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SIERRA LEONE MISSION

Narrative Status Report 2002

1. Introduction

This report constitutes an overview of the status of the NPWJ Sierra Leone Project as at December 2002, incorporating all of the activities undertaken by NPWJ in Sierra Leone since September 2002.

The Agreement for the Special Court was signed in Freetown on 16 January 2002, when the Planning Mission for the Special Court took place in Sierra Leone, looking at the practical arrangements for the establishment and operation of the Special Court.

With the passage of implementing and ratification legislation in March 2002, the Special Court’s independent legal personality was recognised in Sierra Leone. The implementing legislation also provides the framework within which Sierra Leone authorities can fulfil requests and comply with orders of the Special Court.

In July and August 2002, the Registrar, the Prosecutor and various other Special Court staff began preliminary work in Freetown, including recruitment of Sierra Leonean staff. Additional foreign staff arrived throughout the remainder of 2002, working from temporary premises provided by the Government of Sierra Leone until the construction of pre-fabricated offices on the Court’s New England site. As of December 2002, the work of the Court had commenced in earnest, including the investigations undertaken by the Office of the Prosecutor.

The Judges of the Special Court, appointed in 2002, were sworn in at the Court’s temporary premises in Sierra Leone in December 2002, at which time they also undertook a familiarisation visit, which included meeting with the legal profession and civil society.

2. Implementation of the Project

As at the end of 2002, all aspects of the project had commenced substantive work, namely the JAP, outreach, capacity building of the legal profession and mapping of the conflict. The foreign staff working on each of these aspects have all arrived in Freetown and taken up their work with enthusiasm and dedication. In addition, local staff have been recruited for the outreach, conflict mapping and library programs.

All staff members participated in a strategy session just outside of Freetown in a quiet location in December 2002, following the familiarisation visit of the judges. The
purpose of this session was to outline and discuss our plans for the coming months in relation to each aspect of the project. This strategy session was particularly useful, as it gave us a good opportunity to reflect on our activities over the previous months, enhance the team-building process and exchange information and ideas in a more relaxed setting. It is likely that we will have another such strategy session in a few months’ time to review where we stand, the progress we have made vis-à-vis the strategic plans developed during that strategy session and undertake more planning for the future.

Our complement of staff at the end of 2002 is as follows:

**JAP:** Pascal Turlan has been seconded as legal adviser to the Office of the Attorney-General and Ministry of Justice in Freetown. Pascal comes to us from the French Ministry of Justice, where he was working on cooperation laws for the ICC, and has worked with NPWJ as a legal adviser seconded to the delegation of Burundi during the PrepComs.

**Outreach:** Tom Longley, a British law graduate, is heading the outreach program. Tom has spent considerable time in Kosovo, working first on the humanitarian law documentation project and then as a legal officer for UNMIK. Working with Tom is Mrs Isha Wright, who comes to us from the Campaign for Good Governance (CGG), one of Sierra Leone’s leading civil society organisations, where she worked as a human rights officer.

**Legal profession:** John Stompor, a lawyer from New York who has worked with NPWJ as a legal adviser to the Attorney-General of Sierra Leone in 2001, is heading the capacity building of the legal profession aspect of the project. John has also worked in Kosovo on the humanitarian law documentation project and brings with him a wealth of experience in legal matters in general, in particular in international humanitarian law. Working with John in the library is Mrs Avril Rowe, a fully-qualified librarian who comes to us from the Institute of Public Administration and Management (IPAM).

**Conflict mapping:** Andrew Swindells, an Australian barrister specialising in criminal law, is heading the conflict mapping program. Andrew has also served as a Federal policeman, with two years at detective rank, and in the army. Working with Andrew is Kizito Bangura, who comes to us from CGG. As part of his work as a human rights monitor for CGG, Kizito has undertaken documentation work on violations of human rights during the conflict for the Truth and Reconciliation Commission.

