship between peace and justice.

1. The Special Court for Sierra Leone

The war in Sierra Leone was well documented for its ‘breathtaking malevolence’ and ‘unspeakable brutality’ (Fanthorpe, 2001; HRW, 2004). In a decade of conflict, it is estimated that as many as 75,000 civilians were killed and 500,000 were displaced. Civilians were directly targeted with tactics such as amputations of hands, arms, legs and feet, sexual violence, mutilation, forced marriage, forced recruitment of children and wanton destruction of villages and towns. Whilst the majority of crimes were committed by the Revolutionary United Front (RUF) and the Armed Forces Revolutionary Council (AFRC), government forces and the Civil Defense Forces (CDF) also committed serious crimes. Peace was finally declared in January 2002, but even before the peace agreement, the nature and extent of the atrocities committed was such that there were demands for some form of accountability. It was felt that without the designation of responsibility – at all levels – and a public acknowledgement of their roles, social structures would remain unsettled and public faith in the solidarity of the peace would be undermined (CSDG,
2003). However, the Sierra Leone judicial system, destroyed by the war and by years of corruption and neglect, lacked the capacity to deal with these crimes (HRW, 2004).

On 12 June 2000, the President of Sierra Leone, Dr Ahmad Tejan Kabbah, wrote to the Secretary-General asking for UN assistance to set up a court and on 16 January 2002, an agreement was signed between the UN and the Government of Sierra Leone establishing the court in Freetown. The agreement was ratified by the Sierra Leone parliament in March of that year and the court began operating in August 2002 when Registrar Robin Vincent and Chief Prosecutor David Crane arrived to take up their posts. The Special Court’s mandate is to prosecute those on all sides – including government forces and the CDF – who bear the ‘greatest responsibility’ for war crimes, crimes against humanity and other violations of international humanitarian law committed in Sierra Leone since 30 November 1996 (the date of the Abidjan Accord). The Special Court was the first ‘hybrid’ international criminal court to be established – ‘hybrid’ in the sense that it involved a mixture of international and domestic law and personnel. As such, it was a departure from the model of the ad hoc tribunals for the former Yugoslavia and Rwanda (ICTY and ICTR) on the one hand, and the International Criminal Court (ICC) on the other, and was welcomed by many as a potentially more effective and efficient form of international criminal justice (Sieff, 2001; Dougherty, 2004). Unlike the ICTY and ICTR, which were located outside of the countries in which the crimes took place, the Special Court is based in Freetown, which is largely thought to be advantageous in that it enhances its relevance to the local population (Sieff, 2001).

Given its relatively narrow jurisdictional mandate and time frame, the Court is focusing on a limited number of cases only. To date, thirteen people have been indicted and nine are in custody. The first trial began on 3 June 2004, involving three former members of the CDF, including their leader and former Minister of the Interior, Chief Sam Hinga Norman. The trial of three members of the former Revolutionary United Front (RUF) began on 5 July 2004, and a third trial, of three members of the former Armed Forces Revolutionary Council (AFRC) began on 7 March 2005. The purpose of these trials is symbolic. It is hoped that they will contribute to Sierra Leone’s ‘emergence from the moral and physical degradation of the war’ (Special Court, 2003: 14). As with any country emerging from violent conflict, sustainable peace requires not only rebuilding institutions but reckoning with the past and rebuilding respect for the rule of law, especially where, as in Sierra Leone, the war was characterized by extreme violence and a breakdown in legal, moral and social codes. The Special Court is supposed to contribute to the restoration and maintenance of peace in Sierra Leone through the administration of justice.

