1. Introduction

This report aims to provide an overview thus far of the activities of the No Peace Without Justice (NPWJ) Sierra Leone Mission and, from this, to draw some conclusions as to what remains to be done in Sierra Leone and the role, if any, No Peace Without Justice could undertake in that regard.

The report starts with background information concerning the NPWJ Judicial Assistance Program and the negotiations for the Special Court for Sierra Leone, to place the work of the NPWJ Sierra Leone Mission in context. It goes on to discuss the activities undertaken by NPWJ in Sierra Leone in more detail, breaking these activities into the broad areas of (1) The Judicial Assistance Program; (2) The Outreach Program; and (3) The Book Donation Program. The report concludes by highlighting the current state of play, including Government and civil society perceptions of NPWJ programs, and identifying existing and projected needs on that basis as well as those areas where NPWJ could play a useful role.

NPWJ has been actively involved with issues surrounding the establishment of the Special Court since June 2000. A team of legal advisers seconded by NPWJ, two in Freetown and one in New York, has continuously provided the Government of Sierra Leone with specialised legal advice concerning all aspects of the negotiations for the Special Court with the United Nations Office of Legal Affairs. This advice has enabled the Government to make fully informed choices regarding various issues and to have all the relevant information at their fingertips during negotiations, which has resulted in an Agreement and Statute for the Special Court with substantially more input from Sierra Leone than would have otherwise been possible. The NPWJ team, in cooperation with a local lawyer, has also been assisting the Government by drafting implementing legislation for the Special Court, which is expected to pass through Parliament soon after the Agreement is signed.

Since February 2001, NPWJ has also embarked on a public information and sensitisation campaign about the Special Court. The aim of this campaign is to ensure that the ultimate beneficiaries of the Special Court – i.e. the people of Sierra Leone – are properly informed about the nature and workings of the Court so as to increase its chances of success. The Outreach Program began with a conference on accountability mechanisms attended by over 100 people, which elicited recommendations for effective outreach methods and messages. On the basis of these recommendations, NPWJ has held an ongoing series of “Training the Trainers” seminars for local civil society organisations and others best placed to tell their communities about the Special Court, to ensure that those who will be educating the public are themselves properly informed. NPWJ has
also conducted a pilot informational seminar for ex-combatants undertaking the
demobilisation process at the Lunsar DDR Camp, carried out in part by trainers
identified during the Training the Trainers seminars.

Implementing the philosophy that local people are better placed to undertake
sensitisation of the public than foreigners, due to fewer language and cultural barriers,
NPWJ facilitated the establishment of a Special Court Working Group (SCWG), a group
of nearly forty Sierra Leonean NGOs, charged with developing methods and messages
for outreach. Following elections for a National Executive Committee, the SCWG has
become an established coalition of concerned organisations and continues to work
closely with NPWJ in implementing messages and methods about the Special Court
developed during the SCWG’s initial set-up period.

As a result of these activities, both the Government and NGOs and civil society in Sierra
Leone are better informed about legal and practical issues and implications concerning
the Special Court and international humanitarian law in general. The Government has
been able to participate fully and effectively in negotiating the text of the Statute and
Agreement as well as in follow up matters such as the financing of the Special Court.
Sierra Leonean NGOs and civil society have begun to lead (as well as attend) training
seminars and have commenced outreach efforts, which is illustrated by an increase in the
number and accuracy of local news stories on the Special Court. Overall, the activities of
NPWJ have contributed towards the establishment of a Special Court which has the
benefit of substantial input into its foundations by Sierra Leonians and also is
appreciated by an increasing number of Sierra Leonians.

In many ways, it could be concluded that the mission has been accomplished, but in
reality things still very much hang in the balance. This is illustrated by the continuing
requests for assistance and information NPWJ has received from the Government of
Sierra Leone, the local media, local NGOs and international entities, including NGOs,
the international media and others. The stage has been set for a successful and relevant
Special Court. The question that now arises is what level of involvement NPWJ should
have in ongoing and future activities regarding the Special Court, including to what
extent there is a need for NPWJ to create activities, particularly taking into account the
opportunities created by NPWJ’s work and effort thus far.

2. Background

2.a. NPWJ cooperation with Sierra Leone: the Judicial Assistance Program on the
ICC negotiations

NPWJ has provided technical cooperation and assistance to Sierra Leone on issues of
international humanitarian law since 1998. It was in that year that NPWJ organised a
Judicial Assistance Program to assist smaller delegations in participating in the working
groups at the Rome Diplomatic Conference for the Establishment of an International
Criminal Court. Twelve countries, including Sierra Leone, benefited from the expertise
provided by some 35 legal experts, including jurists, lawyers, university professors and
researchers, for the duration of the conference. The Judicial Assistance Program was
extended throughout the Preparatory Commission (PrepCom) sessions to finalise the
annexes to the Rome Statute for an International Criminal Court, with NPWJ continuing
to second legal advisers to smaller government delegations involved in the UN
negotiations. Among other delegations, NPWJ legal experts assisted the delegation of
Sierra Leone to participate actively in negotiations for the ICC in all PrepCom sessions
from 1999 to 2001.
The work of the legal advisers primarily involved taking part in formal and informal working-groups, drafting proposals and reports for delegations’ capitals and consulting with and advising delegations. The results of the Judicial Assistance Program, since its beginning in June 1998, have been extremely positive, as countries that would otherwise not have had the human and financial resources to express their concerns have become – through the support and expertise of international legal advisers – active in the work of the PrepComs.

