# Making Justice Count

## Assessing the impact and legacy of the Special Court for Sierra Leone in Sierra Leone and Liberia

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Sierra Leone Institute for International Law

Manifesto 99
Ours by right

No Peace Without Justice

Coalition for Justice and Accountability

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## Assessing the impact and legacy of the Special Court for Sierra Leone in Sierra Leone and Liberia




The Special Court is an independent tribunal established jointly by the United Nations and the Government of Sierra Leone in 2002. It is mandated to bring to justice those who bear the greatest responsibility for atrocities committed in Sierra Leone after 30 November 1996.

No Peace Without Justice is an international non-profit organisation that works for the protection and promotion of human rights, democracy, the rule of law and international justice. See http://www.npwj.org for more information.

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Cover: The Special Court for Sierra Leone (Peter Andersen)

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# Executive Summary

## Background

The Special Court for Sierra Leone (SCSL) was, in many ways, the first of its kind: the first international court established by agreement between the United Nations and the State where crimes were committed; the first of the so-called "hybrid courts", where the involvement of the State and its nationals was considered of paramount importance; the first court to be established and operate in the country where the crimes were committed; and the first court to view outreach and legacy as core elements of its work from a very early stage. Since its establishment in 2002, the SCSL has indicted 13 individuals and through its work has sought to leave a lasting legacy for the people of Sierra Leone, Liberia and the region as a whole. The resolution of the appeals filed with the Special Court for Sierra Leone in the Charles Taylor case will mark the official end of the SCSL's judicial work.

This survey aims to establish the impact of the SCSL on Sierra Leone and Liberia through its judicial proceedings, its legacy work and its outreach program. The survey, consisting of a questionnaire incorporating open ended and closed questions, was administered to 2,841 people across various districts and counties in Sierra Leone and Liberia during June and July 2012.[1] The respondents were chosen from various target groups, representing diverse walks of life, sexes and age groups, with a particular emphasis laid on ensuring the inclusion of voices that are historically overlooked, including women, young people and persons with disabilities.

The number of surveys to be administered was calculated according to the overall population of the two countries taken together. Statistics show that this number of surveys, in relation to the overall population of both countries of close to 8.5 million, represents a margin of error of 1.84 and a confidence level of 95%. With a margin of error of +/-2% and a confidence level of 95%, if 60% of respondents replied 'yes', there is a 95% probability that between 58% and 62% of the whole would reply 'yes' to that question. So, for example, on the question "What does justice mean to you?", the fact that 72.49% of people replied "Establishment of the truth" means that there is a 95% probability that between 70.65% and 74.33% of the overall populations of Sierra Leone and Liberia would say that justice means the establishment of the truth. As such, the authors are confident that the results of this survey are representative of the general feelings and perspectives of the people of Sierra Leone and Liberia.

## Findings

According to the survey findings, the overall feeling towards the SCSL and the work it has carried out over the past 10 years is very positive. It is safe to conclude that the SCSL has, on the whole, been successful in achieving what it set out to achieve, which – according to the majority of people in Sierra Leone and Liberia – is first and foremost to carry out prosecutions, with the next most common answers being to bring justice, bring peace and establish the rule of law. The results show that the people of Sierra Leone and Liberia overwhelmingly felt that the SCSL had prosecuted those who bear the greatest responsibility for the crimes, even if many people felt a need for additional prosecutions further down the chain of command, and had helped contribute to restoration of the rule of law. The results also show that 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.

High awareness of the SCSL, its purposes and work is evident in both countries, with more than 90% of overall respondents having heard of the SCSL, around 65% of people indicating they were interested in the Court's work and nearly 50% having participated in outreach activities at some point over the 10 years of the Court's existence, including listening to radio programs. This 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.

1 The survey was administered to 2,757 adults and 84 persons under the age of 18.

There were a number of challenges that the SCSL had to overcome to reach these achievements, with greater and lesser degrees of success, from which lessons for other courts and tribunals can be drawn. These lessons concern overcoming inevitable challenges, such as lack of access to remote areas, as many respondents noted that there was a need for further and farther-reaching outreach to the population, particularly in rural areas. They are also about challenges that could be avoided, such as the Court's continual battle to find funding, especially for outreach and legacy activities, as the survey indicates that knowledge of the Court's legacy activities (especially with respect to law enforcement) was not widespread. Respondents also acknowledged the top constraints faced by the Court as being distances to travel, especially in Liberia, and finances.

Knowledge about the trial of Charles Taylor was widespread across both countries and reactions to the judgment and sentencing were understandably mixed, particularly in Liberia. 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. Despite this, a large majority indicated that they had not participated in any process to establish the truth. 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 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.

Many respondents were very happy that their views were being sought and expressed their thanks to the Special Court for Sierra Leone and the organisers of the survey for giving them the opportunity to share their thoughts and perspectives on what they viewed as an important issue for them, their countries and the region.

## Recommendations

The following are the main recommendations and lessons learnt that have emerged as a result of this survey and that are important for other courts and tribunals to consider:

- Outreach is a condition for success for international courts and tribunals, both in engaging populations to acquire their cooperation and to ensure the impact and legacy of international courts and tribunals in the countries affected by crimes. As such, outreach should be included in the formal mandate of international courts and tribunals, preferably in their 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.
- 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.
- 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 population affected by the crimes.
- Transitional justice mechanisms should be designed so that they are complementary, with the roles of each and the relationship between the different mechanisms being clear, to avoid unrealistic burdens being placed on one mechanism alone and to situate each mechanism within a broader transitional justice framework.
- 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.
- 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, including members of the security sector, to maximise the potential legacy work and to avoid burdening international courts and tribunals with unrealistic expectations of what they can deliver.

# Introduction

This report is the result of a study carried out in Sierra Leone and Liberia between February and July 2012 by No Peace Without Justice (NPWJ), the Sierra Leone Institute for International Law (SLIIL), Manifesto 99, the Coalition for Justice and Accountability (CoJA) and the Liberian NGOs Network (LINNK), in consultation with the Special Court for Sierra Leone (SCSL). NPWJ was responsible for the overall direction and management of the survey, under the leadership of its International Criminal Justice Program Director, who has been working on international criminal justice issues since 1998 and on Sierra Leone, and particularly the Special Court for Sierra Leone, since 2000. The SLIIL, Manifesto 99, CoJA and LINNK were responsible for training survey enumerators and overseeing the administration and collection of surveys throughout Sierra Leone and Liberia, as well as providing input, suggestions and advice on the drafting of the questionnaire and of this report.

The partners in this project, in addition to being leading civil society organisations in their own countries, have a long-standing interest in and relationship with the Special Court and also have long-standing partnerships and cooperation with NPWJ. The Coalition for Justice and Accountability is the successor coalition of the "Special Court Working Group", established with the assistance of NPWJ in 2001 to undertake outreach on the SCSL throughout Sierra Leone, in advance of and then in cooperation with the Special Court itself. Manifesto 99 is one of Sierra Leone's leading and most respected NGOs, which has worked on human rights, justice and accountability issues since its establishment in 1999. Among other projects, Manifesto 99 and NPWJ were partners in a European Commission-funded project to analyse and assess the role of non-judicial mechanisms in addressing accountability, which resulted in a report called *Closing The Gap: The role of non-judicial mechanisms in addressing accountability*.[2] The Sierra Leone Institute for International Law is the only Sierra Leonean organisation focusing entirely on international legal issues, including international criminal justice, whose Executive Director was the Ambassador for Sierra Leone in charge of the negotiations leading to the establishment of the Court first and then in charge of cooperation with the SCSL in New York from 2000 to 2008. The Liberian NGOs Network, founded in 2003, has been the main Liberian organisation working on outreach on the SCSL in Liberia and has members extending throughout the entire country.

2 See http://www.npwj.org/ICC/Non-Judicial-Accountability.html for a description of the project leading to the publication, which can also be downloaded directly from http://www.npwj.org/sites/default/files/documents/ClosingTheGap120510Web.pdf (accessed on 25 September 2012).

NPWJ has been involved with the Special Court for Sierra Leone since before its establishment, having provided legal advice to the Government of Sierra Leone during its negotiations for the Court, and ran in-country programs on outreach, conflict mapping and capacity-building of the legal profession between 2001 and 2004. NPWJ continues to be involved in the work of the SCSL and in various issues in Sierra Leone since then, including organising a seminar on implementing legislation for the ICC in Sierra Leone in December 2006 in partnership with Manifesto 99. NPWJ has run a number of programs in various countries to assess the impact of international courts and tribunals, most recently in Uganda from January to June 2010 in the run-up to the ICC Review Conference in May-June 2010. NPWJ has been conducting research on the field operations of international courts and tribunals since the beginning of 2009, issuing a position paper on this issue in December 2009 for the consideration of the ICC Assembly of States Parties. NPWJ has also run a number of conflict mapping programs in other countries, which involved gathering information from victims and affected communities, processing the information through a database and analysing the information to put together the story of what happened during the conflict. In addition, NPWJ has conducted qualitative and quantitative assessments in a number of areas, such as evaluating the impact of investigative training on justice professionals, and has extensive experience developing evidence-based recommendations for the work of international courts and tribunals on a range of issues, including outreach, legacy, maximising their impact, prosecutorial policy and others.

Calculations for the number of surveys to be administered were made taking margins of error and confidence level into account at all stages. The term 'margin of error' means the maximum expected difference between the sample taken and the true population while the confidence level signifies how sure one can be of the results obtained. For this survey, the calculation for the number of surveys was based on a margin of error between 2 and 4%, with a confidence level of 95%. This means that if 50% of survey respondents replied 'yes' to any given question, we can be confident to 95% certainty that between 46% and 54% of the whole population would say 'yes', if every single person in the country were asked that same question at the same time.

The number of surveys to be administered was calculated using a 'sample size calculator'. This involved calculations using the size of the overall population in each case, the confidence level (95%) and a margin of error of between 2

and 4%. Using such a high confidence level and low margin of error meant that the numbers of surveys to be administered were substantial but ensured that the data acquired through the surveys is statistically reliable. Once the exact number of surveys actually administered was known, NPWJ revised the calculations and calculated the exact margins of error according to the number of surveys completed. The margin of error differs for Sierra Leone and Liberia due to the number of surveys administered in relation to the overall population, although these differences are slight and therefore do not have a negative or significant impact on the results of the survey.

The aims of the survey were to establish the impact of the SCSL on Sierra Leone and Liberia through its judicial proceedings, through its legacy work and through its outreach program. Specifically, the objectives were:

- to establish the SCSL's impact on victims and affected communities, as well as the general public, both individually and collectively;
- to establish the SCSL's impact on the political life of the country, including on the rule of law sector; and
- to identify recommendations for other courts and tribunals to maximise their impact and legacy in the countries affected by their work.

### Background to the survey

The creation of the Special Court for Sierra Leone in 2002 was a watershed moment in the history of Sierra Leone. Many people had high expectations that the Special Court would provide justice and redress; facilitate strengthening the rule of law and achieving sustainable peace; and help deter future crimes, particularly in Sierra Leone. The indictment of President Charles Taylor extended these expectations to encompass Liberia, to an extent, and increased interest throughout the world media and the international community generally in the work of the Special Court.