Much of the debate on the Court so far has been concerned with the relationship between the Special Court and the Truth and Reconciliation Commission, which operated in parallel, but not always complementary to the Court (Schabas, 2004), and the merits and drawbacks of this new ‘hybrid model’ (Dougherty, 2004; Fritz & Smith, 2001-2; Gberie, 2003; ICG, 2003; Sieff, 2001). However, there has no empirical study of the contribution the Court is making to the process of establishing sustainable peace.
2. Peace and Justice

The academic debate on the Special Court reflects a wider debate on transitional/post-conflict justice. Whilst there has been a great deal of discussion of the merits and drawbacks of various approaches to dealing with a legacy of war crimes, crimes against humanity and genocide (for example, Akhavan, 2001; Boraine, 2000; Hayner, 2001, Hesse and Post, 1999; Kerr, 2004; Kritz, 1995, Mani, 2003; Minow, 1998; Osiel, 1997), there is little empirical evidence to support the claims made of judicial and non-judicial mechanisms. The consensus so far seems to be that while none of the mechanisms on offer are perfect, the dangers of doing nothing outweigh the disadvantages of a less-than-perfect approach, yet key issues surrounding the relationship between justice and peace remain under-explored (Snyder and Vinjamuri, 2004).

As Eric Stover and Harvey Weinstein noted, ‘a primary weakness of writings on justice in the aftermath of war and political violence is the paucity of objective evidence to substantiate claims about how well criminal trials or other accountability mechanisms achieve the goals ascribed to them’ (Stover and Weinstein, 2004). Stover and Weinstein’s book begins to address this gap, based on empirical study of attitudes in Bosnia, Croatia, Serbia and Montenegro and Rwanda to the ICTY and ICTR, respectively. Meanwhile, Chandra Sriram’s study of five countries’ experience (El Salvador, Honduras, Argentina, South Africa and Sri Lanka) examines the factors that make accountability more or less feasible, which she groups into external influences, the balance of civilian and military and government and opposition power and the nature of past abuses (Sriram, 2004). Whilst Sriram’s work offers important insights into the debate over the feasibility of different mechanisms for accountability, she does not set out to interrogate how these different mechanisms were received and what efforts were made to communicate the goals of these mechanisms and measure their impact.

Meanwhile, James Meernik’s study of the contribution of the ICTY to ‘societal peace’ in Bosnia sheds some light on the issue. Using data from the Kansas Event Data System he constructed a model to establish what effect, if any, the tribunal has had on ‘societal peace’, defined as ‘the degree of conflict and/or cooperation in a society’ (Meernik, 2002). The model compared the effects of individual indictments, arrests and judgments among different ethnic groups. Meernik found little evidence to suggest that the ICTY had an impact on cooperation amongst groups within society. In fact, in some instances, it had precisely the opposite effect, with groups reacting with more hostility toward each other after an arrest or indictment. In this context, Rosalind Shaw’s study of local practices of reintegration in northern Sierra Leone is important (Shaw, 2005). On the basis of ethnographic studies of TRC district hearings and child ex-combatant reintegration, Shaw found that the message given out by the TRC, that healing would come through verbal remembering, directly contradicted grassroots practices of reconciliation, reintegration and healing based on social forgetting.

This study does not attempt to measure the impact of the Special Court on the restoration and maintenance of peace overall; rather it will study two aspects of the Court’s work, the outreach and legacy programs.
David Crane, former Chief Prosecutor of the Special Court suggested that the outreach and legacy programs were the two keys to success for the Court in fulfilling its mandate by showing that international justice is fairly, efficiently and effectively delivered in a way that allows the people to see that ‘the rule of law is more powerful than the rule of the gun’ (Crane, 2004). The project will examine the extent to which the outreach and legacy programs have fulfilled the goals set out for them in terms of communication of the Court’s work, dissemination of norms and values relating to the rule of law, and rebuilding capacity in the domestic judicial system.

Research questions:

The overall question driving this study is to what extent have the outreach and legacy programs fulfilled the goals set out for them? It will be conducted in two strands. The first strand will focus on the communications strategy of the Court’s outreach program and the second on dissemination and capacity building – its legacy.