2.b. Negotiations for the Establishment of the Special Court for Sierra Leone

In June 2000, Sierra Leone requested assistance from the United Nations in bringing to justice those who bear the greatest responsibility for crimes committed during the conflict in Sierra Leone. Since then, the United Nations has been in negotiations with the Sierra Leone Government to establish a Special Court for this purpose. As discussions commenced during the June 2000 PrepCom, NPWJ and legal experts assigned to the Sierra Leone Mission to the UN were directly involved in the initial stages of discussions to establish such a judicial body. As part of the Judicial Assistance Program, NPWJ legal experts extended the scope of their advice to the Sierra Leone Mission to the United Nations in New York to include advice on initial drafts of a Security Council resolution regarding the establishment of a Special Court.

On 14 August 2000, the UN Security Council adopted Resolution 1315 (2000) requesting the UN Secretary-General to conclude an agreement with the Government of Sierra Leone to establish a Special Court to prosecute those who bear the greatest responsibility for violations of international humanitarian law during the conflict. The Secretary-General reported on the negotiations between the Government of Sierra Leone and the United Nations in October 2000, which was followed by an exchange of letters in December 2000 and January 2001. For all intents and purposes, the text of the Statute and Agreement was finalised at this time.

Before the Agreement can be signed and the Special Court established, the United Nations Secretary-General has to secure the funds necessary for the establishment and operations of the Special Court. To facilitate this, a number of States have formed the “Group of Interested States”, which forms the focal point for negotiations concerning funding of the Special Court. This group is to establish the Management Committee for the Special Court, which will be tasked with supervision of the non-judicial activities of the Court once the Agreement is signed. The United Nations Secretariat has requested the Government of Sierra Leone to establish a “Task Force” to liaise with the Management Committee to act as the focal point for resolving management and organisational issues. The functions of such a task force remain to be settled and could include providing cooperation in investigations.

The potential the Special Court holds for Sierra Leone is so great that effective negotiation and participation by the Government and civil society is essential. Not only will the Special Court play a crucial role in returning peace to the country, it has the added potential of creating greater stability in a war-wrecked region. By prosecuting perpetrators of serious violations of international humanitarian law, it would restore a measure of justice to victims of the appalling crimes committed throughout the course of the conflict and signal an end to the impunity of those who have committed and continue to commit such crimes. This restoration of the rule of law within the country can only be beneficial throughout the entire region, with its potential to act as a spur to regional stability.
3. NPWJ’s Activities in Sierra Leone


In July 2000, responding to the request of Sierra Leone to provide specialised assistance, NPWJ decided to commit a total of 100,000 USD (obtained from the Open Society Institute) to assist Sierra Leone during the negotiations with the UN. A legal expert was seconded to the Sierra Leone Mission to the UN in New York to continue the work of assisting the Sierra Leone Ambassador to the UN. In August 2000, a further two legal experts were seconded to the office of the Attorney-General and Minister of Justice in Freetown, Sierra Leone. This ensured that the Government, with the advice of NPWJ-seconded personnel, was able to form a co-ordinated response, both in Freetown and in New York, and to convey that response in the best possible way at the best possible time.

3.a.1. Advice to Sierra Leone Government in Freetown

The work of NPWJ legal experts in the capital centred around advising the Attorney-General’s Office on critical issues arising from the proposed Special Court and issues of international criminal justice in general. The team provided the Government with detailed legal and policy analyses and recommendations on the draft Statute and draft Agreement for the Special Court produced by the UN Office of Legal Affairs. The team also provided detailed advice on a number of issues raised directly and indirectly by the drafts and the ongoing negotiations in New York through a series of written memoranda and meetings with the Attorney-General and his staff. By maintaining constant contact with New York, the NPWJ team ensured that the Attorney-General was kept informed of all ongoing developments during negotiations at the UN.

In addition, the team in Freetown met with various organisations and people working in areas closely related to the Special Court, including human rights and civil society groups, members of the legal profession and journalists throughout their stay in 2000. Discussions with these groups on broad issues concerning the Special Court enhanced the quality of advice, as it provided the team with additional information on conditions in Sierra Leone. Consequently, the NPWJ Mission in Sierra Leone enabled the Government of Sierra Leone to participate in an informed and effective manner throughout the negotiations with the UN, ensuring that its concerns are heard.

In February 2001, the NPWJ team returned to Freetown to continue its work with funding from the Open Society Institute and the Canadian Government. The NPWJ legal experts in Freetown continued to provide legal advice to the Attorney-General and Minister of Justice on legal and policy issues relating to the Special Court and international humanitarian and human rights law. The work of the legal advisers substantially mirrors the work undertaken in 2000 in order to assist the Government of Sierra Leone, whether in the Mission or the capital, in presenting a coordinated response and facilitating the Government’s ability to participate effectively during negotiations and preparatory work for the Special Court.

As the time for signature of the Agreement is approaching, the team in Freetown has been assisting the Office of the Attorney-General in drafting implementing legislation for the Special Court Agreement and Statute. This legislation is designed to allow the authorities in Sierra Leone to both recognise and cooperate with the Court, as well as provide for other related matters. To facilitate a thorough drafting process in light of all relevant Sierra Leonian law, NPWJ incorporated a local lawyer in its team specifically for the purpose of assisting the team with drafting the legislation. It is expected that this
legislation will pass through Parliament immediately upon the signing of the Agreement between the United Nations and the Government of Sierra Leone.