From the outset, Sierra Leonean civil society – and, later, Liberian civil society – took a strong interest in the establishment and operations of the SCSL, seeking to embed the work of the SCSL in the political life of the country and maximise its impact on victims and affected communities throughout the country. The SCSL, more than any other court or tribunal to date, has sought to meet these expectations through its judicial work of investigating and prosecuting those who bear the greatest responsibility for serious violations of international humanitarian law and Sierra Leonean law since 30 November 1996, and through its non-judicial work, including outreach and legacy activities.

With the imminent completion of the SCSL's mandate, i.e. the conclusion of appeals to the judgment in the Charles Taylor case,[3] there is a need to assess the impact of the SCSL and its legacy both in Sierra Leone and Liberia. The perception surveys carried out to date have been extremely important to assess the work of the Court throughout its lifetime, nonetheless, they have, inevitably, been unable to determine the overall impact of the SCSL and its lasting legacy, since they were conducted before the completion of all trials. While the long-term impact of the SCSL will only be known further in the future, this survey provides a snapshot of the SCSL's impact and legacy at an important time in the Court's life, i.e. once all its trials have been concluded and its work is almost complete. This project therefore endeavoured to build on the work done to date, using the results of previous surveys as benchmarks throughout the life of the Court, and to conduct a comprehensive impact and legacy survey that both assesses the impact of the SCSL itself and will positively serve as a useful tool for other international courts and tribunals in the future.

3 On 19 July 2012, Prosecution and Defense teams filed notices of appeal, raising several grounds on which they will appeal the findings of the Trial Chamber in both the decision on President Taylor's conviction and his sentence (http://www.sc-sl.org/CASES/ProsecutorvsCharlesTaylor/tabid/107/Default.aspx, accessed on 21 September 2012).

# The conflict in Sierra Leone

Sierra Leone experienced economic decline throughout the 1980s, mostly as a result of rampant corruption, which set the stage for the conflict that erupted in the 1990s. [4]

On 23 March 1991, combined forces of the Revolutionary United Front (RUF) and National Patriotic Front for Liberia (NPFL) began invading Sierra Leone from Liberia along the northern portion of the border between the two countries. Shortly thereafter, another RUF/NPFL force invaded in the south. Both groups engaged in an aggressive inland-moving campaign towards Sierra Leone Army (SLA) stations in Bo, Kailahun and Kono districts. En route the RUF and NPFL perpetrated systematic attacks against the civilian population. They enlisted, conscripted and trained both adults and children, particularly in Kailahun where numerous training camps were established. RUF ranks swelled quickly. Almost without exception, sexual violence against women accompanied the arrival of RUF/NPFL forces in an area. A civilian exodus northward and inland began.

Throughout August and September 1991, SLA forces collaborated with the United Liberian Movement for Democracy (ULIMO) and pushed the RUF/NPFL south. SLA forces in Kono District supported the establishment of civilian vigilante groups. Throughout Pujehun District, SLA forces executed civilians suspected of collaborating with RUF/NPFL. In April 1992, the SLA ousted the APC government and established a military government known as the National Provisional Ruling Council (NPRC). Within RUF/NPFL strongholds in the east, a special unit of NPFL forces called "TAP 20" executed terror operations against the civilian population, including widespread killing and cannibalism of civilians.

As fighting went back and forth through 1993, the SLA continued attacks on arbitrarily identified RUF/NPFL "collaborators". The SLA also forced civilians to mine diamonds, provide food and carry out other forms of manual labour, as well as providing basic military training and arms to civilians in Pujehun. In December 1993, a unilateral ceasefire was announced, the RUF/NPFL having been repelled almost entirely back to Liberia. In the final days of 1993, the RUF launched an offensive into Kenema District. NPFL forces withdrew from the conflict to fight ULIMO in Liberia.

In early 1994, the SLA strengthened to 12,000 soldiers. The RUF set up a number of town and village level administrations and continued to inflict violence on the civilian population, resulting in thousands of IDPs. They executed hit-and-run attacks on villages in eastern Bo, naming them "food-finding missions". In November and December 1994, the RUF attacked two IDP camps, being repelled by SLA troops from one and killing hundreds of civilians at the other. The RUF attacks in Bo, Kenema and Kabala resulted in the destruction of public infrastructure such as government offices, hospitals, schools and police barracks. In response, many civilian groups formed militias: 2,800 civil militia were armed by June 1994.

In 1995, the RUF staged a rapid, large-scale expansion into Moyamba and Bonthe Districts, paralysing an economic area vital to the Government of Sierra Leone. The RUF also occupied the diamond-rich areas of Kono District. By March 1995, the RUF had established a northern stronghold. In response, the SLA increased security activities throughout the Western Area. The Government of Sierra Leone used the private security company Executive Outcomes beginning in May 1995.

Executive Outcomes formed a "Special Task Force" using a large number of demobilised Liberian Militia from ULIMO and used this force to attack the RUF and kill all those suspected of being "rebel collaborators". Meanwhile, RUF forces continued launching "food-finding missions" throughout their territory. Late in 1995, the RUF gathered thousands of civilians and staged a massacre in Bonthe District. Over 1,000 human skulls were later discovered at the site.

In 1996, Executive Outcomes gained control of the mining areas of Kono District. In the weeks preceding the Presidential and Parliamentary elections planned for 26 February 1996, RUF forces threatened civilians if they did not support a pre-election peace agreement favourable to the RUF. Just before election day, the NPRC commenced peace talks with the RUF in Abidjan, Côte d'Ivoire. On polling day, RUF forces attacked two towns, but the elections proceeded in the wake of killing, rape and looting.

Dr Ahmad Tejan Kabbah, the candidate for the Sierra Leone Peoples Party (SLPP), won the election, following which Guinean forces were deployed in the north-west and Nigerian forces set up checkpoints in the Western Area. Various civil and militia groups united into the Civil Defence Force (CDF) and Kamajor leader Chief Hinga Norman was appointed Deputy Defence Minister.

4 This section is drawn from *Conflict Mapping in Sierra Leone: Violations of International Humanitarian Law from 1991 to 2002*, Chapter 2 (summary), No Peace Without Justice, March 2004, available from http://www.npwj.org/ICC/Conflict-Mapping-Sierra-Leone-Violations-International-Humanitarian-Law-1991-2002.html, (accessed on 16 September 2012).

On 30 November 1996, the Government of Sierra Leone negotiated a peace agreement with the RUF leadership in Côte d'Ivoire, known as the Abidjan Peace Accord. A key provision was the removal of all foreign forces and Executive Outcomes. Meanwhile, tensions between the CDF and SLA expanded into armed confrontations throughout the country. In May 1997, junior elements of the SLA overthrew President Kabbah and formed the Armed Forces Revolutionary Council (AFRC). The AFRC was led by an SLA officer awaiting trial in prison in Freetown, who called for the RUF to join them and share power. The offer was accepted and the AFRC inherited SLA territory, shifting the balance of power to the new RUF/AFRC alliance.

In August 1997, ECOWAS imposed a trade and arms embargo on Sierra Leone and extended the mandate of their Ceasefire Monitoring Group (ECOMOG). A number of ECOMOG shells resulted in the deaths of civilians in Freetown's densely populated east end. Eventually, ECOMOG and the RUF/AFRC negotiated a ceasefire in late October, which did not hold. In December 1997, the CDF launched "Operation Black December" to deprive food and other supplies to the RUF/AFRC and civilians. Throughout 1998, CDF violence against RUF/ARFC "collaborators" markedly increased.

Following their ejection from Freetown in February 1998 and the commencement of ECOMOG provincial operations, RUF/AFRC forces launched "Operation Pay Yourself", in which they took anything that could be of use from civilians' property. Shortly after the reinstatement of President Kabbah on 10 March 1998, the RUF/AFRC launched "Operation No Living Thing", and in five months, hundreds of civilians were killed, mutilated and raped. Thousands of civilians in Kono District were abducted and brought into the mining areas to work, many dying from the squalid living conditions. A massive IDP camp was opened in the west of Kono District. In mid-April 1998, the United Nations Security Council (UNSC) authorised the deployment of a ten-member team of military and security observers. The UN Observer Mission in Sierra Leone (UNOMSIL), comprised of 70 military observers and accompanying logistic support, was established on 13 July 1998.

In January 1999, the RUF/AFRC invaded Freetown. They released 700 inmates from Pademba Road Prison, summarily executed civilians, burned people alive in their homes and perpetrated many other acts of violence. The RUF/AFRC then concentrated their efforts in strengthening their position in the north and the mining areas. Due to resource problems, they began raiding in Guinea, prompting Guinean forces to bombard within Sierra Leone.

Preliminary discussions between representatives of the RUF/AFRC and the Government of Sierra Leone yielded a ceasefire, which entered into force on 24 May 1999. This in turn led to the Lomé Peace Agreement of 7 July 1999. Shortly thereafter the RUF/AFRC opened a camp to train conscripts for missions into Guinea. Hostilities also resumed a few months later between the RUF/AFRC and the Government. Internal divisions within the RUF/AFRC following their retreat from Freetown resulted in violent confrontations between senior commanders as the disarmament process grew nearer. RUF and remnants of the AFRC started controlling different parts of the country and the most senior RUF officers fled to Liberia.

On 22 October 1999, the UNSC authorised the deployment of a 6,000-strong peacekeeping mission called the United Nations Mission in Sierra Leone (UNAMSIL) to assist with the implementation of the Lomé Peace Agreement. Despite the official launch of the Disarmament, Demobilisation and Reintegration (DDR) program by the Sierra Leonean President on 4 November 1999 and a nationwide sensitisation tour conducted by the leaders of the RUF, AFRC and CDF, hostilities rapidly resumed. In early May 2000 and following the withdrawal of the last Nigerian ECOMOG contingent, RUF forces launched a number of attacks against UNAMSIL peacekeepers, taking around 500 hostage. As events unfolded, RUF leader Foday Sankoh's bodyguards opened fire on thousands of civilians gathered around his home in Freetown, killing 20 people. UK armed forces arrived in Freetown. By the middle of July, the RUF/AFRC had released all the UNAMSIL peacekeepers it had previously captured. On 30 August 2000, 11 UK Royal Marines were taken hostage by a splinter RUF group; following a breakdown in negotiations, UK paratroopers rescued the hostages, destroying the splinter group in the process. In the same month, RUF/AFRC forces surrendered to UN peacekeepers in Kabala. The disarmament process continued, although the RUF/AFRC were still engaged in mining activities. Continuing clashes between the RUF and Guinean forces resulted in many civilian casualties and large-scale displacement; Guinean operations against the RUF continued into 2001.

The Abuja Ceasefire Agreement, a renegotiation of Lomé, was signed on 10 November 2000. In early 2001, RUF/AFRC forces entered negotiations with UNAMSIL. Segments of the CDF that had taken refuge in Guinea were armed by the Guinean authorities and launched attacks against the RUF. In response, the RUF requested the intervention of UNAMSIL. As the Abuja Agreement began to take hold, petty crime increased and mining activities continued. However, disarmament continued successfully and on 18 January 2002, President Kabbah declared that the war was over.