In addition to these staff members, we have our drivers and support staff, who all take an active interest in the issues we are working on and have been seen from time to time holding impromptu training sessions with a variety of people in the neighbourhood and elsewhere. Recruitment of local staff is still underway for the JAP, for which we hope to hire a legal practitioner in the near future.

### 2.1 **JAP**

The provision of legal advice on human rights and humanitarian law to the Office of the Attorney-General and Minister of Justice is intended to address the consequences of the conflict.
in Sierra Leone by increasing governmental awareness of and commitment to accountability mechanisms, which is vital for the successful operations of these mechanisms. Increasing the awareness of the Government and Parliamentarians of the benefits of international human rights and humanitarian law will increase the likelihood of legislation passing through Parliament, which in turn will strengthen the rule of law by providing legal mechanisms by which to seek redress for its violation. As legal advisers are seconded to the Ministry of Justice and the Sierra Leone Mission to the United Nations in New York, we are able to provide day-to-day advice on a range of issues that arise in the area of international law and assist both the Ministry and the Mission to formulate a quick and coordinated response to issues that arise in relation to the Special Court.

The Attorney-General has sought our advice on a range of issues, including matters relating to the International Criminal Court. Given that there is no person within the Ministry of Justice who has expertise on the International Criminal Court, our presence has come at a crucial time as the Government was under pressure to enter into bilateral agreements which would have limited their compliance with the ICC Statute. Our advice, which has been well received, will enable the Government to consider the relevant issue on legal, as well as political, grounds. We have also provided assistance to the Attorney-General in relation to the Special Court, this assistance being initially requested by the Vice President. In addition, the Vice President has actively sought our advice on many of the same issues, which has enabled us to contribute towards a consistent approach within the Government as a whole.

In October, the Attorney-General appointed the legal advisers seconded to his office as the Focal Point within the Ministry for Special Court matters. In this capacity, we have held a number of formal and informal meetings with persons within the Registry, including the Registrar, on a number of different issues relating to the Special Court.

During November and December, the Focal Points worked closely with the Special Court Registry staff to plan and assist in the running of the familiarisation visit for the Judges of the Special Court. As part of the Judges’ visit, the Attorney-General’s Office prepared for the Judges a “briefing pack”, consisting of various documents of relevance to their work, including the implementing legislation for the Special Court and the Government briefing paper on the relationship between the TRC and the Special Court. In addition, the Government hosted a dinner reception for the judges, which incorporated a performance on the Special Court by the Right Players (see below and the annex) and speeches by various people, including the Vice President of the Republic of Sierra Leone, H.E. Solomon E. Berewa; The President of the Special Court for Sierra Leone, Geoffrey Robertson, QC; The Attorney-General and Minister of Justice, The Hon Eke A. Halloway; and the Chairman of the Truth and Reconciliation Commission, Bishop Humper.

### 2.2 Outreach

The outreach program is geared towards promoting knowledge about human rights and humanitarian law issues to the public at large, through the medium of local organisations, in particular the Special Court Working Group, by building the capacity
of local organisations to formulate and disseminate information coherently and in simple terms. Part of this process includes working with local organisations to formulate the issues in language and ways easily understandable by the general public. This fosters the role of civil society in promoting accountability within Sierra Leonian society. It also provides a stronger civil society by supplementing them with the means to raise the issues publicly, both in general and in terms of prompting the Government to ensure international standards are promoted.

NPWJ has therefore continued to support the work of the Special Court Working Group, a coalition of nearly forty local organisations dedicated to issues relating to accountability and, in particular, the Special Court. We have met a number of times with the Executive of the Special Court Working Group as a whole, making steady progress towards resolving some of the structural and other problems within the SCWG. These problems revolve mainly around maintaining a free flow of information among Executive members and ensuring all Executive members are kept informed of meetings. To facilitate the resolution of these problems, we have assisted the SCWG by providing a forum within which they can hold regular meetings and by working with them on drafting guidelines for communications within the SCWG. Nevertheless, much of December was taken up with the regional visits of the Interim Regional Coordinators to establish a network for the SCWG at district level and preparation for the familiarisation visit of the Judges, which meant that many other issues – including the name of the Special Court Working Group – remained on the back burner.