In addition, the NPWJ legal experts have been assisting the Attorney-General with various other tasks relating to international human rights and humanitarian law as requested. While the work pertaining to the Special Court takes priority, the Government of Sierra Leone has often taken advantage of the presence of NPWJ international law experts to provide information and analyses on matters within their areas of expertise. Among these tasks is a review of the Criminal Procedure Act, 1965 (Sierra Leone) in light of international standards of due process and other guarantees contained in the Sierra Leone Constitution of 1991.

3.a.2. Advice to Sierra Leone Mission to the United Nations in New York

The NPWJ legal expert seconded to the Sierra Leone Mission in New York advised the Mission on issues arising specifically in relation to the proposed Special Court as well as international criminal justice in general. Further, the NPWJ legal expert was able to assist the Mission during meetings on Security Council Resolution 1315 (2000), as well as discussions on the draft Statute and Agreement regarding the Special Court. They kept in constant contact with the team in Freetown, thereby ensuring that the Mission in New York was aware of ongoing developments in the capital and was able to convey the concerns of Sierra Leone accurately and in a timely manner.

The NPWJ legal expert returned to New York in 2001 to continue assisting the Sierra Leone Mission to the United Nations in negotiations about the Special Court. As the text of the draft Statute and Agreement has been substantially agreed between the Government of Sierra Leone and the United Nations, the focus in 2001 has been upon resolving practical questions and obtaining pledges for voluntary funding from member States of the United Nations. The NPWJ legal expert has represented Sierra Leone in negotiations with an expanded number of delegations, while continuing to maintain close contact with the team in Freetown, and thus keep the often delicate negotiations balanced and ensure that the concerns of Sierra Leone are not lost in the debate. The NPWJ legal expert has assisted the Mission with various other tasks relating to international human rights and humanitarian law from time to time as requested by the Mission.

In addition, the NPWJ New York office acquired the services of four interns to assist with preparation for the Lagoonda Conference, held in Freetown in February 2001, particularly in terms of compiling a list of relevant documents. One of these interns has continued working at the NWPJ on the compilation of a chronology of the conflict using open source materials, which will supplement the work being undertaken by NPWJ in Freetown (see below, 5.d. Other activities—Chronology of the conflict).

3.b. Outreach Program--2001

During the team’s stay in Freetown in 2000, NPWJ identified a need for public sensitisation and education, given that what was being reported concerning the Special Court in the local media was often wildly inaccurate. The NPWJ Sierra Leone Mission was therefore expanded in 2001 to include an Outreach Program, designed to facilitate public information and sensitisation on the Special Court. The work of the Outreach Program can be categorised into three main areas, presented chronologically:
1. The Lagoonda Conference on Mechanisms for Violations of International Humanitarian Law in Sierra Leone to discuss the accountability mechanisms intended for Sierra Leone, which was the official launch of the Outreach Program;

2. The Training of the Trainers seminars, which implemented a key recommendation made by Sierra Leone civil society at the Lagoonda Conference; and

3. The Special Court Working Group, a coalition of civil society NGOs established by NPWJ with a view to conducting public sensitisation and information about the Special Court across the country.

3.b.1. The Lagoonda Conference

The Outreach Program commenced with “The Freetown Conference on Accountability Mechanisms for Violations of International Humanitarian Law in Sierra Leone”, held in the Lagoonda Complex on 20 to 22 February 2001. The conference aimed to provide a vehicle for the exploration of mechanisms designed to provide accountability for atrocities committed in Sierra Leone during the course of the conflict, focussing on the two mechanisms envisaged for Sierra Leone (the Special Court and the Truth and Reconciliation Commission) and the interaction between those institutions. An additional intention was to explore how traditional or customary justice could be incorporated into or operate alongside those mechanisms.

The conference was attended by over 100 national and international personnel active in the fields of law, human rights and civil society. The working groups, comprised of between 15 and 22 people plus a foreign expert, met a number of times to discuss various aspects of accountability mechanisms. Following the opening ceremony and first plenary, the conference broke into five separate working groups to discuss various issues common to all accountability mechanisms, including international tribunals, truth and reconciliation commissions and national courts. These sessions were intended to get to the heart of the problems facing accountability mechanisms in Sierra Leone and devise concrete solutions for those problems, drawing from solutions adopted for other accountability mechanisms. Each working group was thus assigned one or more experts with theoretical and practical experience in accountability mechanisms in other post-conflict situations to guide the working groups by highlighting the various issues involved and discussing proposed solutions, whether they had ultimately been adopted or abandoned, from other situations. As anticipated, this created a productive and interactive setting to facilitate the adoption of recommendations by participants.

Plenary discussions were held on the basis of reports from the working groups, during which time dissenting opinions were voiced and incorporated into the record. The conference adopted the recommendations of the working groups by consensus during the final plenary session. These recommendations included the holding of training workshops on the Special Court as well as the establishment of a coalition of interested Sierra Leonean NGOs to conduct the bulk of public sensitisation and information-sharing about the Special Court. This concrete set of recommendations formed the basis for much of the outreach work undertaken by NPWJ in the following months, commencing with Training the Trainers seminars, as it was evident that despite a high level of interest and some general knowledge on issues of criminal justice, knowledge about the specifics of the Special Court lagged far behind knowledge about the Truth and Reconciliation Commission.

During the closing ceremony, speakers stressed that the most repeated message to come out of the deliberations was the need for ownership of the various accountability mechanisms by the people of Sierra Leone. It was agreed that one way of achieving this
sense of ownership was to implement an effective outreach program, in order to inform the public about the nature and workings of the Truth and Reconciliation Commission and the Special Court. It was repeatedly stressed, both during the conference as well as by the closing speakers, that this must occur not only in Freetown but also in the provinces, where special efforts must be made in this regard.