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 criticized for their inadequate efforts to reach their target populations (HRW, 2004). 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 traveled through the country to give presentations and answer questions relating to the work of the Court in so-called ‘Town Hall Meetings’. It now involves the Office of the Prosecutor, the Chambers and the Registry, including the Office of Press and Public Affairs and the Public Defender’s Office. As well as distributing booklets describing the Court, the outreach program relies on oral and visual communications – important in a largely illiterate society – such as radio and television panel discussions and screening of trials, televised weekly summaries of court proceedings, poster campaigns, and theatre.

The first strand of the project will examine the precise impact of the outreach program in informing or altering Sierra Leonean perceptions of the Court. There are several aspects to this. First, one of the aims of the communications strategy is to ensure practical understanding of the Court’s work, including its procedure, international human rights standards and humanitarian law and relevant Sierra Leonean laws. In order to judge how effective this has been, we will investigate how much people understand of the law and procedure, whether they are familiar with the cases on trial, to what extent they understand the legal issues involved.

Second, we will investigate to what extent, and how, the outreach program has informed attitudes and beliefs about the Court. There is some evidence that there has been 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 exactly attitudes have shifted. What does it mean that it is a ‘good thing’? Why was it perceived as a waste of money before? Where might the money have been better used? What has caused this shift in attitudes? Is it a response to the outreach program or to something else?

Third, we will investigate differentials in attitudes between sectors of society and regions. Basing the Court in Freetown has advantages for investigations and is meant to enhance its visibility and relevance to the population. How relevant is it? Is there a differential in attitudes in Freetown where the Court is based relative to the rest of the country?

Fourth, we will investigate whether people know that they can attend trials, whether they would do so, how accessible the Court is perceived to be and how many people have actually come. Part of the outreach program is aimed at encouraging people to come and observe trials taking place, but the appearance of the Court, with security barriers, barbed wire, and UN soldiers protecting it, and the arduous process of gaining admission could be daunting.

Fifth, we will examine the nature and volume of coverage in the domestic news media. The outreach program is not the only medium through which people hear about the Court; the media also plays an important role. In particular, the Court faces a hostile domestic press, which regularly prints allegations of unfair trials and ill treatment of detainees. We will interrogate the relationship between press reports and attitudes and beliefs in order to determine its impact relative to the outreach program. We will investigate what steps, if any, the Court takes to address negative press coverage.

Sixth, we will investigate perceptions of the Special Court in relation to the Truth and Reconciliation Commission (TRC), established as part of the 1999 Lome Accords. To what extent are people subject to mixed messages and what impact does this have? For example, a study of attitudes among former combatants suggested that there was some confusion regarding the relationship between the Court and TRC (PRIDE, 2002) and that initially people were unwilling to testify before the TRC for fear that the information would be turned over to the SC. The problem was exacerbated by rumors of a tunnel running between the two bodies, which stood next to one another on Jomo Kenyatta Road, in Freetown. We will examine attitudes now that the TRC has concluded its work and investigate what strategies were adopted by the Court to ensure people understood that the two bodies operated independently of one another and what impact these have had.

The final set of questions concern the extent to which trials at the Special Court are understood to meet victim’s needs and satisfy the desire for retribution. How well do people feel that the trials meet victim’s needs? What are the implications of prosecuting only those who bear the ‘greatest responsibility’? How is this interpreted and understood by the population? What impact has it had that the highest-level perpetrators from the rebel side have either died (RUF leader Foday Sankoh and former RUF commander Sam ‘Mosquito’ Bockarie), are missing (AFRC leader Johnny Paul Koroma), or are out of the Court’s reach (Charles Taylor was granted asylum by the
Nigerian Government in August 2003), whilst the highest-level indictee, Chief Hinga Norman, is widely seen as a national hero? According to the Security Council Mission to Sierra Leone in June 2004, ‘Many believe that lasting reconciliation requires that former President Charles Taylor of Liberia stand trial’ (UN, 2004). Is this true? What impact does it have on perceptions of the Court’s utility as a tool of post-conflict reconstruction?