In addition to the day-to-day work with the SCWG, all staff members of NPWJ have participated at various times in the “Special Court Hour”, the weekly radio show presented by members of the Special Court Working Group and broadcast on Radio UNAMSIL. We have also assisted the SCWG to develop and undertake other outreach activities. One of those activities was a workshop on the Special Court for performing artists, hosted by NPWJ in collaboration with the Special Court Working Group on 30 October 2002. The workshop was a full day event, introduced by Mr Raymond De Souza-George, Lecturer & Acting Director of Department of African Studies, Fourah Bay College, Freetown, who spoke on the ways in which theatre could be used as an outreach tool and the responsibility of dramatists to educate the public about the Special Court. During the workshop, four training sessions were held simultaneously on all aspects of the Special Court, conducted by Sierra Leonean facilitators, who had previously attended NPWJ “training the trainers” sessions, with assistance from NPWJ foreign staff. In the final session of the workshop, the four groups of participants put on short, 10-minute plays about the Special Court, which were developed during the course of the workshop. The workshop ended with the participants making recommendations about how they might continue outreach work on the Court, including recommendations for continued collaboration with the Special Court Working Group and No Peace Without Justice.

Following that workshop, NPWJ has supported the formation of the “Right Players”, comprised of a number of participants at the workshop. Building on the momentum of the training seminars, the Right Players met several times to develop a libretto for a
play to be performed in the markets around Freetown (see the annex) and held several rehearsal sessions. Following this, the Right Players undertook two sets of market tours in November and December 2003, visiting a total of eight markets across four days, as well as performing at the reception for the Special Court Judges hosted by the Government of Sierra Leone. These market tours generated a lot of interest in the Special Court among the general population, particularly the market women, and have proved a useful and unique outreach mechanism.

In addition, NPWJ has been attending meetings of the Human Rights Committee, held at UNAMSIL and consisting of local and foreign NGOs interested in human rights issues, during which we have met with a number of local and foreign NGOs now working on the issue of the Special Court. This has enabled us to build up a large contact base, including potential partners for the implementation of outreach activities, and increase our visibility within civil society. This is evidenced by our participation in sensitisation trips to the provinces, notably in Port Loko and Kambia, to participate in public meetings organised by UNAMSIL-Port Loko. Two NPWJ staff members took part in these public meetings, one in each town, which consisted of explaining what the Special Court is and how it is working together with answering questions from the audience. The Registrar of the Special Court, Robin Vincent, also attended the public meeting in Kambia. UNAMSIL Radio both broadcast and taped both sessions, of which we now have a copy in the archives at our office in Freetown. NPWJ used the opportunity to meet with local organisations and undertake some preparatory work for setting up regional offices of the SCWG in the provinces.

NPWJ has also initiated direct contact with those responsible for outreach within the Special Court, including attending a meeting between the Special Court and Sierra Leone civil society to discuss how to conduct outreach. During that meeting, participants decided that NPWJ should facilitate the formulation of a strategic document on how outreach should be conducted by the SCWG and the National Forum for Human Rights. We had several meetings with both the SCWG and the National Forum and NPWJ drafted a strategy document to reflect the results of that discussion, which was adopted by the National Forum and the SCWG and sent to the Registrar of the Special Court in the second week of November. It should be noted that while the Registrar gave his enthusiastic support to this idea, the outreach program of the Special Court was not, as at the end of December 2002, in a position to implement the plan, although we hope that it will be implemented in 2003.