A Conference Report was produced soon after the conference concluded (see Appendix 2). This report was widely distributed in Freetown and abroad, with particular attention being paid to key decision-makers in the United Nations and elsewhere. The report has been received with great interest within and outside Sierra Leone; for example, Justice Richard Goldstone will be using the report in his upcoming class at NYU on accountability mechanisms.

3.b.2. Training the Trainers Seminars

The purpose of the “Training the Trainers” seminars is to present a detailed overview of the provisions of the draft Statute and Agreement for the Special Court, including a brief introduction to the purposes and principles of international humanitarian and criminal law and various practical issues surrounding the Special Court. The seminars are intended to implement one of the recommendations of the Lagoonda Conference, from which the singular message to emerge was the need for ownership of all accountability mechanisms for and in Sierra Leone by the people of Sierra Leone. One aspect of this is that public sensitisation and education about accountability mechanisms should be undertaken by Sierra Leoneans, in order both to enhance that ownership and ensure the information is presented in the best possible way taking into account linguistic and cultural needs. The intention was to hold a number of identical workshops over a period of days, limiting the participation within each session to ensure the maximum opportunity for discussion by participants. An additional motive for the training seminars conducted in March was to identify those members of Sierra Leone civil society who were interested in establishing a “Special Court Working Group”, which would be mandated with carrying out the public sensitisation and information campaign about the Special Court.

NPWJ has held a total of sixteen four-hour seminars from March to June 2001, attracting a total of 313 participants, with average attendance at each seminar ranging between 15 and 20 people. Within those sessions, NPWJ held a series of ten four-hour seminars over a period of five days, with two seminars per day, from 21 to 29 March 2001 at the GGEMS Offices in Freetown and a total of six four-hour seminars in June 2001. The March sessions attracted a total of 207 participants from a diverse range of organisations and institutions, including human rights and civil society organisations, journalists and other interested individuals. The June sessions attracted a total of 106 participants from as diverse a group as the March sessions.

Within this training schedule, NPWJ has conducted “special sessions” for specific target groups, such as the staff and Commissioners of the NCDDR, CCP and NCDHR, senior journalists and editors, ex-combatants’ representatives, as well as a group of Paramount Chiefs currently residing in Freetown, given their position of importance and respect within Sierra Leonean society. One slightly different session, in that it drew on the

1 See Appendix 3 for the report from the “Training the Trainers” seminars conducted in March, which includes the content of the seminars themselves as well as typical questions raised by participants during the sessions.

2 National Commission for Disarmament, Demobilisation and Reintegration; Commission for the Consolidation of Peace; and the National Commission for Democracy and Human Rights.
individual experience of NPWJ staff in documenting violations of humanitarian law in Kosovo, was held for the Campaign for Good Governance (CGG) monitors. The CGG monitors conduct human rights monitoring across the country on behalf of CGG, one of the most well-established and best respected civil society organisations in Sierra Leone. NPWJ undertook this training at the request of CGG, in order to familiarise their monitors with the workings of the Special Court and to discuss the types of evidence that would be useful before the Special Court. NPWJ will be taking these training seminars into the provinces in July, in order to implement the recommendation of the Lagoonda Conference to ensure sensitisation efforts are not limited to Freetown.

All sessions have been well attended and stimulated thought-provoking discussions concerning not only the material presented but also issues such as the timing of the Special Court, its aims and potential, its place within the peace process and its relationship to other methods of accountability, including the Truth and Reconciliation Commission and traditional forms of justice.

3.b.3. Sensitisation at DDR Camps

Following discussions with NPWJ about the outreach program and the Special Court, the National Commission for Disarmament, Demobilisation and Reintegration (NCDDR) requested that NPWJ run sensitisation seminars on the Special Court in Demobilisation Centres around the country. Sierra Leone ex-combatants who join the DDR program undergo a “pre-discharge orientation program” in Demobilisation Centres. During their orientation program, ex-combatants receive basic training to assist their return to civilian life and reintegration within their communities. The orientation curriculum includes, among other things, a military reintegration program, civic education and “DDR education”. After discharge from the Demobilisation Centres, ex-combatants receive vocational training (such as carpentry, metal work, mechanics, building) followed by an apprenticeship program and assistance in job placement. Given the pertinence of the Special Court to this particular target sector (identified as such during the Lagoonda Conference and the inaugural SCWG meeting) and to ensure that it does not threaten the disarmament process, it is vital that as many ex-combatants as possible are familiar with the exact nature of the Special Court and the reasons behind its establishment.

On 2 July 2001, the Outreach team, together with three members of Sierra Leonean civil society organisations, travelled to the DDR camp at Lunsar to conduct a training seminar on the Special Court. The aim of the trip was not only to provide information about the Special Court to the ex-combatants in the camp as part of the DDR process, it was also to act as a pilot for planned trips into the provinces throughout July and as a training session for the three Sierra Leonean members of the delegation. These three people were identified both during the training seminars held in Freetown and in Special Court Working Group meetings as possible trainers themselves, who could continue the sensitisation program into the provinces.

While the NCDDR had requested NPWJ to undertake this training, in concert with general human rights training by the Human Rights Section of UNAMSIL, some concerns expressed by the ex-combatants about the content of both of these seminars has resulted in the NCDDR temporarily suspending all human rights and related training within the DDR program, both training carried out by UNAMSIL as well as that conducted by NPWJ. NPWJ regrets this decision, as it appeared to NPWJ staff that the group of ex-combatants to whom the training seminar had been given were both receptive and interested in the Special Court. NPWJ remains in close contact with the
staff of the NCDDR so that when the decision is taken to allow training to recommence, NPWJ will be ready to continue with the sensitisation effort at the DDR camps.