# The Special Court for Sierra Leone

## Background

On 14 August 2000, the UN Security Council unanimously adopted Resolution 1315,[5] setting in motion a process that culminated in the establishment of the Special Court for Sierra Leone. Subsequently the SCSL was established by an agreement[6] between the United Nations and the Government of Sierra Leone as an independent international criminal tribunal to prosecute "persons who bear the greatest responsibility for serious violations of international humanitarian law and Sierra Leonean law committed in the territory of Sierra Leone since 30 November 1996, including those leaders who, in committing such crimes, have threatened the establishment of and implementation of the peace process in Sierra Leone".[7] The Court officially began its operations on 1 July 2002 with the first Registrar, Robin Vincent, arriving in Freetown in mid July, followed shortly after by the first Prosecutor, David Crane.[8]

The Special Court has the power to prosecute crimes against humanity, serious violations of Article 3 common to the Geneva Conventions of 12 August 1949 for the Protection of War Victims, and of Additional Protocol II thereto of 8 June 1977.[9] The Court may also prosecute other serious violations of international humanitarian law[10] and specified provisions of Sierra Leone law.[11]

The Special Court has concurrent jurisdiction with the national courts of Sierra Leone; however, it has primacy over the latter.[12] All accused are guaranteed a number of rights. These include equality before the Court, a presumption of innocence, the right to counsel and trial without undue delay.[13] Judgment is delivered by the Trial Chamber, which may impose a penalty of imprisonment and/or forfeiture of assets, including property.[14] The Appeals Chamber may hear appeals based on procedural errors or errors of law or fact.[15] A sentence may be pardoned or commuted if the President of the Special Court so decides in the interests of justice and general principles of law.[16]

The Registry of the Special Court is the organ of the Court responsible for functions supporting the Court process as a whole and includes the offices of Court Management, Defence, Detention, the Library, Outreach and Public Affairs, Security, Procurement, Witness and Victim Support and various administrative offices.[17] The Outreach and Public Affairs Section liaises with the international and national media, to keep them informed about developments at the Court, and conducts the Court's Outreach Program, which aims to enhance the understanding of the Court's mandate and proceedings in Sierra Leone and Liberia.[18] The Registrar is responsible for negotiating and concluding agreements with States and other organisations and for promulgating official documents of the Court.[19] The current Registrar of the Court is Binta Mansaray, who was appointed in February 2010. Ms Mansaray has served the Court since 2003, first as Outreach Coordinator, then as Deputy Registrar from July 2007 until June 2009, when she became Acting Registrar. [20]

The Special Court is a unique international judicial institution in that it has been located on the territory where the alleged crimes were committed and is funded on the basis of voluntary contributions from interested States and foundations, rather than assessed contributions.[21]

5 Security Council resolution 1315 (2000) on the situation in Sierra Leone, available at http://www.un.org/Docs/scres/2000/sc2000.htm (accessed on 16 August 2012).
6 'Agreement between the United Nations and the Government of Sierra Leone on the Establishment of a Special Court for Sierra Leone', The Special Court for Sierra Leone, 16 January 2002, available at http://www.sc-sl.org/DOCUMENTS/tabid/176/Default.aspx/ (accessed on 16 August 2012.)
7 Statute of the Special Court for Sierra Leone, article 1(1).
8 First Annual Report of the President of the Special Court for Sierra Leone – For the Period 2 December 2002- 1 December 2003, p 5, available at http://www.sc-sl.org/DOCUMENTS/tabid/176/Default.aspx/ (accessed on 17 August 2012).
9 Statute of the Special Court for Sierra Leone, article 3.
10 Ibid, article 4.
11 Ibid, article 5.
12 Ibid, article 8.
13 Ibid, article 17.
14 Ibid, articles 18-19 and 22.
15 Ibid, article 20.
16 Ibid, article 23.
17 Special Court for Sierra Leone website, available at http://www.sc-sl.org/ABOUT/CourtOrganization/TheRegistry/tabid/79/Default.aspx (accessed on 18 September 2012).
18 Eighth Annual Report of the President of the Special Court for Sierra Leone – For the Period June 2010-May 2011, p 26, available at http://www.sc-sl.org/DOCUMENTS/tabid/176/Default.aspx/ (accessed on 18 September 2012).
19 Special Court for Sierra Leone website, available at http://www.sc-sl.org/ABOUT/CourtOrganization/TheRegistry/tabid/79/Default.aspx (accessed on 18 September 2012).
20 Eighth Annual Report of the President of the Special Court for Sierra Leone – For the Period June 2010-May 2011, p 25, available at http://www.sc-sl.org/DOCUMENTS/tabid/176/Default.aspx/ (accessed on 18 September 2012).
21 Fourth Annual Report of the President of the Special Court for Sierra Leone – For the Period Jan 2006-May 2007, p 9, available at http://www.sc-sl.org/DOCUMENTS/tabid/176/Default.aspx/ (accessed on 17 August 2012).

# Cases before the Court[22]

Thirteen individuals have been indicted on charges of crimes against humanity, war crimes and other violations of international humanitarian law. The first trial before the SCSL began in June 2004.

In the case of **The Prosecutor vs Fofana and Kondewa,** Moinina Fofana and Allieu Kondewa were tried jointly as alleged leaders of the former Civil Defence Forces (CDF) and indicted on 8 counts of war crimes, crimes against humanity and other serious violations of international humanitarian law. Their trial started on 3 June 2004 and concluded with closing arguments in September 2006.[23] On 2 August 2007, the Court convicted Moinina Fofana on four counts involving violence to life, in particular murder, cruel treatment, pillage and issuing collective punishments. On 9 October 2007, Fofana was sentenced to 6 years' imprisonment. Allieu Kondewa was convicted on five counts, namely murder, cruel treatment, pillage, collective punishments and conscripting of child soldiers. Trial Chamber I sentenced Kondewa to 8 years' imprisonment. In its Appeals Judgment of 28 May 2008, the Appeals Chamber entered new convictions against Fofana for murder and inhumane acts as crimes against humanity and increased his sentence to 15 years' imprisonment. The Appeals Chamber also entered new convictions against Kondewa for murder and inhumane acts as crimes against humanity and increased his sentence to 20 years' imprisonment.[24] This case originally also included Chief Sam Hinga Norman, one-time Minister of Defence and leader of the Civil Defence Forces, among the defendants; however, Chief Hinga Norman died before the judgment could be issued, as a result of which the case against him was closed.[25]

The trial of **The Prosecutor vs Sesay, Kallon and Gbao** began on 5 July 2004 and concluded on 24 June 2008, with final oral arguments on 4 and 5 August 2008. Issa Hassan Sesay, the Interim Leader of the RUF, Morris Kallon, former commander of the RUF and Augustine Gbao, former senior officer and commander of the RUF were each charged with eight counts of crimes against humanity, eight counts of war crimes and two counts of other serious violations of international humanitarian law.[26] The trial judgment against Sesay, Kallon and Gbao was issued by the Trial Chamber on 25 February 2009. Sesay and Kallon were convicted of war crimes and crimes against humanity, including acts of terrorism, collective punishments, extermination, murder, rape, sexual slavery, forced marriage, outrages upon personal dignity, mutilations, physical violence, enslavement, pillage and using children to participate actively in hostilities. Sesay and Kallon were also found guilty of intentionally directing attacks against UNAMSIL peacekeepers and murder, in relation to events involving UNAMSIL peacekeepers. Gbao was found guilty of acts of terrorism, collective punishments, extermination, murder, rape, sexual slavery, forced marriage, outrages upon personal dignity, mutilations, physical violence, enslavement and pillage, as well as intentionally directing attacks against UNAMSIL peacekeepers. On 8 April 2009, the Trial Chamber sentenced Sesay to 52 years' imprisonment, Kallon to 40 years' imprisonment and Gbao to 25 years' imprisonment.[27] The Appeals Chamber revised the sentences on some of the counts, but upheld the overall terms of imprisonment imposed on each of the accused.[28]

In the case of **Prosecutor vs Brima, Kamara and Kanu**, the three former leaders of the Armed Forces Revolutionary Council (AFRC), were indicted on 14 counts of crimes against humanity, war crimes and other serious violations of international humanitarian law, including the crime of conscripting child soldiers. Their trial began on 28 February 2004 and concluded on 8 December 2006. The Trial Chamber convicted the defendants on 11 counts, finding them responsible personally and as commanders for acts of terrorism, collective punishments, extermination, murder, rape, outrages upon personal dignity, physical violence, conscripting or enlisting children under the age of 15 years into armed forces or groups, or using them to participate actively in hostilities, enslavement and pillage.[29] In 2008, the Appeals Chamber upheld 50 year sentences for Brima and Kanu and a 45 year sentence for Kamara.[30]

The indictment against **Foday Saybana Sankoh**, leader of the Revolutionary United Front, was withdrawn in 2003 following Sankoh's death while in custody. Sankoh had

22 See annex 6.

23 The Special Court for Sierra Leone, *The Prosecutor vs. Fofana and Kondewa, available at* http://www.sc-sl.org/CASES/ProsecutorvsFofanaandKondewaCDFCase/tabid/104/Default.aspx (accessed on 06 August 2012).

24 http://www.haguejusticeportal.net/index.php?id=8330; http://www.haguejusticeportal.net/index.php?id=8329 (accessed on 18 September 2012).

25 http://www.sc-sl.org/CASES/ProsecutorvsFofanaandKondewaCDFCase/tabid/104/Default.aspx (accessed on 18 September 2012).

26 http://www.sc-sl.org/CASES/RUFCase/RUFSummaryoftheCharges/tabid/185/Default.aspx (accessed on 18 September 2012); Sixth Annual Report of the President of the Special Court for Sierra Leone – For the Period June 2008-May 2009, p 13, available at http://www.sc-sl.org/DOCUMENTS/tabid/176/Default.aspx/ (accessed on 18 September 2012).

27 Sixth Annual Report of the President of the Special Court for Sierra Leone – For the Period June 2008-May 2009, pp 14-15, available at http://www.sc-sl.org/DOCUMENTS/tabid/176/Default.aspx/ (accessed on 18 (accessed on 18 September 2012).

28 Seventh Annual Report of the President of the Special Court for Sierra Leone – For the Period June 2009-May 2010, pp 19-21, available at http://www.sc-sl.org/DOCUMENTS/tabid/176/Default.aspx/ (accessed on 18 September 2012).

29 Fifth Annual Report of the President of the Special Court for Sierra Leone – For the Period June 2007-May 2008, pp 17-18, available at http://www.sc-sl.org/DOCUMENTS/tabid/176/Default.aspx/ (accessed on 18 September 2012).

30 The Special Court for Sierra Leone, *The Prosecutor vs. Brima, Kamara and Kanu, available at* http://www.sc-sl.org/CASES/ProsecutorvsBrimaKamaraandKanuAFRCCase/tabid/106/Default.aspx (accessed on 06 August 2012).

been indicted on 17 counts of crimes against humanity, violations of Article 3 common to the Geneva Conventions and of Additional Protocol II, and other serious violations of international humanitarian law.[31] Similarly, the indictment against **Sam Bockarie**, former Battlefield Commander of the Revolutionary United Front, was dropped when Bockarie was killed in Liberia in 2003. He had been indicted on 17 counts of crimes against humanity, violations of Article 3 common to the Geneva Conventions and of Additional Protocol II, and other serious violations of international humanitarian law.[32] In 2003, **Johnny Paul Koroma**, the former leader of the Armed Forces Revolutionary Council, was indicted on 17 counts of war crimes and crimes against humanity and fled Freetown that year. Koroma is still considered to be at large,[33] although there is also widespread speculation that he may be dead.