2. Legacy

The second strand of the research will examine the aims, objectives and strategies of the legacy program. There are two main aspects to this: capacity-building and shifting local attitudes to justice and the rule of law.

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 are employed by the Court, in-house training is provided for investigators and trial attorneys in the Office of the Prosecutor and Sierra Leonean prison staff rotate through the Detention Unit. We will examine the nature and extent of these initiatives as they have been implemented. How many local staff are employed by the Court? What is the proportion of those employed in professional posts compared to those in administrative or service roles? At what levels of the organization?

The legacy program also involves training programs and meetings between Sierra Leonean Judges and Special Court Judges, and visits by Special court judges to observe domestic trials (HRW, 2004). We will examine the nature and extent of these programs and assess what contribution the Court has made to training and equipping local judges, investigators, prosecutors and defense lawyers. How has it integrated its efforts with those of the Sierra Leonean Bar Association, Non-Governmental Organizations, and other groups involved in judicial reform programs? Once the Court has completed its trials of those who bear ‘the greatest responsibility’, will the rest of the cases be picked up by local justice system? To what extent is this being facilitated by Special Court?

The second aspect of the Court’s legacy program involves disseminating norms and values relating to the rule of law. It has been suggested that the fact that the Court will leave behind a state-of-the-art court facility and legal training of those Sierra Leoneans working with it does little to address underlying issues that need to be resolved if a sustainable system of justice and rule of law is to be established; fundamental issues like national reconciliation, a responsive and non-corrupt police, and local access to justice remain to be addressed (Douma and de Zeeuw, 2004). Judicial reform is not explicitly a part of the Court’s mandate, and it cannot address all of the issues alone, but the Court’s legacy program is designed 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. We will examine the role of the Court in all of this, and evaluate what impact it has had. To what extent have these
programs changed or informed Sierra Leonean attitudes and knowledge of international human rights norms and standards? To what extent, and how, have these initiatives shifted expectations of the judicial system, especially with regard to fairness of proceedings, treatment of detainees and respect for the rights of the accused? How does the Court contribute to the rehabilitation and protection of witnesses and victims, especially of sexual and gender based crimes? To what extent does it address wider problems, such as combating child trafficking and promoting children’s rights? Finally, how much, if any, of this do people believe is/should be part of the Court’s mandate?

Methodology

The project builds on work already undertaken in a number of respects. It has a solid intellectual, empirical and methodological foundation in previous and ongoing work by the Project Director and Project Research Assistant on the Special Court, the ICTY and transitional/post-conflict justice and will be facilitated by the network of contacts established during the course of this work. In May 2005, the Project Director and Project Research Assistant conducted a series of interviews in Freetown with Special Court staff, including the Prosecutor and members of his staff, the Registrar, staff in the Outreach Section, the Witnesses and Victims Support Unit, the Office of the Principal Defender and the Detention Unit. All of this provides the basis for the first phase of research, which will involve reviewing the research design and analytical framework. The methodology builds on previous experience of conducting research projects involving a combination of qualitative methods such as interviews, focus groups and archival analysis and quantitative surveys.¹ As well as being informed by previous experience, the methodological approach draws on similar work undertaken in Bosnia and Rwanda (Stover and Weinstein, 2004), which used a range of qualitative and quantitative methods including focus groups, key informant interviews, ethnographic studies of conflicted communities and archival analysis as well as random surveys to examine attitudinal questions about belief in justice and the trial process.