3.b.4. Special Court Working Group

Following another key recommendation to emerge from the Lagoonda Conference, NPWJ facilitated the establishment of a coalition of a number of Sierra Leone civil society organisations who were interested in and could play a crucial role in outreach and sensitisation. NPWJ organised a number of meetings of this coalition of interested organisations, under the name of the Special Court Working Group (SCWG), who discussed the types of messages concerning the Special Court that would need to be directed to specific groups within Sierra Leone, together with the modalities through which the sensitisation programme would be implemented. The establishment of such a coalition had been recommended by the Lagoonda Conference so that information being disseminated about the Special Court by various groups within Sierra Leone would be uniform and consistent. Thus NPWJ assisted in the establishment of the SCWG both as a means to build local capacity to conduct a full scale outreach program in the event that NPWJ leaves Sierra Leone as well as to ensure the existence of a local organisation that fulfils the requirements outlined during the Lagoonda conference with whom NPWJ could conduct outreach activities.

The first meeting of the SCWG was held on 7 April 2001 with a total of 19 members of Sierra Leonean NGOs and the staff of NPWJ acting as the Secretariat. SCWG meetings have been held once every two weeks and the number of participants in working group meetings has grown to a total of 39 members (see Appendix 1 for a full list of member-organisations of the SCWG). At its inaugural meeting, the SCWG, following the recommendations from the Lagoonda Conference, formed five Sub Groups to devise methods and messages for different target groups, namely children; ex-combatants; the media; civilians and civil society organisations; and security forces. Each Sub Group, comprised of between 5 and 10 members plus at least one NPWJ staff member attending as the representative of the Secretariat, met in-between SCWG meetings to consider how best to reach their target group and how to formulate the messages in a way most easily understood by that particular target group. The Sub Groups reported back to plenary meetings of the SCWG to inform members of their work and present methods and messages for adoption. The process was ongoing throughout April to June and resulted in the adoption of a concrete set of messages which are geared towards each of the target groups in question, including some more generalised informational leaflets developed under the leadership of NPWJ, for distribution within and outside Freetown. Responding to the issue of how the activities of the SCWG will be funded, the SCWG formed a sixth Sub Group on funding. This Sub Group was mandated to explore potential sources of funding and devise a budget for the various activities submitted by each of the Sub Groups and adopted by the SCWG as a whole.

During discussions concerning future work for the SCWG, there was general consensus that in order to ensure there was a stable base from which to conduct future outreach work, there needed to be an elected Executive. Pursuant to this, on 2 June 2001, the SCWG held elections for the Steering Committee, which was mandated to look into a number of issues pertaining to the proposed Executive, specifically its mandate, composition, constitution and the rules governing its election. The Steering Committee, comprised of 6 members, presented an interim report on 16 June 2001 and negotiated the terms of the MOU with NPWJ before presenting the final documents – the Constitution, electoral rules and the MOU – to the SCWG for adoption on 30 June 2001, a meeting attended by 33 members of the SCWG. After intensive discussion and debate,
with amendments to some provisions being put to the vote, the SCWG adopted all three documents by consensus. Thus on 30 June 2001, the Special Court Working Group-Sierra Leone (SCWG-SL) was established as an independent legal entity. As from that time, NPWJ ceased to act as the Secretariat and instead took on the role of Election Monitors, to oversee and monitor all aspects of the elections held on 7 July 2001. Following elections of the National Executive Committee, NPWJ continues to support the work and activities of the Working Group, both through the provision of any necessary assistance as well as by building on the cooperative relationship already established to undertake further sensitisation activities.


In addition to the work of the Judicial Assistance and Outreach Programs, NPWJ has been conducting a Book Donation Program. The aim of this program is to solicit donations of legal texts from universities, law book publishers and individuals for shipment to Sierra Leone. The beneficiaries of this program are intended to be the Human Rights Clinic at the Fourah Bay College, the Sierra Leone Bar Association and local human rights organisations. NPWJ has been soliciting donations through its networks and, where the donors are unable to ship the books, arranging for their shipment to Freetown.

The legal profession has not escaped unscathed from the conflict that has raged within Sierra Leone for the past decade. Not only have university and other libraries lacked the resources to purchase up to date legal materials, there has been a lot of destruction, including a fire in the main Sierra Leone Court building in Freetown, that destroyed much of the archival material. The result is a legal profession lacking one of the basic necessities for its work: legal materials, which are the building blocks for a strong legal profession. In no area is the lack of legal materials more apparent than in international law, especially international humanitarian and human rights law.

Given this and the extensive network of legal professionals that NPWJ has built up over the years, NPWJ has been soliciting donations of legal materials for distribution within Sierra Leone to libraries, universities and human rights organisations. The Program so far has been a success, with materials and cash contributions being donated by a range of people and institutions, including author and barrister Geoffrey Robertson QC, the Canada Law Book Company, Penguin Books, Colombia University in New York and the World Health Organisation.

The program has, in some ways, been a victim of that success. While most donors have either shipped the books to Freetown or shipped small numbers of books to the NPWJ offices in New York, which have then been carried to Freetown by NPWJ personnel, there are currently 70 boxes of books weighing up to 30 kg each donated by Colombia University in the NPWJ offices in New York. NPWJ staff in Freetown and New York are trying to find a reasonable solution to shipping this large amount of books – in weight and volume – to Freetown as well as working on solutions of where to house the books once they arrive (see below, 5. The way forward).