In June 2003, the Prosecutor unveiled the indictment of **Charles Ghankay Taylor**, then President of Liberia. The indictment accused Taylor of being at the heart of a 'joint criminal enterprise' resulting in the commission of war crimes, crimes against humanity and other serious violations of international humanitarian law within the territory of Sierra Leone since 30 November 1996.[34] Shortly afterwards, in August 2003, President Taylor fled to Nigeria, from where he was eventually transferred in 2006 first to Liberia and then from Liberia to the Special Court for Sierra Leone in Freetown. He was subsequently tried in The Hague, as the SCSL requested his transfer there on the grounds of security, especially in neighbouring Liberia,[35] a move opposed by many Sierra Leonean and international NGOs at the time. On 26 April 2012, Charles Taylor was convicted on 11 counts of war crimes, crimes against humanity and other serious violations of international humanitarian law and, on 30 May 2012, was sentenced to 50 years in prison. He was the first former head of State convicted by an international tribunal since World War II.[36]

31 The Special Court for Sierra Leone, *The Prosecutor vs. Foday Saybana Sankoh*, *available at* http://www.sc-sl.org/CASES/FodaySankoh/tabid/187/Default.aspx (accessed 06 August 2012).

32 The Special Court for Sierra Leone, *The Prosecutor vs. Sam Bockarie*, *available at* http://www.sc-sl.org/CASES/SamBockarie/tabid/189/Default.aspx (accessed 06 August 2012).

33 The Special Court for Sierra Leone, *The Prosecutor vs. Johnny Paul Koroma*, *available at* http://www.sc-sl.org/CASES/JohnnyPaulKoroma/tabid/188/Default.aspx (accessed 06 August 2012).

34 Second Annual Report of the President of the Special Court for Sierra Leone – For the Period 1 January 2004- 17 January 2005, p 18, available at http://www.sc-sl.org/DOCUMENTS/tabid/176/Default.aspx/ (accessed on 20 August 2012).

35 Forth Annual Report of the President of the Special Court for Sierra Leone – For the Period January 2006-May 2007, p 9, available at http://www.sc-sl.org/DOCUMENTS/tabid/176/Default.aspx/ (accessed on 20 August 2012).

36 Marlise Simons & J.David Goodman, "Ex-Liberian Leader Gets 50 Years for War Crimes", *The New York Times*, 30 May 2012, available at http://www.nytimes.com/2012/05/31/world/africa/charles-taylor-sentenced-to-50-years-for-war-crimes.html?pagewanted=all (accessed on 06 August 2012).

# Research methodology

Information about the impact and legacy of the SCSL was gathered from relevant target groups in Sierra Leone and Liberia through one-on-one and group interviews using a general survey questionnaire with questions that are both closed (e.g. yes/no or ranking predefined responses) and open (i.e. requesting comments, explanations and thoughts from the respondent).

The questionnaire addressed the following research questions:

- The impact of the SCSL on eroding the culture of impunity and contributing to respect for human rights and the rule of law, in particular among political leaders and members of the armed forces;
- The impact of the SCSL on the restoration and maintenance of peace, including its relationship with other peace-building mechanisms;
- The impact of the SCSL on development of the rule of law, including public perceptions of the rule of law; the impact on rule of law institutions; and the impact on national rule of law actors, including the armed forces, police, judiciary, prisons, the legal profession, civil society and others;
- The impact of high-level prosecutions on the perceptions of currently serving members of the armed forces and other relevant actors about international humanitarian law and international human rights law;
- The impact of the SCSL's presence in Sierra Leone and in Liberia, including a comparison between perceptions in Sierra Leone (with a permanent SCSL presence) and in Liberia (with a non-permanent SCSL presence);
- The impact of the SCSL on those who have worked with it, including its staff, defence counsel, civil society and others, and whether this has contributed to capacity-building at the national level;
- The extent to which the SCSL has contributed to redress for victims, including financial redress as well as acknowledgment and other non-financial forms of redress;
- Perceptions of the mandate of the SCSL and the extent to which the SCSL has achieved its mandate, including its judicial mandate to try those who bear the greatest responsibility for crimes committed in Sierra Leone through its cases and sentences imposed;
- Perceptions of whether the SCSL has brought justice and accountability for the crimes committed during the conflict, including perceptions about sentencing, and the impact this has had on people's lives and on the restoration of peace and the rule of law;
- Perceptions of the outreach work of the SCSL and the extent to which the SCSL was able to engage the population and impart accurate and timely information about the SCSL; and
- The role of the outreach program in the SCSL's impact and legacy more broadly.

In February 2012, the NPWJ team working on the survey travelled to Sierra Leone for meetings with representatives from SLIIL, Manifesto 99, CoJA and LINNK. A meeting was also held at the SCSL in Freetown with the Registrar of the SCSL and all project partners. The aim of these meetings was to develop and finalise the content of the questionnaire, the recruitment and training of enumerators, the distribution amongst the different counties and districts and the timelines that were to be followed by all the parties involved.

## Limitations of the survey

The partners agreed with the SCSL that the survey should be conducted after the judgment and sentencing in the Taylor case, so that the perceptions and views of people would be more complete, since the Court would have almost completed its judicial work, and people's views on the Taylor case itself could be captured in the survey. At the same time, it was not possible to change the deadline for the finalisation of the survey itself. This meant that the time for carrying out the survey and the analysis of its results were squeezed into a shorter period as there were delays with issuing the substantive judgment and, hence, the sentencing judgment in the Taylor case. As such, the enumerators had less time to conduct the interviews and there was less time for the analysis and report drafting. This was compounded by logistical issues that arose, since the delays meant the surveys had to be administered during the rainy season, which meant the whole process took a lot longer than it would have done even a couple of months earlier. This also meant that at times it was impossible for NPWJ partners and the enumerators to travel to different areas on different occasions as originally planned. As a result, the enumerators were unable to administer as many surveys as had originally been foreseen.

As a result, the survey has some limitations and untapped potential. There were some questions that did not appear to have been interpreted according to what the partners meant by those questions, whether by the enumerators or the respondents. For example, there was a question on Sierra Leonean participation in the Court, which in Liberia should have been about Liberian participation; however, it appears that Liberian respondents were also asked about

Sierra Leonean participation in the Court. As a result, many Liberians did not answer this question and the survey results still do not capture what Liberians feel about Liberian participation in the Court. However, the time limitations meant that it was not possible to conduct interim sampling of the surveys and undertake additional retraining to overcome these kinds of challenges. In addition, it was not possible to hold focus group discussions as originally foreseen, which would have leant a more in-depth understanding of the views of different categories of people, especially those more closely concerned with the work of the SCSL as a whole. Nonetheless, the work was completed by the deadline originally foreseen and the size of the samples in each country means that the results are representative of the population in both countries and of the different counties/districts selected.

Another limitation was that due to time considerations, there is some untapped potential, particularly in the analysis of the information gathered. The survey was designed to capture the views of different target groups and to enable the disaggregation of information between those target groups and according to age, gender and so forth. This information – while gathered and processed – has yet to be analysed, since there was simply not enough time to carry out that detailed level of analysis.

Overall, there was no quality lost in the sampling approach, nor was there quality lost in respect of the enumerators or the questionnaire or in the report itself. What was lost was the intermediate steps that could have been taken to adjust the understanding of questions by enumerators and increase the usefulness of the results to the overall understanding of the situation, as well as the time to conduct more in-depth analysis of the information that was gathered.

## Sampling approach

Information was gathered in one-to-one interviews conducted in private, individual settings with a pre-defined number of respondents drawn from specified target groups based on pre-defined criteria. The respondents were identified using a sampling approach designed to reflect the diversity and breadth of the population while also capturing the views of specific groups, especially those whose voices are historically often left out (such as victims, ex-combatants, women, youth, persons with disabilities and so on). The criteria for selecting those individuals to be interviewed included: age; gender; geographic location (including both areas where crimes were charged and areas where they were not); direct contact with the SCSL (including both those with and those without direct contact); education levels; and economic situation. Enumerators were trained to ensure that there was a spread of these kinds of criteria across the surveys they carried out, while still ensuring randomness in selecting respondents and during the selection of individual respondents, thereby making it possible for the survey results to be generalised as representing the views of the whole population.

In the implementation of this project, 2,841 people were interviewed across 12 districts plus the Western Area in Sierra Leone and 5 counties in Liberia, with 1,502 surveys administered in Sierra Leone and 1,319 administered in Liberia.[37] The sampling districts were selected after consultations with the local partners and according to the criteria listed above. The number of surveys to be administered was calculated according to the population in the country as a whole and the population of the districts selected, based on a confidence level of 95% and a margin of error of less than 10%. For the entire survey, based on the numbers of surveys actually administered, the overall confidence level is 95% and the overall margin of error is 1.84%. This means that if 60% of the respondents replied 'yes' to a specific question, we can be confident to 95% certainty that if everyone in the country were asked that same question at the same time, between 58.16% and 61.84% would reply 'yes'.

Interviews were conducted by survey enumerators who were recruited and trained to carry out the survey across Sierra Leone and Liberia. Wherever possible, enumerators were chosen from the same communities as their respondents, to overcome any potential language and cultural barriers. Training included methods of administering questionnaires, interview techniques, identifying bias (both for respondents and for enumerators) and recording techniques, particularly for narrative answers, as well as a refresher on the SCSL and information on the Taylor case, judgment and sentence.

The information gathered by the enumerators was stored electronically in such a way as to preserve confidentiality and security of the respondents, and the raw data was entered into a database so as to facilitate search, retrieval and analysis of the information. The data was entered according to guidelines that guaranteed the consistency, completeness, clarity and correctness of the database vis a vis the original information gathered, which included random checks and data cleaning. The raw data was processed and analysed both quantitatively and qualitatively. The data entry and raw data analysis were outsourced to a reputable data entry and analysis company in Belgium, while NPWJ undertook content analysis of all information gathered during the project and, together with project partners, developed the findings and recommendations contained in this report.

The analysis provides answers to the research questions, using percentages of responses to closed questions and a content analysis of responses to open questions. The results are presented in this report and in the attached annexes.

37 20 respondents, ie 0.7%, did not specify whether they were Sierra Leonean or Liberian.

# Counties and Districts in which surveys were administered

## Liberia

Bong, Grand Cape, Lofa, Montserrado, Nimba.[38]

**Population of Liberia (as per the 2008 census): 3,476,608.**[39]

**Total number of surveys administered in Liberia: 1,319.**

With this number of surveys, the **margin of error** for answers solely from Liberia is **2.7**, with a **confidence level** of **95%.**[40]


## Sierra Leone

Freetown & Western Area; Northern area: Bombali, Kambia, Koinadugu, Port Loko (Koya Chieftain), Tonkolili; Southern area: Bo, Bonthe, Moyamba, Pujehun; Eastern area: Kailahun, Kenema, Kono.[41]

**Population of Sierra Leone (as per the 2004 census): 4,976,871.**[42]

**Total number of surveys administered in Sierra Leone: 1,502.**

With this number of surveys, the **margin of error** for answers solely from Sierra Leone is **2.53,** with a **confidence level** of **95%.**[43]


38 See annex 2 for the breakdown of surveys administered per County and District in Liberia.
39 Republic of Liberia 2008 Population and Housing Census, http://www.emansion.gov.lr/doc/Population_by_County.pdf (accessed on 17 September 2012).
40 With a margin of error of +/-3% and a confidence level of 95%, if 60% of respondents replied 'yes', there is a 95% probability that between 57% and 63% of the whole would reply 'yes'.
41 See annex 3 for the breakdown of surveys administered in the Western Area and per District in Sierra Leone.
42 Sierra Leone 2004 Population and Housing Census, http://www.sierra-leone.org/Census/ssl_final_results.pdf (accessed on 17 September 2012).
43 With a margin of error of +/-3 and a confidence level of 95%, if 60% of respondents reply 'yes', there is a 95% probability that between 57% and 63% of the whole would reply 'yes'.