During the familiarisation visit of the Judges in December, NPWJ organised and hosted the first public appearance by the newly-elected President of the Special Court, Judge Geoffrey Robertson. Judge Robertson’s public lecture on impunity, co-organised with the Centre for Peace Studies of Fourah Bay College and held at Fourah Bay College, was attended by a wide range of people, including students, human rights activists and legal professionals. The lecture, which was introduced by the Attorney-General and attended also by Judge Jallow, was filmed by the Sierra Leone Broadcasting Service (SLBS) for editing and broadcast on SLBS at a later date. The event provided a very useful opportunity for the Special Court to start having more of an impact on the
people of Sierra Leone, particularly since Geoffrey Robertson – who is well-used to television appearances – is a dynamic and interesting speaker, and further enhanced NPWJ’s reputation and visibility in relation to the Special Court.

In addition, NPWJ attended a number of meetings of child protection agencies (CPAs), which introduced the Special Court to the various agencies working on behalf of children and discussed how CPAs could work with the Court so as to contribute to ending impunity for crimes committed against children. During these meetings, an overview of the Special Court was given to the representatives of the child protection agencies and discussion took place on how best the Court and the agencies could interact, particularly given that CPAs have already collected a lot of information that could be useful to the Court, and that the Court will be looking for cases that are the most representative of what children have suffered. At these meetings, NPWJ distributed copies of *International Criminal Justice and Children* to the representatives of the child protection agencies.

2.3 Capacity building of the legal profession

The overarching aim in terms of capacity building of the legal profession is to promote knowledge of human rights and humanitarian law norms within the legal profession. A robust legal profession with knowledge about human rights will lead to a profession capable of defending human rights through various means, including legal means. This in turn will lead to strengthening the rule of law by enabling the Sierra Leone legal profession to ensure they have the necessary knowledge to work effectively with Sierra Leone’s accountability mechanisms.

NPWJ finalised plans for the half-day conference on the Rules of Procedure and Evidence of the Special Court, held Tuesday, 3 December 2002 at the Bank of Sierra Leone, Kingtom Complex. In preparing for the Rules Seminar, NPWJ stressed the important contribution that Sierra Leonean lawyers could make to the Court and the necessity of the Court investing in a relationship with the Sierra Leone legal profession. Moreover, we urged that it was essential to the effectiveness of the Court as well as its legacy to involve Sierra Leonean lawyers not only in the daily operations of the Court but also in the critical early decisions, such as the preparation of the Rules.

Both the Bar Association and the Registrar of the Special Court responded with keen interest to this proposal, thus we met on a number of occasions with the Special Court, the Sierra Leone legal profession and the Attorney-General on this issue, and continued to consult with some of the judges of the Special Court. We also worked closely with the five facilitators identified to lead discussions at the half-day conference, each of whom took a different part of the Rules, to ensure consistency of approach and to ensure that all the issues would be covered.

The purpose of the seminar was to introduce the Special Court Judges to the Sierra Leone legal community and to initiate a dialogue regarding the Court’s relationship with the Sierra Leone legal system and the legacy that it will leave for that system. More specifically, the
seminar was intended to address the need for the Special Court Judges to consult the Sierra Leone legal community with regard to the Court’s Rules of Procedure and Evidence. On behalf of his fellow Judges, Geoffrey Robertson QC, the newly elected President of the Court, noted the crucial importance of the Rules to the delivery of justice, and welcomed the forthcoming discussion.

The legal profession team has, in addition, continued its planning of the series of seminars on international humanitarian law, which will result in a series of reports that will be compiled into a handbook on substantive and procedural law and other matters relevant to the Special Court. In so doing, NPWJ is working closely with selected members of the legal profession, such as LAWCLA, the Bar Association and possibly also with the Ministry of Justice, to ensure maximum support and participation from interested members of the legal profession.

NPWJ has continued its work on the humanitarian and human rights law reading room, with the shipment of books from Colombia University Human Rights Law Program arriving in Freetown during the second week of December. Following advertising for a librarian in early November, we hired one full time librarian (Mrs Avril Rowe) and one part time librarian (Mr Eldred During) to assist in the initial sorting and stacking of the books in the library.