5. The way forward

If States continue to respond to the appeal for funds for the Special Court as they have done recently, the Agreement between the Government of Sierra Leone and the United Nations should be signed within the next couple of months.
Once the Agreement is signed, several things will happen: the implementing legislation will pass through Parliament; a Prosecutor and investigators will be appointed and deployed to Sierra Leone to begin investigations; a location for a court house, offices and detention facilities will be identified and those structures will either be renovated or built from scratch; the Judges will be appointed and will draft the Rules for the Special Court (based on the Rules for the ICTR); and other administrative and technical details will need to be finalised in order to enable the Special Court to function effectively and efficiently.

5.a. Judicial Assistance Program

While the major tasks for the Judicial Assistance Program have almost been achieved – namely the successful conclusion of the Agreement and Statute for the Special Court and the drafting of implementing legislation – there are many tasks which remain, most of which have been expressly requested by the Government. Further, the successful completion of the major tasks has set the stage for undertaking new tasks, both in terms of the impending establishment of the Special Court as well as the relationship of trust established with both the Mission and the Attorney-General’s Office.

Since 2000, the Government of Sierra Leone has consistently expressed its appreciation for the work of NPWJ. Indeed, the Deputy Permanent Representative of the Sierra Leone Mission to the United Nations has requested that NPWJ second an additional two legal experts to assist in the work of the Mission in New York and Geneva, where Sierra Leone has recently been elected to the Human Rights Commission. In addition, the Attorney-General has expressed his desire for the NPWJ legal experts to continue working in his office in Freetown, taking on additional and more autonomous responsibilities in relation to the Special Court.

The most pressing task for the Government to consider over the coming months is the formation of a “task force” to deal with all the various aspects of implementation of the Agreement and Statute in Sierra Leone. The Attorney-General has expressed an interest in delegating the tasks of this body to the NPWJ legal experts, both to ensure that the work is done effectively as well as to remove any potential perceptions that the Government is interfering in the establishment of the Special Court to the detriment of its independence.

In addition, as noted, there are various other tasks the Government and the Mission have requested NPWJ legal experts to undertake on their behalf. Significant among these is the implementing legislation for the International Criminal Court, a task that NPWJ legal experts are well placed to undertake, particularly in light of the experience gained during the drafting of implementing legislation for the Special Court. It may therefore be useful to capitalise on the relationships built with the Government of Sierra Leone to undertake those tasks in order to assist in upgrading the legal system in Sierra Leone, thereby strengthening the rule of law and increasing the chances of the Special Court having a positive impact in Sierra Leone.

While the legal assistance which has been provided to the Government in New York and Freetown has proved useful, questions must be raised as to the long-term capacity building possibilities in respect of any continuing program. Continued assistance in the same manner that has been provided thus far has the not insignificant drawback of encouraging reliance on foreign assistance to the exclusion of any motivation for development of local skills and knowledge in the area of international humanitarian law. This is exacerbated by the inability of the Government to match salaries which can be earned in the private sector even within Sierra Leone. It is questionable whether it would
be beneficial to continue this program in the absence of some form of capacity building, through the recruitment of lawyers with an interest in international law who would be willing to begin a career in Government service through secondment by NPWJ at local salary levels. This is particularly so in light of the possibility of elections being held in the not too distant future and the likelihood of the appointment of a new Attorney-General and Minister of Justice.

5.b. Outreach Program

With the establishment of the Special Court quickly approaching, there is a continuing need to ensure that there is a consistent source of reliable and accurate information about the Special Court, as public interest in the Court will continue to grow. NPWJ could fulfil an important role over the coming months by continuing to fill the role of information provider while the Special Court Working Group is finding its feet as an independent body.

The Outreach Program was launched on the assessment of the NPWJ legal experts based in Freetown in 2000 that local knowledge about the Special Court, particularly as evidenced by the media, was either riddled with misconceptions about the Court or was simply absent. Since the establishment of the Outreach Program, there has been an increase in the number of stories in the local newspapers and on the radios about the Special Court, many of which have proved accurate, particularly in recent weeks. Through contact with local civil society and human rights organisations in the Special Court Working Group and training seminars, NPWJ has seen a noticeable increase in appreciation and knowledge about the various aspects of the Special Court. In addition it should be noted that, generally, No Peace Without Justice has become the focal point for local and international organisations to seek information about the Special Court.

Despite these encouraging results, it is apparent from both the media stories and contact with local organisations that there still remains a lot to be done in sensitising these groups and the public about the Special Court. Fears still abound about the timing of the Court, with many believing the Special Court could harm the disarmament process (see for example the reaction of the NCDDR). There are also many misconceptions still held about the focus of the Prosecutor, the inability of the Court to impose the death penalty, the position of juvenile offenders and many other issues. While the members of the Special Court Working Group, the coalition of local organisations, have a good grasp of the foundations of the Special Court, they still need to develop knowledge of the intricacies of the Statute and the Agreement, as well as various relevant aspects of international humanitarian law. This will be necessary to enable them to conduct training seminars and answer accurately the wide variety of questions they are likely to be asked.

In short, much of the attention of the outreach program thus far has concentrated on raising minimum levels of knowledge about the Special Court and institution building: More effort is needed in terms of capacity building of local personnel to undertake outreach efforts on their own.