In both Sierra Leone and Liberia, respondents were selected randomly within each town or area from various walks of life. The resulting sample reflects a distribution between genders and among the four following age groups: 0-18 years old, 19-35 years old, 36-50 years old and 51 and over.[44]

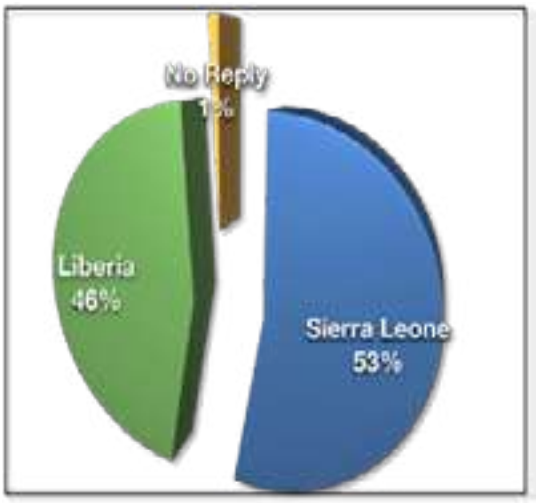



Figure 1: Country distribution [45]

## Professions

Information about the impact and legacy of the SCSL was gathered from relevant target groups in Sierra Leone and Liberia through one-on-one interviews. The people interviewed represented various professions, the most frequent of which, for both countries, were farmers (overall 14.70%), students (overall 14.51%), academics (overall 13.54%) and petty traders (overall 11.63%).[46] In addition to the general public, the target groups included political leaders, government officials, traditional leaders, the armed forces, police, journalists, the judiciary, the legal profession, victims, civil society, ex-combatants and current and former SCSL staff. The purpose of selecting these diverse target groups at random was to capture the understanding and opinions of people from all walks of life, thereby ensuring that the results would be representative of the populations as a whole across Sierra Leone and Liberia.

## Education level

When respondents were asked about their education level, a large number of people did not answer this question, although it was later clarified that they had some form of job-related training, but not necessarily formal training.[47] As such, it seems that most of the "no replies" actually meant "no formal education", or that primary education was not completed. Taking the education and literacy levels in both countries into consideration,[48] these results can be considered as reflective of the overall picture of levels of education of the populations of each country.

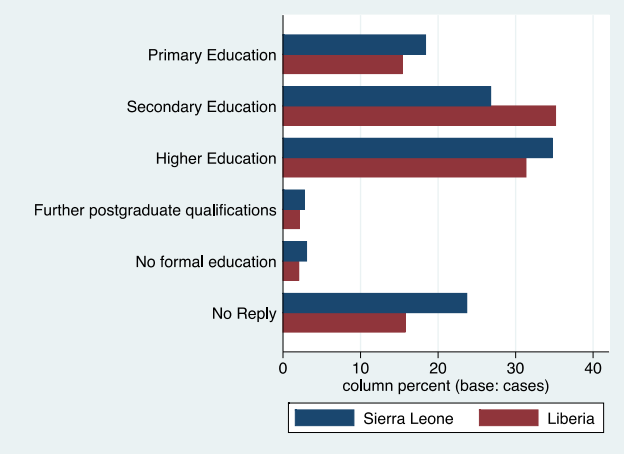



Figure 2: Education & academic qualifications

44 See annex 1 for a breakdown of this information
45 For age and gender distribution, see annex 1.
46 For a full list see annex 4.
47 This was often found to be the case with respondents who are fishers or farmers.
48 See annex 5.

# Overall Findings of the Impact and Legacy Survey

- There is an overall positive feeling about the SCSL and its work in both Sierra Leone and Liberia. The general feeling is that, on the whole, the SCSL has been successful in fulfilling its mandate, although there was still work to be done. It was often stressed that not all those who committed crimes were brought before the court. Although the respondents thought that the SCSL prosecuted those who bore the greatest responsibility, the feeling was that there were many more that committed crimes and have gone unpunished. 'Those who bore the greatest responsibility' were easily identified in Sierra Leone as "the rebels", while this identification was not so clear in Liberia. The fact that those who bore the greatest responsibility were guilty of human rights violations was a connection that was easily made. The importance of having fair trials was widely underlined.
- The Outreach Section has played a critical role in keeping the public informed and engaged in the work of the SCSL. Although the knowledge that people have about the SCSL cannot be attributed wholly to the work done by the Outreach Section, awareness of the SCSL is very high in both focus countries and this is a direct result of the excellent work done throughout both countries by the Outreach Section. This was especially so in Sierra Leone and this could be attributed to the fact that the Outreach Section in Sierra Leone was established four years before the Outreach Secretariat for Liberia and that the Court itself is located in Sierra Leone. Results show that activities organised by the Outreach Section were well attended although on numerous occasions the fact that people in remote areas were not reached was raised and people indicated that the offices of the SCSL appear inaccessible to most people. The accomplishments and challenges of the Outreach Section can serve as a good indication to future tribunals on the importance of outreach in ensuring that the impact of international courts and tribunals is felt by the populations affected by crimes. They should also serve as a lesson that outreach should be prioritised from the outset and included in the mandates of international courts and tribunals. In this way, problems faced by the SCSL Outreach Section, particularly financial constraints, can be foreseen and avoided from the start.
- The people of Sierra Leone and Liberia overwhelmingly accredited the SCSL with making a positive contribution to peace in their respective countries. Sierra Leoneans tend to attribute the overall feeling of peace and stability in Sierra Leone to the physical presence of the SCSL in Freetown. Many Liberians commented that the impact of the SCSL on Liberia has been minimal due to the fact that the SCSL was not located in Liberia – the need for a Special Court to be set up in Liberia was raised repeatedly. This indicates the importance of international courts and tribunals having a strong presence in the countries in which they are investigating and bringing cases and stands as an important lesson for the future.
- The number of individuals who have benefitted from any form of material redress remains low, although many considered justice to be a form of redress in itself. Despite the fact that both Truth and Reconciliation Commission reports recommend provision for this and the obvious needs of victims, it would seem that a lot still needs to be done in this regard.
- Although the majority was of the opinion that the judgment handed down in the Charles Taylor case was fair, there was a recurring feeling among many Liberians that Charles Taylor should not have been tried or that the sentence was too harsh.

# Accountability and transitional justice mechanisms

This section was designed to gauge the overall perceptions in Sierra Leone and Liberia of accountability and transitional justice in general, to understand how they view justice, accountability and responsibility for crimes.

- The overall understanding of the concept of 'justice' was good – replies given show that respondents understood what the term 'justice' stands for and its implications.
- The majority replied that justice should be attained through an established legal entity and punishment should be handed down by the judicial system.

> *'Justice' is the constant and perpetual disposition to render every man his due. The conformity of our actions and our will to the law.*[49]

- While the perpetrators of the violence were listed among the most responsible for the atrocities that occurred, a resounding number of Sierra Leoneans stated that the rebels were to be held most responsible.
- Sierra Leoneans tend to have more faith in the SCSL as a mechanism for bringing perpetrators of crimes to justice. This was a recurring result of this survey and could be attributed to the fact that Sierra Leonean respondents feel a certain sense of 'ownership' about the Court, whereas Liberian respondents tend to consider it as a 'foreign court'. The need for the establishment of a similar body in Liberia was highlighted on numerous occasions. This highlights the importance of having such tribunals established in the situation country itself.

When asked what the term 'justice' meant to them the most prevalent replies in both countries were 'justice' means the establishment of the truth (overall 72.49%), the application of the law (overall 63.43%) and to be just/fair (overall 60.45%).

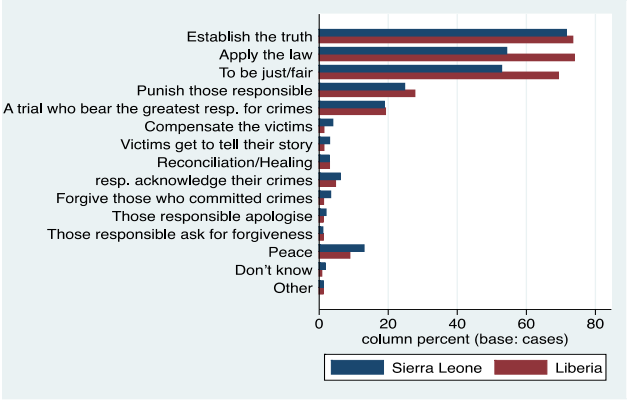



Figure 3: Meaning of the term 'justice'

The way to achieve justice, according to the majority of the respondents in Sierra Leone, is through the national court system (71.45%), the Special Court for Sierra Leone (51.52%) and through the International Criminal Court (48.42%). The most common answers amongst the Liberian respondents were: national court system (85.28%), International Criminal Court (68.71%) and the Truth and Reconciliation Commission (32.36%). Interestingly, the number of people in favour of amnesty was exceedingly low (2.10% overall), while virtually nobody (0.18% overall) felt that nothing can be done to achieve justice.

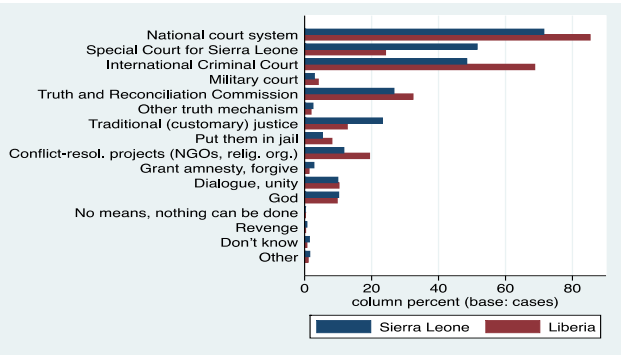



Figure 4: Means used to achieve justice

When asked who they thought should be held accountable for the crimes committed during the conflict, who is to be held most accountable and who should hold these individuals accountable, the replies were varied. The responses given by the respondents in Sierra Leone reflect that those that should be held most accountable are the rebels (56.25%), those who actually committed the violence (29.46%) and those who supplied the weapons (21.33%), with the commanders (61.86%) being considered as those who bear the greatest responsibility due to the fact that they were the leaders and they were giving the orders (47.94%). These statistics varied marginally in Liberia, where those most responsible were listed as being those who committed the violence (43.23%), the junta (28%) and those providing funding (24.67%), with all those who supplied arms and finance (66.24%) being seen as bearing the greatest responsibility overall, since they were supplying the means with which those engaging in war could continue doing so (51.33%).[50]

> *"The international community should set up a special court for Liberia to try those Liberians who brought war against their people."*[51]

49 Black's Law Dictionary Online, 2nd Ed., http://thelawdictionary.org/justice-n/ (accessed on 31 July 2012).

50 Annexes 7 and 8.

51 Comment by respondent No 26, Liberia.

The survey also asked what respondents would like to see happen to those who committed the crimes. The most common replies were that they would like to see them appear before a court (overall 42.58%), they should be punished (overall 42.54%) and they should be jailed (overall 33.49%).

