Presentation at the launch for

“Making Justice Count: Assessing the Impact and Legacy of the Special Court for Sierra Leone in Sierra Leone and Liberia”

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Madame Registrar,
Madame Principal Defender,
Chair of the Anti-Corruption Commission,
Excellencies,
Partners, Colleagues and Friends,

It is a great pleasure to be here with you here today for this launch of “Making Justice Count: Assessing the Impact and Legacy of the Special Court for Sierra Leone in Sierra Leone and Liberia”.

It has been just over ten years since the Special Court opened its doors. In 2002, as the Special Court was setting itself up and conceptualising how it would do its work, there were many expectations and speculations as to what it would be able to achieve, whether it would support or damage the peace process, whether it would really be able to reach those who bear the greatest responsibility for the crimes committed in Sierra Leone since 1996, whether it would be able to provide redress for victims, and what kind of difference it would make to political and social life in Sierra Leone. At that time, nobody imagined that President Charles Taylor would be brought before the Court, for all that his involvement in the conflict was well known.
Heads of State were still considered untouchable then – the Special Court has been instrumental in changing that perception, which is an important part of its legacy. While it was hoped the Special Court would make a contribution to regional peace and stability, its direct impact in Liberia was not something people necessarily considered.

Now it is ten years later. Nine individuals have been convicted before the Court and the Special Court has been at the forefront of international criminal justice initiatives, through its outreach and legacy work, its jurisprudence and its court work. Ten years on, it is a good time to see whether the expectations of a decade ago have been met, how things have played out in practice and what the impact and legacy of the Court have actually been. Of course, the long-term impact of the Special Court will only be known further in the future, but now that the trials have concluded and the Court’s work is almost complete, it is a good opportunity to assess the impact and legacy of the Court from the perspective of what we like to call its clients, namely the people of Sierra Leone and of Liberia.

All of this comes under an important disclaimer – not a disclaimer on the accuracy of the survey, but about what the survey can show. The impact and legacy of the Court on peace, on the rule of law, and so on, is of course of critical importance. But despite the title of this report, it is not about assessing the Court’s impact and legacy per se. It is about assessing what the people in Sierra Leone and Liberia think of the Court’s impact and legacy because that is the only thing we can count, and the only thing we can measure scientifically. We can say the Court has helped bring peace and that it has helped facilitate the peaceful transition of power during the last two elections here in Sierra Leone. From the gender perspective, we can also say it brought the first woman president in Africa and as we can see, at the Special Court itself, the Registrar, Prosecutor and President are all women. But we cannot measure that, those are things we can simply list. What we can count and what we can measure is what is arguably the most important thing, namely what the people of Sierra Leone and Liberia think the impact and legacy of the Court is.
It has been an honour for us to carry out this survey on the impact and legacy of the Special Court for Sierra Leone, together with our partners in Sierra Leone and Liberia, namely the Coalition for Justice and Accountability, the Liberia NGOs Network, Manifesto 99 and the Sierra Leone Institute for International Law. The purpose of the survey was to capture people’s understanding about the mandate and operations of the SCSL and establish its impact through its judicial proceedings, its legacy work and its outreach program. The survey covered a range of areas relating to the SCSL’s impact and legacy, including peace, justice, the rule of law, redress, national law and perceptions relating to the trials and their impact in both countries.

I will outline some of the findings in those key areas and some of the recommendations we have developed, based on those findings, for other international courts and tribunals. I say other courts and tribunals because the Special Court is getting ready to close its doors and transition to the residual mechanism, where it will no doubt continue to be a trail-blazer and set the standard for completion and how that should be done.

First, I would like to say a few words about the methodology of the survey. A representative sample of 2,841 people across Sierra Leone and Liberia were interviewed throughout June and July 2012, following the issuance of the sentencing judgment in the Taylor case. This number was calculated to give us, overall, a 95% confidence level and a margin of error of less than 2%. This means that when 72.49% of respondents overall say that justice to them means the establishment of truth, there is a 95% probability that between 70.49 and 74.49% of the overall population in Sierra Leone and Liberia would give the same answer.

The respondents represented diverse walks of life, sexes and age groups, with an emphasis on ensuring the inclusion of historically overlooked voices, including women, young people and persons with disabilities. The survey enumerators were selected and trained by our partners, with whom we developed the survey questionnaire and who also oversaw the work of the enumerators, to ensure the selection of respondents and the administration of the survey were done so that we
could extrapolate the findings as being representative of the populations of the two countries. Our partners did an incredible job in this respect under difficult circumstances, as did our survey enumerators, and we would like to extend special recognition and a special thanks to all of them. The questionnaires were then processed in a database that allowed us to do the quantitative and qualitative analysis of the answers and, together with our partners, outline the findings and develop the recommendations that you will find in the report.