Despite the ability of some SCWG members to conduct training seminars themselves, questions must be raised about the adequacy and appropriateness of the group’s composition as a whole. There are no lawyers directly involved in the sensitisation work, which is a serious drawback given the legal and technical nature of the subject matter, and attempts to involve journalists and key players within one of Sierra Leone’s most influential organisations, the National Forum for Human Rights, have thus far met with little success. Other influential organisations, such as the Network Movement for Justice and Democracy, have to date only played a peripheral role.

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The successes of the Outreach Program have so far been limited to Freetown: the volume of work to be undertaken in the capital has delayed plans to begin sensitisation in the provinces, particularly the training of the trainers seminars. Additional time would give NPWJ the ability to implement a systematic series of workshops and other sensitisation programs in the provinces, including continuing sensitisation in the DDR camps when this possibility re-emerges, while at the same time ensuring that there is local capacity to conduct training workshops over a wider geographical area and in local languages. It appears that disarmament and demobilisation are continuing at a steady enough rate to make this a plausible strategy. Furthermore, sensitisation in the provinces is necessary to ensure knowledge about the Special Court is not limited to a select few in Freetown. Security would be a factor in whether focusing outreach activities in the provinces is desirable or possible, although this appears to be improving on an almost daily basis.

While the outreach program both has the ability and is intended to engender support for the Special Court by ensuring the court is properly understood, its ability to operate is dependent in part upon prevailing attitudes towards the Special Court. This is illustrated with respect to sensitisation in the DDR camps, where suspension of support for training on the Special Court by the NCDDR has meant that NPWJ is unable to conduct training at the DDR camps, which is otherwise an ideal opportunity to sensitise ex-combatants. In light of the importance of ex-combatants as a target group and the fact that NPWJ has lost the chance to sensitise those who have passed through the DDR process while training was and is not being conducted, NPWJ should give thought to holding training sessions with ex-combatants outside the purview of the DDR camps. To that end, NPWJ could facilitate contact with ex-combatants organisations and representatives of various military groups involved in the DDR process, providing security considerations are positive.

One potential difficulty with conducting an outreach program is the seeming rivalry between those segments of civil society which support the Truth and Reconciliation Commission and those which support the Special Court. It is unclear what the source of this hostility is, although a likely possibility is the question of the availability of funding of local organisations focussing on one institution or another. Although NPWJ has attempted to bridge the gap between the two camps, more efforts are needed in this area if sensitisation efforts for both institutions are not to be undermined and if NPWJ is to be able to concentrate on actual outreach rather than damage control.

Another factor with considerable bearing on the viability of continuing outreach programs, especially in the provinces, is the high cost of these programs, particularly in terms of production of sensitisation materials and payment of travel reimbursements for participants, a regrettable but seemingly entrenched aspect of Sierra Leone society. While the SCWG has developed a number of useful sensitisation methods, they have yet to demonstrate their ability to secure funding for these methods and seem content to rely on cooperation with NPWJ to finance outreach programs, at least in the short term. For example, NPWJ is producing a newsletter to be distributed on 17 July 2001 commemorating the third anniversary of the adoption of the Rome Statute, which is intended to raise public awareness and place the Special Court in the broader international context of accountability mechanisms. The regular publication of such a newsletter would be a valuable outreach tool both in the months leading up to the establishment of the Special Court as well as to inform the public of proceedings before the Special Court. In order for this to be published on a regular basis, funds would need to be found not only for production and distribution costs, but possibly also for
registration as a media proprietor and other incidental costs, in order to comply with Sierra Leone law.

5.c. Book Donation Program

As noted, the Book Donation Program has in many ways been a victim of its own success, with approximately 2,100 kg of books waiting to be shipped from New York to Freetown. NPWJ staff are exploring various options for shipment with other organisations or through the United Nations or Embassies. To date none of these options have proved possible, therefore thought is being given to shipment by sea, as the most financially feasible option. The largest drawback to this is the time it would take for a shipment to arrive by sea from New York, but it may prove to be the only viable option.

In addition, there is the question of what to do with the books and materials once they arrive. When the Book Donation Program was launched, NPWJ had anticipated a less enthusiastic response, in which case the materials could easily have been absorbed into existing universities, libraries or reading rooms of various organisations. However, with the volume of books waiting to be shipped, NPWJ has been giving thought to the establishment of a “No Peace Without Justice Reading Room”, in order to provide both a house for the books and wider access to these materials. This would involve identifying a suitable location, some form of cataloguing system, the hiring of a staff member to supervise the collection and other contingencies.

Very recently, NPWJ has been informed that the National Forum for Human Rights, an umbrella organisation of most local human rights organisations, may be moving location and space will be set aside for a reading room within the new premises. While NPWJ staff in Freetown need to consider this information in more depth, this could be one possible solution to the question of where to house the collection once it gets to Freetown. If this option does not come to pass, more thought will have to be given to finding an alternative solution as well as the level of involvement NPWJ wishes to invest in this activity.

5.d. Other activities—Chronology of the conflict

NPWJ has hired the services of members of a local human rights organisation to compose a chronology of the conflict in Sierra Leone since 1991. The aim of this activity is to compile a map of the conflict such that it is possible to analyse the conflict from the point of view of the chain of command and order of battle. The methodology is not to approach individual witnesses per se, but rather to cull material from open sources available in Freetown (such as the local newspapers) and interview people in positions of knowledge. In putting together this information, the team will be compiling the information in table form which will outline events as they occurred according to district, date and so on, which will be entered into an Microsoft Excel file by an intern from the Fourah Bay College Human Rights clinic for easy accessibility and searching.