2.4 Conflict Mapping

Mapping the conflict directly addresses consequences of conflict by establishing a record of the truth of what happened during that conflict. The chronological and geographical mapping of the conflict, including reconstructing the order of battle and chain of command, serves to prevent denial of those events. An analysis of events according to international law establishes prima facie accountability for violations of international humanitarian law. In so doing, it both serves to strengthen the rule of law and to promote and defend human rights by publicising the price for violating them. In addition, establishing the chain of command within the armed forces operating in Sierra Leone and assembling these disparate pieces of information to create the bigger picture of the decade long conflict in Sierra Leone will enable the crucial first phase of establishing who bears direct and command responsible for atrocities committed during that conflict. This will enable the people of Sierra Leone to establish who should be held accountable for the atrocities committed in Sierra Leone, thereby avoiding the trap of blaming a group or segment of society and promoting peaceful conciliation. The results of this work, together with organisations in Sierra Leone undertaking human rights reporting, will support the work of the Truth and Reconciliation Commission and the Special Court in their investigation processes.

The conflict mapping process will focus on identifying and consulting persons who have an overview of the conflict (key persons) rather than individuals who were victims of serious violations of International Humanitarian Law. In many cases those key people will not have been actual witnesses too many of the events that they report in their interviews. These facts distinguish conflict mapping from the recording of human rights violations and other activities such as statement taking. Use of this methodology
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means that the independent document will generally be a compilation of materials that are more in the nature of secondary source materials. Records from these key persons will be taken by conflict mapping recorders (CMR’s) selected by NPWJ during training workshop, following a pre-selection (nomination) by collaborative and non-governmental organisations. Thus the strategic plans for the conflict mapping team, including their mission statement, proposed methodology, an outline of the document they intend to produce and training materials, has been developed to ensure maximum participation in the overall process by Sierra Leoneans.

As part of this methodology, the conflict mapping team developed links with the SCWG, holding meetings with various members of the SCWG that culminated in a written request for a Conflict Mapping Sub-Committee to be established to assist the conflict mapping team, particularly in their work in the provinces. It is anticipated that the conflict mapping team will be able to tap into the network established by the SCWG, so as to facilitate identification of conflict mapping recorders and conducting the training sessions.

The conflict mapping team also hired some students from Fourah Bay College on a short-term and part-time basis to draft the sections of the report on the geopolitical history of Sierra Leone, which is important to place the conflict in context. These sections of the report are such that they can be drafted without the record-taking process having been completed and, indeed, will be very useful when it comes time to commence the analysis stage, as they will provide much-needed background information for a proper analysis to be undertaken.

3. Conclusions

NPWJ has been successful in building on the good start we made in September, which was taken up to a large extent with logistical issues, and has again become firmly entrenched in Sierra Leone. We have been combining undertaking our work while at the same time planning for the future, particularly in our strategy review session in December, which is an ongoing process.

We have been able to contribute positively to work on accountability issues in Sierra Leone, including having a positive impact on the work of the Special Court itself, primarily in relation to outreach and capacity building of the legal profession. While more effort is needed, particularly in terms of building relationships with the Special Court, the work we have done with the Court for the familiarisation visit of the judges has already been of great benefit in this regard.
Annex I: The Right Players

The Special Court Has Come, performed by The Right Players

This brief play, concerning the arrival of the Special Court for Sierra Leone, has four scenes: ghetto, exodus, impunity and accountability. Scene One shows numerous youths talking about the hardship of life in Sierra Leone, corruption, the use of drugs and other aspects of life in the ghetto. An eloquent yet disgruntled student politician, freshly returned from abroad, persuades them that a revolution is the only way to solve these problems. Scene 2 shows these same youths trained as soldiers, followed by the population’s exodus from their homes. Scene three is a dialogue between a former war faction commander and one of his victims. The commander explains that he has got away with the crimes that he has committed, and that there is nothing anyone can do to stop him committing them again. The final scene is set in a village. The Special Court Working Group is holding a question and answer session on the Special Court. Traditional leaders are asking questions about the nature and jurisdiction of the Special Court. The play ends.

Right Players, UpGun Market
28 November 2002