Now to the findings. More than 90% of respondents overall have heard of the SCSL, with most of them first hearing about the Court around the time it was established, and nearly 50% have participated in outreach activities, including listening to its radio programs, at some point over the 10 years of the Court’s existence. While nearly everyone has heard of the Special Court, a much lower number of people indicated that they knew how to get information from the Court and fewer still had ever visited any of the Court’s offices. Furthermore, there was a widespread perception that the Court had not reached the rural areas as much as people would have liked. Nonetheless, the fact that nearly everyone in Sierra Leone and in Liberia has heard of the Court is a very impressive result, especially considering that 10 years ago, the Court was still an idea coming to fruition in an international justice landscape that was much more rudimentary than the landscape of today. Much of this success can be attributed to the work of the Outreach section and to the vision established during the early stages of the Court of it being an institution embedded in and responsive to the expectations and needs of the people of Sierra Leone and Liberia, a vision that has subsisted to this day. For this, special recognition is due to the first Registrar, the late Robin Vincent, the first Prosecutor, David Crane, and to Binta Mansaray, who made outreach what it is and who continues to safeguard this vision as Registrar, alongside the current prosecutor, Brenda Hollis.

Overall, the survey established that the SCSL has had a tremendous impact on the people of Sierra Leone and, to a lesser extent, the people of Liberia, partly because the SCSL is not based there and partly because outreach activities began later in
Liberia. The majority of people in Sierra Leone and Liberia said that the SCSL has been successful in achieving what it set out to achieve, which – according to them – is first and foremost to carry out prosecutions, as well as to bring justice, bring peace and establish the rule of law. Nearly everyone said that they believed the Special Court had brought the right people to justice and while 14% of respondents in Sierra Leone said that they did not think Fofana and Kondewa of the Civil Defence Forces should have been tried, because they were fighting for Sierra Leoneans and not against them, this is a much lower figure than we would have anticipated when the Court first began its work. Also, the vast majority of people in Sierra Leone and Liberia believe that the SCSL has made a positive contribution towards peace and the rule of law in their countries, while they also felt more could be done to improve national rule of law actors and institutions.

Knowledge about the trial of Charles Taylor was widespread across both countries and reactions to the judgment and sentencing in Liberia were understandably mixed. Many people in Liberia felt it was unfair for President Taylor to be tried before the SCSL, or that it was not right that he was tried only for crimes in Sierra Leone, as opposed to crimes allegedly committed in Liberia. Indeed, Liberians tend to see the SCSL as a Sierra Leonean court and the need for a ‘Special Court for Liberia’ was repeatedly highlighted.

Most people considered that it was important for the truth to be known, which they felt constituted part of justice, especially after the kinds of experiences they had gone through in their countries. Similarly, the majority of people indicated that they considered justice to constitute a form of redress, which is of great importance considering that around half of the respondents self-identified as victims of war crimes or crimes against humanity. Nonetheless, a disturbingly low number of people indicated they had received any other form of redress. While financial and material redress and reparations has been a consistent advocacy point for many NGOs and others over the past decade, and there has been some progress on this in recent years, this is an area that clearly requires more attention and commitment from the
governments and the international community, who the majority of respondents felt were responsible for these issues.

From these findings, together with our partners, we have developed the following recommendations.

First, Outreach is a condition for success for international courts and tribunals, both in engaging populations to acquire the cooperation and to ensure the impact and legacy of international courts and tribunals in the countries affected by crime. As such, outreach should be included in the formal mandate of international courts and tribunals, preferably in the founding Statute or in their rules, and should be funded through the Court’s regular budget. Funding outreach through separate or voluntary contributions means that outreach personnel spend valuable time and energy looking for funding instead of carrying out critical outreach functions.

Second, Outreach should start at the earliest possible opportunity, preferably whenever an interest in a particular country is indicated or work begins in a particular country, and should as far as possible extend to encompass the whole country, irrespective of where crimes were committed.

Third, International courts and tribunals should be located in the country where the crimes were committed, or should at least hold some proceedings in that country, in order to bridge the inevitable gap between the court and the victims and the populations affected by the crimes.

Fourth, Transitional justice mechanisms should be designed so that they can work together, with the roles of each and the relationship between the different mechanisms being clear.

Fifth, International courts and tribunals should start planning for legacy and completion from the moment they begin work and, preferably, have a well thought-out strategic plan for legacy and completion from before they enter a particular country to begin work.

Finally, Various actors, both from the country concerned and from the international community, need to be involved in the legacy work of international courts and
tribunals as early as possible, including the security and rule of law sectors, to maximise the potential legacy international courts and tribunals can leave and the contribution they can make to strengthening the rule of law.

Ladies and Gentlemen, this represents the main findings and recommendations from the survey of the impact and legacy of the Special Court for Sierra Leone, from the people whose lives have been most affected by the Court, namely the people of Sierra Leone and Liberia. Before concluding, I would like, on behalf of No Peace Without Justice and our partners, to thank the European Union for providing the funding to the Court for this work to be done. I would particularly like to thank the Special Court for Sierra Leone, for the cooperation they have shown as we have carried out this work, while always respecting our independence and that of our partners. I would underscore that this report reflects the views of No Peace Without Justice and our partners, not the Court or the EU, but we hope it is useful not least for current and former Court staff and officials to see how important their tireless work has been. I would also, again, like to thank the survey enumerators, who worked long and hard to bring us these results – and did it during the rainy season – and our partners. I cannot say enough how proud we are of having had the privilege to work with them, both on this survey and over the last more than twelve years, since we first started working with them on these issues in July 2000. I would like to thank all of you for being here. But above all, I would like to thank the 2,841 people throughout Sierra Leone and Liberia who gave us their time, their thoughts and their perceptions; the Court was really established for them and without them, none of this would have been possible.

Thank you.