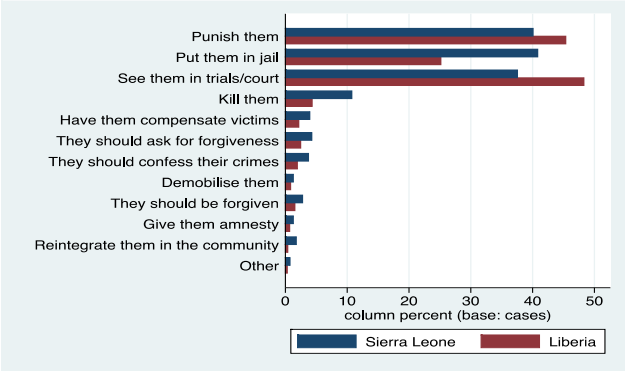



Figure 5: What should happen to those who committed crimes?

The table below shows the replies that were given to a question about who should be engaged with bringing those who committed crimes to justice. The top two answers within the overall sample were that it should be the government (47.12%) or the International Criminal Court (42.75%); in third place, Sierra Leonean respondents listed the SCSL (36.73%), while Liberians thought it should be the international community (22.17%).

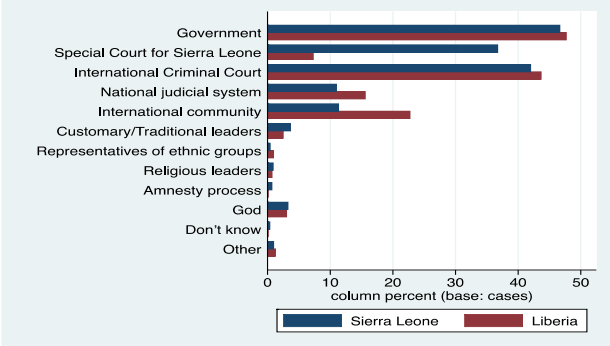



Figure 6: Entities who should bring those who committed crimes to justice

> *"I would like the Special Court to be established in Liberia and be backed by the International Criminal Court. (…) I want this court to be established in Liberia so that those who committed heinous crimes against Liberians be tried."*[52]

52 Comment by respondent No 13, Liberia.

# Rule of law and security

In this section, the respondents were asked a number of questions about the rule of law and security sectors in their country/region.

- Overall understanding of the 'rule of law' was good – replies given indicate that respondents understood what the concept encompasses.
- The majority of respondents were of the opinion that it is the judiciary that works towards establishment of the rule of law. The importance of fair trials for perpetrators of crimes was highlighted.
- The role of the police/army was largely seen as being to protect life and property.
- Awareness of changes made to the police, army and the judiciary proved to be significantly higher in Liberia than in Sierra Leone. Changes highlighted included better training, restructuring and discipline instilled.
- When questioned about the security situation in the respective countries, this was reported as being stable, with the majority attributing this stability to the presence of the SCSL. The improved situation was also credited to better training of the police and the security sector leading to a calmer environment to live in.

When asked what the term 'rule of law' meant to them, the most common replies were that no one is above the law (overall 34.86%) and that one should abide by the law (overall 31.65%).

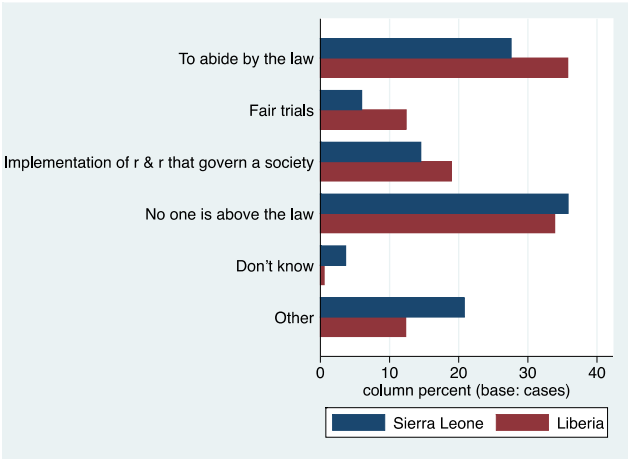



Figure 7: Understanding of 'rule of law'

Respondents were asked which institutions they thought worked towards establishing respect for the rule of law, to which the replies were varied. The majority of respondents in both Sierra Leone and Liberia replied that it was the judiciary (49.44% and 50% respectively), while for Liberians, the next most named institution (26.59%) was the Ministry of Justice and for Sierra Leoneans, the police service (28.80%).

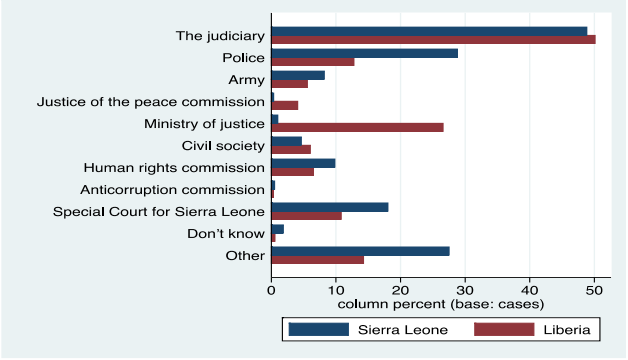



Figure 8: Institutions working towards establishing the rule of law

> *The 'rule of law' in its most basic form, is the principle that no one is above the law. The rule follows logically from the idea that truth, and therefore law, is based upon fundamental principles which can be discovered, but which cannot be created through an act of will.*[53]

When asked what they thought the army/police should do for the person in the street, a significant 80.50% replied that they should protect life and property, while the second most common reply was that they should protect sovereignty (overall 12.89%).

Although the majority of Liberians responents were aware of the fact that there has been some reform of the judiciary, the same could not be said for the Sierra Leonean respondents. Liberian interviewees were also more aware of reform of the police and army.

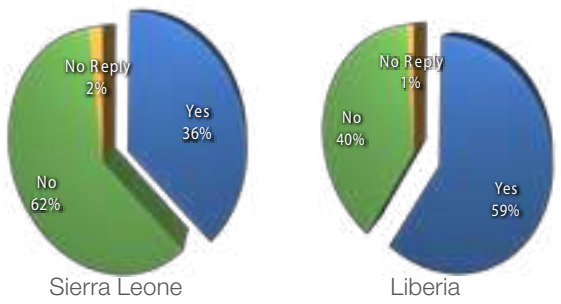



Figure 9: Do you know of changes made to the judiciary?

53 https://www.lexisnexis.com/en-us/about-us/rule-of-law.page, accessed on 21 September 2012.

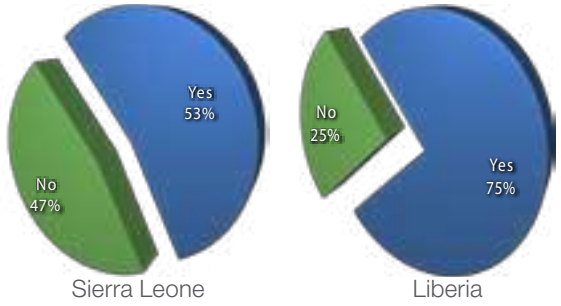



Figure 10: Do you know of changes made to the police/army? [54]

Questions were also asked about developments in the establishment of respect for the rule of law and in the security situation in each country since the establishment of the SCSL. In both cases, the majority of respondents were aware of developments[55] and, overall, considered that the situation was either good or stable and improved. When asked how they would describe the security situation in their country the replies were as follows:

| | Sierra Leone % | Liberia % | Total % |
|---|---|---|---|
| Fragile/not very good | 17.44 | 16.08 | 16.80 |
| Good/stable | 51.62 | 42.50 | 47.28 |
| In need of improvement | 8.33 | 10.41 | 9.32 |
| TableRows1 | 18.29 | 29.91 | 23.83 |
| Bad | 6.85 | 4.27 | 5.62 |
| Other | 4.10 | 2.33 | 3.26 |
| Total | 106.64 | 105.52 | 106.10 |

(Valid cases: 2703; Missing cases: 118; Pearson chi2(18) = 97.0742 Pr = 0.000)

*"Hope that security officers will be paid adequately so as to improve professionalism. There can be no peace when the structure of government is not geographically balanced and the majority of citizens are unemployed."*[56]

*"More training should be provided to the security sector."*[57]

*"The security situation is peaceful for now because we still have the peacekeepers in our country. We can see how reliable this peace is once they have left."*[58]

54 The percentage of Sierra Leonean respondents who were aware of changes made to the police/army since the end of the conflict was 53%, which is significantly lower than the results reported by the BBC and Search for Common Ground study in 2008, which reported that 74% of respondents were aware of such changes.
55 Full results available in annexes 9 and 10.
56 Comment by respondent No129, Sierra Leone.
57 Comment by respondent No293, Sierra Leone.
58 Comment by respondent No133, Liberia.

## Customary justice

- Sierra Leone

Sierra Leone's formal judicial system consists of the Supreme Court, Court of Appeals, High Court of Justice and magistrate courts, whose judges are appointed by the President and approved by Parliament. Local chieftaincy courts administer customary law with lay judges; appeals from these lower courts are heard by the superior courts. Local courts have jurisdiction over all cases of a customary nature and over some minor criminal matters. All those resident in a local area are subject to its criminal jurisdiction.[59] Nonetheless, judicial presence outside the capital district remains limited, which contributes to excessive delays in the justice system, although justices of the peace or customary law partially fill the gap.[60] District courts and customary law bodies controlled by local chiefs are described as remaining corrupt and dysfunctional, effectively denying most citizens access to justice.[61]

- Liberia

The Liberian Constitution is largely based on the US Constitution and creates a legal order with many of the features of a liberal democracy. The Constitution includes a right to gender equality and also makes a commitment to promote cultures and traditional values that "are compatible with public policy and national progress", which is understood to authorise the recognition of customary legal systems. The system that has evolved in Liberia is complicated. First, there is the civil or State-run system, in which the official courts apply the statutory law created by the legislature and the jurisprudence developed by those courts. Second, there is the informal customary law system in which local leaders are asked by those involved to resolve disputes in accordance with local custom. Third, there is a hybrid system, in which tribal chiefs appointed by the President sit as magistrates and apply a combination of statutory codifications of customary laws and actual local customs.[62] The statutory law system and the State-sponsored customary law system do not work in partnership and executive oversight of customary law through the Ministry of Internal Affairs has meant there is no judicial review of chiefs' judgments or any abuses of power. Liberians remain uninformed of their rights and how to pursue them, yet in Liberia, customary law is the primary arena to which citizens look for justice.

Results to questions asked about customary justice were inconclusive. The majority of respondents did not seem to have a clear idea of the role of customary justice in their society and of developments made to customary justice.[63]

59 Minneh Kane and Abdul Tejan-Cole, "Reassessing Customary Law Systems as a Vehicle for Providing Equitable Access to Justice for the Poor," Arusha Conference, *New Frontiers of Social Policy*, 12-15 December 2005, pp 8-9.
60 "Background Notes: Sierra Leone," ***State Department Documents/FIND***. Federal Information & News Dispatch, Inc. Lanham, United States, 2012.
61 Christopher Wyrod, "Sierra Leone: a Vote for Better Governance," ***Journal of Democracy*** 19.1, pp 70-83, January 2008.
62 Susan H Williams, "Democracy, Gender Equality and Customary Law: Constitutionalizing Internal Cultural Disruption", ***Indiana Journal of Global Legal Studies*** 18:1 (Winter 2011), p 80.
63 See annexes 11 and 12.