The project has been discussed with a number of officials at the Court, including the Registrar, Robin Vincent, the Chief Prosecutor, Desmond de Silva, the former Director of Press and Public Affairs, Allison Cooper, and the Director of the Outreach Section, Binta Mansaray. Whilst the Court has been able to gather some data on the impact of its outreach program in particular, and the Press and Public Affairs Office has compiled a large volume of press clippings of coverage of the Court in the international and domestic press, the Court’s ‘shoe-string’ budget (McDonald, 2002) means that it does not have the resources to complete its own evaluation of these resources.² Officials at the Court are enthusiastic about the project and have said that a systematic and impartial evaluation of the evidence it has gathered would be beneficial to its work. As a result, the Court have committed to


² The budget for the outreach program was cut by the Management Committee in 2003. The shortfall was made up by European Union Trust Fund, but it was not sufficient to be able to implement programs and at the same time assess the effectiveness of its activities.
providing assistance and logistical support, including full access to documentation, and to offering advice and feedback to the Project team.

The project will therefore be able to build on data already compiled by the Special Court in the second phase of the research. During the first research visit to Sierra Leone, the Project Research Assistant will remain in Freetown and study the data compiled by the outreach section of the Special Court and the Press and Public Affairs Office as well as research conducted by civil society groups (such as the Sierra Leone Court Monitoring Program). A significant element of this comprises attitudinal surveys carried out by regional outreach officers on the basis of a structured interview with a random sample of the population in the area in which they work. The officer asks a series of questions designed to ascertain attitudes, beliefs and knowledge of the Court. For example, interviewees are asked whether they have heard of the Court, if so, where, when and who from? They are asked what, if any, informational materials they have received, and how much they know about the Court’s mandate and competence. Finally, they are asked to evaluate the outreach officers in their region in terms of interaction with people in the community and asked to give their opinion of the Special Court generally, and the fairness of the trial process in particular (if they have seen trials on video or attended the Court).

This phase of the research will also involve conducting a series of semi-structured interviews with outreach program officers and others at the Special Court, representatives of Non-Governmental Organizations (NGOs), local civil society organizations and other officials, including representatives of the US Embassy, USAID, the British High Commission and the UK Department for International Development (DfID).

This is in order to identify salient issues and questions for the next phase of the research, such as the suggestion identified above, from an outreach program officer, that an indicator of shifting attitudes was that instead of dismissing the Special Court as irrelevant, as they had done previously, people were now asking why it was not doing more to address their grievances. This is an example of the sort of anecdotal evidence that will be subject to more systematic interrogation.

The third phase of the research will build on the analysis of documentation and interviews and generate new data, based on conducting a series of semi-structured interviews and focus groups in Sierra Leone. The precise details of the questions to be asked and the criteria for selecting interviewees will be informed by the first and second phases of the research. At a minimum, semi-structured interviews will be conducted with the assistance of a translator with local government officials, lawyers, judges, court officials, police, military, Paramount Chiefs, religious leaders and representatives of local civil society organizations in Freetown, Makeni, Kanema and Bo and surrounding villages. They will be asked to give their own views on the impact of the Court’s legacy and outreach

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3 The focus on UK government officials is because of the special commitment the UK government has made to re-building Sierra Leone, including a large-scale DfID project on judicial reform.
programs, as well as their perception of how the Court has impacted on the segment of society with which they most closely identify.

The first and second stages of the research will also inform the structure and organization of the focus groups. A total of eight focus groups will be conducted to explore salient beliefs, values and attitudes among segments of the population, two in Freetown and six in the countryside. The advice of the outreach section, in particular regional outreach officers and local civil society organizations with whom they work will be sought to assist with identifying and recruiting participants and organizing the focus group sessions. They will involve representative samples from segments of society in order to ascertain regional, social and demographic differentials in attitudes and beliefs (urban/rural, regions more or less affected by different phases of the conflict, victims, witnesses, ex-combatants, different ethnicities, gender, age, occupation). The focus groups will be selected, designed and conducted with due sensitivity, in particular relating to victims and ex-combatants. In particular, due care and attention will be made to establish a safe environment in which to discuss sensitive issues in line with King’s College London Research Ethics Committee (CREC) Guidelines on Good Practice in Academic Research.4