The team has been working on this activity since the last week of June and is finding some difficulties in overcoming reluctance of interviewees to discuss various things that happened during the conflict. It is the belief of NPWJ that this is due in part to the difficulty of obtaining people’s trust when discussing these matters as well as suspicion in some quarters regarding the Special Court. With perseverance, it is likely that the team of seasoned human rights activists will overcome these barriers. The main drawback with this activity is that the initial reluctance of people to discuss the conflict with the team has meant that the team appears so far to be slightly behind schedule, thereby
pushing the anticipated completion time of the activity to after the time NPWJ’s current funding is likely to run out.

6. Conclusions
The NPWJ Sierra Leone Mission team has invested a lot of time and effort in the judicial assistance program in New York and in Freetown and in the outreach activities in Freetown. As a result of this, many of the key players in various governments (both the Sierra Leone Government and Missions to the United Nations) and civil society organisations as well as the media have come to identify NPWJ as the best source for information about the Special Court and for candid opinions and assessments of Special Court-related matters. This, coupled with the need for there to be a reliable source for accurate information about the Special Court, is a compelling reason for NPWJ to continue its activities in respect of Sierra Leone.

While the tasks NPWJ initially set out to achieve can be considered as discrete ends in themselves, in many ways the current situation represents a new beginning: the Special Court will be established in the coming months and the Special Court Working Group is at the point where it can begin to conduct sensitisation programs, subject to the caveats mentioned above. The processes put in motion by NPWJ’s activities are at the stage where they can begin to have an impact on establishing accountability for the atrocities committed in Sierra Leone and in guiding public opinion to support these accountability mechanisms. It is unclear what impact abandoning these processes just as they are taking off would have.

The NPWJ Sierra Leone Mission, as well as key-players in the field, believe that the direction set so far has the potential to create an accountability mechanism for Sierra Leone which will have a lasting impact on the country and the region. However, it is by no means certain that the foundations of either the Special Court itself or a public sensitisation program are strong enough to enable them to continue unaided in this direction. NPWJ is uniquely placed to ensure that the conceptual bases laid out thus far are adhered to in the future as the Special Court is established and public sensitisation is conducted through the country, not just on what the Special Court is intended to do but also on what it is actually doing.

The main drawbacks with NPWJ continuing its activities in Sierra Leone relate to the cost of these activities, particularly when coupled with the lack of success so far in engaging the interest of some key players in Sierra Leonean civil and legal society. An additional concern lies in the capacity building aspect of the judicial assistance program and whether there is sufficient interest from capable lawyers to enable NPWJ to identify a local lawyer who would be willing to work full time on these issues. This concern is being faced by another international NGO working on legal issues, primarily pertaining to the Truth and Reconciliation Commission, which is having difficulties finding eligible candidates for a similar position.3

Nevertheless, given all of these considerations, the potential drawbacks of continuing with NPWJ activities in Sierra Leone are outweighed by the benefits which would accrue, initially to the Government and civil society, but ultimately to the Special Court.

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3 This concern could be overcome by identifying a recent law graduate to undertake their pupilage in Government Service, thereby ensuring this person’s presence for at least 18 months, the legally required length of pupilage in Government Service. NPWJ could also give thought to providing the secondee with computer facilities and arranging for their attendance at sessions of the PrepComs in New York and Human Rights Commission in Geneva. In this regard it should be noted that the average wage for a lawyer in Government Service for 18 months is USD 2,700.
### 7. Brief financial report

**Option 1**

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Cost thus far          **178,175**
Date of reaching 100%  **06-Nov-01**

**Option 2**

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Cost thus far          **178,175**
Date of reaching 100%  **25-Aug-01**
Appendix 1 — Members of the Special Court Working Group as at 30 June 2001

1. Amnesty International
2. Association for Sustainable Community Development (ASCOD)
3. Bambra Town Youth Development Organisation (BTYDO)
4. Campaign for Good Governance (CGG)
5. CASOPA-SL
6. Centre for Coordination for Youth Activities (CCYA)
7. Centre for Democracy and Human Rights
8. Child Right Violation Monitoring Network/CCSL
9. Childrens Welfare and Community Development Programme (CWADEP)
10. Christian Extension Services (CES)
11. CMEMO
12. Current Evangelism Ministries (CEM)
13. DADA-SL
14. Defence for Children International (DCI-SL)
15. Democrat Press
16. Feethless International
17. Global Outreach Mission (GOM)
18. GOAL-Ireland
19. Grassroots Awareness Organisation
20. Grassroots Empowerment for Self Reliance (GEMS)
21. Independent Youth Forum (IYF)
22. IRCOD
23. Kogotown Community Development Program (KCDP)
24. Makeni Union of Youth Groups
25. Manifesto 99
26. Movement for the Restoration of Democracy (MRD)
27. National Forum for Reconciliation (NFFR)
28. National Youth Council (NYC)
29. Network Movement for Justice & Development (NMJD)
30. PAMARDA
31. People United to Save Humanity (PUSH)
32. PUSH (Lungi & Port Loko Office)
33. Restoration Assembly
34. Save Heritage & Rehabilitate the Environment (SHARE)
35. Sierra Leone Ex-Combatants Reintegration & Development Organisation (SLERDO)
36. SLADEA
37. Sierra Leone Teachers Union—Western Region (SLTU)
38. Social Awareness and Development Movement (SAM)
39. World Conference on Religion & Peace (WCRP)

Appendix 3—Report from the Training the Trainers Seminars, March 2001