## Reform of the police, army and judiciary in Sierra Leone and Liberia

Since the end of the war, there has been significant reform of the police, the army and the judiciary in Sierra Leone and Liberia, including training, restructuring and the promotion of discipline. In Sierra Leone, activities have focused on governance reforms, such as judicial reform, parliamentary assistance and decentralisation.[64] Since the Sierra Leone TRC report was issued in October 2004[65] there has been significant reform of the judiciary. Court buildings were erected to cope with demand, a code of conduct for judicial officers was adopted and legislation dealing with legal aid was enacted.[66] A recent development is the enactment of a sexual offences bill introducing stiff minimum sentences for offenders, which has been hailed as a victory in a country where sexual abuse is rife.[67] A judicial training institute is also taking shape. The government adopted a new Justice Sector Reform Strategy and Investment Plan 2011-2014, its blueprint for 'bringing justice to the doors of Sierra Leoneans', a previous one with similar objectives having expired in 2010.[68]

Despite there having been training for the police and the army, the situation in Sierra Leone is still far from perfect. The 2011 Human Rights Watch report on Sierra Leone states[69] that "The police in Sierra Leone continue to engage in unprofessional and at times criminal behaviour. There were persistent allegations of crime victims being required to pay for investigations and of police involvement in extortion, solicitation of bribes, and other criminal acts. In late 2009 the Sierra Leonean army stepped in to help the police address a spike in armed robberies". The report goes on to state that "Over the last several years the army has been downsized from 17,000 to its goal of 8,500 personnel (…) A milestone was achieved in early 2010 when the first-ever contingent of RSLAF troops was deployed as peacekeepers, to Sudan." A 2011 UNHCR country report[70] also states that while cases of police brutality and corruption remain a serious problem, police continued to receive professional, leadership and human rights training, and new recruits received a six-month introductory course. The SLP retained a full-time UN technical advisor and UN Civilian Police advisors and have undertaken training in community policing from the UK, the Commonwealth and the Justice Sector Development Programme (JSDP).

The capacity of Liberian State institutions, while having improved since 2003, still remains weak and unable to meet the needs of Liberians. Corruption is taken seriously, but remains an insidious problem that obstructs the country's growth and the government's ability to govern effectively.[73] According to the 2012 UNSC report on Liberia, the development of the army is "constrained by limited opportunities and resources to conduct practice operations as needed to sustain training and build skills."[74] The report noted that the 4,200-strong national police force probably needs to be expanded to 8,000, but improving the very poor conditions of service for the force is even more urgent.[75] The judiciary is reportedly faced with significant inadequacies, including a lack of qualified personnel, insufficient funding and corruption. Meanwhile, the Governance Reform Commission, mandated to establish a national framework for legal and political reform, continues to seek greater decentralisation of power, regional participation and balancing national and regional interests. Once this process is complete, many Liberians, particularly those in rural areas, would be able to elect representatives that are more accountable to rural needs, acquire greater access and control over local resources and act as a counterbalance toward political and economic policies mandated from Monrovia.[76]

In 2010, Liberia established the Independent National Commission on Human Rights (INCHR), as mandated in the 2003 Comprehensive Peace Agreement. The INCHR is responsible for implementing the recommendations made in the 2009 Truth and Reconciliation Commission (TRC) report, despite reported inadequacies of that report and the government's response to it.[77]

*"The customary justice should try and abolish its practice because it is not helping to bring peace in that not everyone are interested in it."*[71]

*"Customary justice should interpret the laws at the local level."*[72]

*"Customary justice should be abolished by the government. They should see reason and close down all their activities."*[78]

64 OECD Country Report 5 - Monitoring the Principles for Good International Engagement in Fragile States and Situations, 2010, available at http://www.oecd.org/dacfragilestates/44653693.pdf (accessed on 14 September 2012).
65 More on this on p 22 of this report.
66 http://ilawyerblog.com/the-sierra-leone-judiciary-eight-years-after-the-truth-and-reconciliation-commission-report/ (accessed on 14 August 2012).
67 More information available at, http://unwomenwestafrica.blog.com/2012/08/21/%E2%80%9Ca-victory-for-sierra-leoneans%E2%80%9D-says-minister-gaojia-of-sierra-leone%E2%80%99s-enactment-of-sexual-offences-law/ (accessed on 12 September 2012).
68 The Sierra Leone Judiciary and the Truth and Reconciliation Commission Recommendations: A case of motion but no progress? Sonkita Conteh, 11 June 2012, available at http://www.sierraexpressmedia.com/archives/42316 (accessed on 14 August 2012).
69 HRW World Report 2011: Sierra Leone, available at http://www.hrw.org/world-report-2011/sierra-leone (accessed on 22 August 2012).
70 UNHCR 2011 Country Reports on Human Rights Practices - Sierra Leone, 24 May 2012, available at http://www.unhcr.org/refworld/category,COI,,,SLE,4fc75a64c,0.html (accessed on 22 August 2012).
71 Comment made by respondent No491, Liberia.
72 Comment made by respondent No962, Sierra Leone.
73 An African Democracy Institute, Liberia Country Brief, available at http://www.idasa.org/our_products/resources/output/liberia_country_brief/ (accessed on 20 August 2012).
74 Special report of the Secretary-General on the United Nations Mission in Liberia, 16 April 2012, UN Doc S/2012/230, p 11, available at http://www.un.org/Docs/sc/sgrep12.htm (accessed on 20 August 2012).
75 Ibid, p 9.
76 An African Democracy Institute, Liberia Country Brief, available at http://www.idasa.org/our_products/resources/output/liberia_country_brief/ (accessed on 20 August 2012).
77 Ibid.
78 Comment made by respondent No1148, Liberia.

# Peace

This section assesses the respondents' perception of the concept of peace and their perception of the role of the SCSL in bringing peace to Sierra Leone and the region.

- For many, their understanding of the term 'peace' included living together, united and reconciled; they noted that the Government was responsible for bringing lasting peace. A large number of Liberian respondents felt that the international community has a significant role to play in bringing peace.
- An overwhelming majority of respondents from both Liberia and Sierra Leone consider that the international community has an important role to play in the restructuring of their respective legal systems.
- Nearly all Sierra Leonean respondents thought that the SCSL has contributed towards bringing peace to Sierra Leone.
- Many respondents expressed concern that fear will follow the imminent end of the SCSL's mandate, since the court will no longer be present to act as a deterrent.

> *As applied to the affairs of a state or nation, peace may be either external or internal. In the former case, the term denotes the prevalence of amicable relations and mutual good will between the particular society and all foreign powers. In the latter case, it means the tranquility, security, and freedom from commotion or disturbance which is the sign of good order and harmony and obedience to the laws among all the members of the society, in a somewhat technical sense, peace denotes the quiet, security, good order, and decorum which is guarantied by the constitution of civil society and by the laws.*[79]

When asked what they understood by the term 'peace', the most common responses were that peace means living together, united, reconciled (overall 69.50%), the absence of violence (overall 52.76 %) and no more fear of war (overall 44.62%).

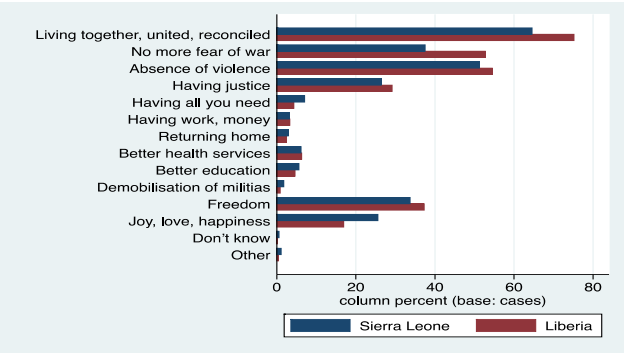



Figure 11: The meaning of 'peace'

Respondents were asked for their opinion about 'who and what can ensure durable peace in Sierra Leone/Liberia'. For a resounding majority in both countries, the Government should ensure long-lasting peace. A significantly large number of Liberian respondents also listed the international community as having responsibility for this task; the other top answers among Sierra Leoneans were the police and the army.

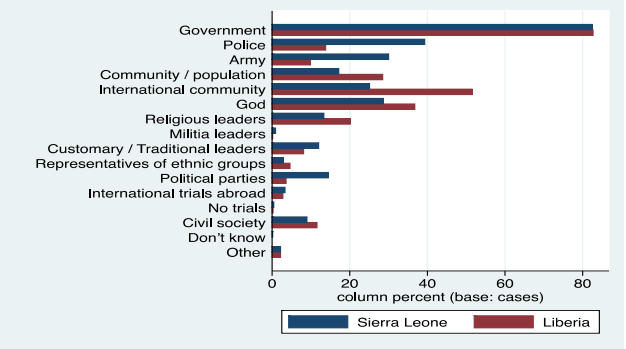



Figure 12: Those who can be tasked with safeguarding durable peace

The international community has contributed a great deal to the restructuring of both countries. The replies to the question about whether the international community has a role to play in the restructuring of the legal systems show that most people think it should. As the pie charts on the next page show, an unquestionable majority think that the international community should play this role. The replies reflect that most believe that the help given should be financial (overall 48.70%) or in the form of capacity building (overall 47.58%).

79 Black's Law Dictionary Online, 2nd Ed., http://thelawdictionary.org/peace/ (accessed on 02 August 2012).

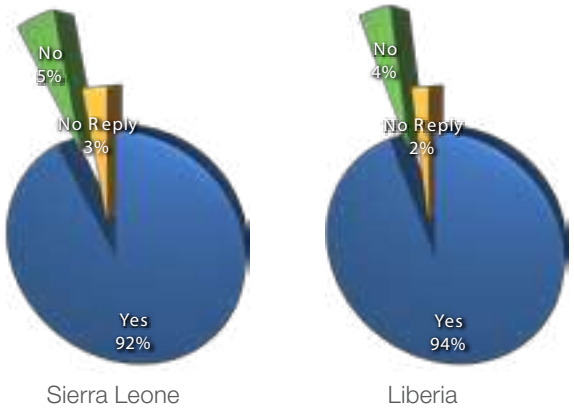



**Figure 13: Should the international community help local legal systems?**

*"The SCSL should remain open as long as there's no total peace in West Africa."*[80]

*"…the SCSL should not close down yet and its name to be changed to the 'special court for West Africa (SCWA)' so that a criminal within West Africa should be brought and tried here. This will ensure lasting peace in this part of Africa."*[81]

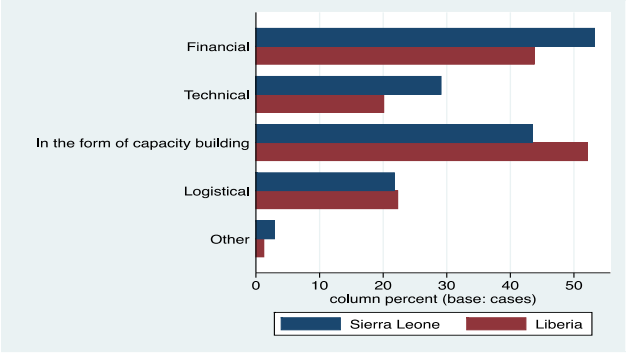



**Figure 14: How the international community should help local systems**

A large majority (77.52% overall) was of the opinion that the SCSL has contributed towards bringing peace to Sierra Leone: the percentage was significantly larger in Sierra Leone, with 91% of respondents attributing the attainment of peace to the SCSL. While just 39.11% thought that the closing of the SCSL would have an impact on peace in the region, a sizeable amount did not know whether this would have an effect or not (32.62%).[82]

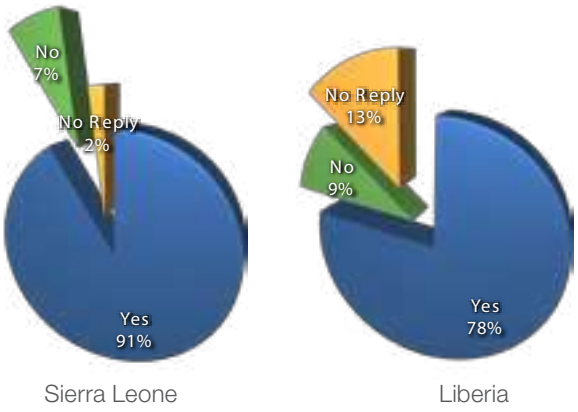



**Figure 15: Has the SCSL contributed towards bringing peace to Sierra Leone?**

*"The closing of the SCSL will bring about violence and once there is violence there will be an increase in crime and there will be no peace."*[83]

80 Comment made by respondent No626, Liberia.
81 Comment made by respondent No1746, Sierra Leone.
82 For full results see annex 13.
83 Comment made by respondent No817, Liberia.