There will be two tracks of project evaluation. Feedback will be sought informally and formally on the basis of interim reports. One track of evaluation will involve a special advisory panel comprising selected officials of the Special Court, representatives of local groups and NGOs monitoring the Court’s work (No Peace Without Justice, Accountability Now, the Sierra Leone Court Monitoring Program and International Centre for Transitional Justice) and other nominated parties from the ICTY and DfID. This panel will evaluate and give feedback on the research process and outcomes in order to ensure policy relevance as well as academic contribution. The other track involves the War Studies Group at King’s College London. In particular, both the War Crimes Research Group, led by Dr Kerr, and the Conflict Development and Security Group, led by Professor Mats Berdal will have an ongoing active role in evaluating and offering feedback on the research process and outcomes from their different perspectives.

**Work plan**

The project duration is nine months, to commence in October 2006. During the grant period, the Project Research Assistant will work on the project for 1.5 days a week, except for two weeks in November 2006 and four weeks in January-February 2007, during which time she will conduct fieldwork in Sierra Leone, working on the project full-time. The Project Director will work on the project for 1 day a week for the duration, except for two weeks in January 2007, when she will conduct fieldwork in Sierra Leone, working on the project full-time. In months 1-2, the Project Research Assistant (JL) will organize the first fieldwork visit and, together with the Project Director (RK), further refine the research agenda and analytical framework (scheme of research). JL will conduct the first fieldwork visit to Sierra Leone in the latter half of month 2. In month 3, the Project team will review the

4 http://www.kcl.ac.uk/deptsa/quasac/researchcommittee/good_practice04.pdf
findings, write up the first interim report for review by the advisory panel, and prepare for the second fieldwork visit, which will take place in months 4-5. In months 5 and 6, the Project team will analyse the findings and prepare the second interim report for review by the advisory panel (31 March 2007). In months 7-9, the Project team will prepare the final report; JL will complete a full draft of her chapter for the edited volume on *Prosecuting War Crimes*, and JL and RK will work together to produce a jointly authored article for the journal, *Conflict, Security and Development*.

**Plans for dissemination and measuring project goals and impact**

The project will have the following three main outputs:

1. Interim and final reports posted on the War Crimes Research Group website and disseminated among key stakeholders in Sierra Leone and to other interested parties, including the ICTY, ICTR, ICC and government officials in the EU, North America and African Union.

2. A jointly-authored article in *Conflict, Security and Development*.

3. A chapter by the Project Research Assistant in an edited book, *Prosecuting War Crimes and Meeting Expectations*. This is part of a wider project undertaken by the War Crimes Research Group at King’s College London and conducted in collaboration with colleagues at the Universities of Bradford and Bristol. The book will be edited by the Project Director and consist of an Introduction and eight chapters examining the reception, impacts and legacy of prosecuting war crimes, crimes against humanity and genocide in Germany, Japan, Israel, Bosnia, Croatia and Serbia and Montenegro (Kosovo), Rwanda, Sierra Leone, East Timor and Cambodia.

As detailed above, informal and formal evaluation of the project goals will be on an ongoing basis, including by a special advisory panel comprised of Special Court officials, representatives of civil society groups and NGOs and others nominated by the project team and the War Studies Group at King’s College London. Having distributed the final report to a number of organisations, including the ICTY, ICTR and ICC, we will follow-up with a questionnaire to determine the level of impact. We will also closely monitor the domestic press in Sierra Leone, as well as the international news media for coverage of the project and its impacts.

Finally, it is our intention to seek additional funding from the Department for International Development or Foreign and Commonwealth Office for a one-day conference in London in June 2007, which will ensure that the project has wider impact by bringing together representatives of the Special Court, the ICTY, ICTR, the ICC and government officials in the EU, North America and African Union to discuss the findings of the research and explore how lessons can be disseminated and built upon in the future. However, the success of the project, including dissemination, is not contingent on securing additional funding.