# Truth

The importance of knowing the truth about the crimes committed during the war, the establishment of the truth, participation in processes aimed at establishing the truth and the role and mandate of the Truth and TRC were discussed in this section.

- Results show that respondents thought knowing the truth about what happened during the years of conflict is important. Nonetheless, participation in truth-seeking mechanisms was very low and this was especially so in Liberia.
- Awareness of the existence of the TRC is high but depth of understanding and confidence in the mechanisms is low.

Although the majority of respondents (95.88% overall) stated that knowing the truth about crimes committed was important, and would also be willing to talk openly about what happened (67.23% overall), a large majority (71.03% overall) had also not participated in a process to establish the truth.[84]

When asked how the truth could be established the most common replies were:

| | Sierra Leone % | Liberia % | Total % |
|---|---|---|---|
| Inquiry by judicial system | 42.05 | 58.15 | 49.58 |
| Let people talk freely | 37.54 | 32.14 | 35.02 |
| Have a truth / inquiry commission | 34.54 | 18.79 | 27.17 |
| Independent, free media | 20.34 | 12.97 | 16.89 |
| Write a book | 6.21 | 1.86 | 4.18 |
| Dialogue, reconciliation | 13.79 | 9.78 | 11.91 |
| Don't know | 3.62 | 1.09 | 2.43 |
| Other | 1.64 | 0.39 | 1.05 |
| Total | 159.73 | 135.17 | 148.24 |

*"Truth plays a vital role in establishing a good democracy"*[85]

84 See annexes 14 and 15.
85 Comment made by respondent No674, Sierra Leone.

**Sierra Leone Truth and Reconciliation Commission**[86]
Dates of Operation: November 2002 - October 2004

### Background

The TRC was agreed upon by the conflicting parties during the 1999 Lomé Peace Agreement. It was decided that the TRC should be established within 90 days after the signing of the agreement. However, it took until 2002 finally to establish the TRC through an Act of Parliament voted on in February 2000 (Truth and Reconciliation Act 2000).[87] The seven Commissioners (four men and three women, of whom four were Sierra Leoneans and three were foreigners) appointed by the President were formally sworn in during a public ceremony.[88]

### Mandate

Section 6 (1) of the Truth and Reconciliation Act states that: The object for which the Commission is established is to create an impartial historical record of violations and abuses of human rights and international humanitarian law related to the armed conflict in Sierra Leone, from the beginning of the Conflict in 1991 to the signing of the Lomé Peace Agreement; to address impunity, to respond to the needs of the victims, to promote healing and reconciliation and to prevent a repetition of the violations and abuses suffered. The TRC was to recommend policies to facilitate reconciliation and prevent future violations. The TRC Act provided one year for the Commission to produce its report and recommendations, with the possibility of an extension.[89]

### Results

On 5 October 2004, the TRC released its report.[90] The report contained an historical record of the violations and made more than 220 recommendations for the future both in terms of redress for victims and as measures toward non-repetition. The recommendations were divided into four categories according to the urgency and necessity with which the TRC believed they should be implemented.[91] The Commission's main recommendations concerned the fight against corruption, the creation of a new Bill of Rights developed in a participatory constitutional process, the independence of the judiciary, strengthening the role of Parliament, stricter control over the security forces, decentralisation and enhanced economic autonomy for the provinces, the government's commitment to deliver basic public services and the inclusion of youth and women in political decision-making. The Commission recommended the establishment of a reparations program and an implementing agency, as it was already suggested in the Lomé Agreement.[92]

86 For information on the Sierra Leone TRC: http://www.sierraleonetrc.org/ (accessed on 08 August 2012).
87 More information available at, http://www.trial-ch.org/en/resources/truth-commissions/africa/sierra-leone.html (accessed on 12 September 2012).
88 African Union, Overview of the Sierra Leone Truth and Reconciliation Report, p 8, available at http://www.africaunion.org/official_documents/reports/SL.TRC.Overview.pdf (accessed on 09 August 2012).
89 African Union, Overview of the Sierra Leone Truth and Reconciliation Report, p 2, available at http://www.africa-union.org/official_documents/reports/SL.TRC.Overview.pdf (accessed on 09 August 2012).
90 TRC Report available at http://www.sierra-leone.org/TRCDocuments.html (accessed on 07 August 2012).
91 Submission to the Universal Periodic Review of the UN Human Rights Council 11th session May 2010, International Center for Transitional Justice (ICTJ), 1 November 2010 (accessed on 09 August 2012).
92 http://www.usip.org/publications/truth-commission-sierra-leone (accessed on 07 August 2012).

**Liberia Truth and Reconciliation Commission[93]**
Dates of Operation: February 2006 - June 2009

### Background

The TRC Mandate - the Act that established the Truth And Reconciliation Commission (TRC) of Liberia – was enacted on 12 May 2005, by the National Transitional Legislative Assembly.

### Mandate

The objective of the Liberia TRC was to "promote national peace, security, unity and reconciliation"[94] by (a) investigating gross human rights violations and violations of international humanitarian law as well as abuses that occurred during the period January 1979 to 14 October 2003;[95] (b) determining whether these were isolated incidents or part of a systematic pattern; establishing the antecedents, circumstances factors and context of such violations and abuses; and determining those responsible for the commission of the violations and abuses and their motives as well as their impact on victims; (c) providing a forum that will address issues of impunity, as well as an opportunity for both victims and perpetrators of human rights violations to share their experiences in order to create a clear picture of the past so as to facilitate genuine healing and reconciliation; (d) investigating the antecedents of the crises which gave rise to and impacted the violent conflict in Liberia; (e) conducting a critical review of Liberia's historical past in order to address falsehoods and misconceptions about the nation's past socioeconomic and political development; (f) adopting specific mechanisms and procedures to address the experiences of women, children and vulnerable groups, paying particular attention to gender-based violations, as well as to the issue of child soldiers, providing opportunities for them to relate their experiences; (g) addressing concerns and recommending measures to be taken for the rehabilitation of victims of such violations in the spirit of national reconciliation and healing; and (h) compiling a report that includes a comprehensive account of the activities of the Commission and its findings.[96]

### Results

On 3 December 2009, the final TRC Report, together with various reports on specific issues such as women, children and economic crimes, was released, following different volumes and unedited versions being released in December 2008 and June 2009.[97] The Report contained a number of recommendations for criminal prosecutions, including the establishment of an Extraordinary Criminal Tribunal for Liberia, named individuals, corporations and institutions recommended for prosecution or further investigation and barring certain individuals from holding public office for thirty years (including President Ellen Johnson Sirleaf). It called for national dialogue, reparations, human rights protection and amnesty for children. The Commission also recommended that the international community continue its engagement with Liberia and the sub region.

93 For information on the Liberia TRC: http://trcofliberia.org/ (accessed on 08 August 2012).
94 Amnesty International, Liberia, Truth Justice and Reparation, Memorandum on the Truth and Reconciliation Commission Act, 22 June 2006, p 14, available at http://www.amnesty.org/fr/library/asset/AFR34/005/2006/fr/3205abe5-d41f-11dd-8743-d305bea2b2c7/afr340052006en.pdf (accessed on 09 August 2012).
95 January 1979 marks the beginning of a period of political instability and armed conflict; 14 October 2003 corresponds to the date of the inauguration of the National Transitional Government.
96 TRC Liberia, Mandate section 4(a) available at http://trcofliberia.org/about/trc-mandate (accessed on 08 August 2012).
97 United States Institute of Peace, Truth Commission Liberia, http://www.usip.org/publications/truth-commission-liberia; final report available at http://trcofliberia.org/reports/final-report (accessed on 08 August 2012).

Although 89.43% of all respondents (Liberia 90%; Sierra Leone 89%) had heard about the TRC, just 8.64% had participated in the work of the commissions.[98] These conclusions also reflect the conclusions reached by the BBC and Search for Common Ground study conducted in Sierra Leone which reported that "most people across the country (89%) had heard of the TRC".[99]

When analysing the replies to a question enquiring about whether the respondent thought the goals of the TRC and the SCSL are similar or complementary, we found that the question was perhaps not clear and therefore largely misunderstood, as a large number of replies, when seen in the context of other replies and comments by the respondents, were found to be contradictory.[100]

Respondents were asked whether they believed that the TRCs had been successful in their mandates. The replies, as reflected in the pie charts below, show that attitudes towards the TRC and its success are more positive in Sierra Leone than in Liberia:

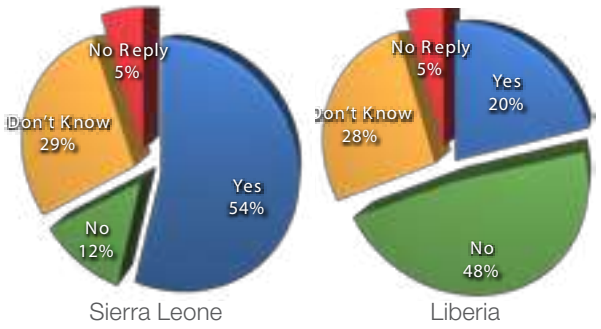



**Figure 16: Has the TRC been successful in its mandate?**

*"It is very good for the Special Court and also the Truth and Reconciliation Commission to work hand in hand for them to provide peace."[101]*

*"The TRC has failed the Liberian people."[102]*

*"Instead of the TRC in Liberia, let us set up the Special Court for Liberia to judge and prosecute those who commit crimes."[103]*

*"In the SCSL there was justice because people were punished for the crimes they committed but in the TRC people went free after admitting to their crimes so there was no justice in the TRC."[104]*

98 See annexes 16 and 17.
99 BBC World Service Trust and Search for Common Ground, Building a Better Tomorrow – a Survey of Knowledge and Attitudes toward Transitional Justice in Sierra Leone, August 2008.
100 See annex 18.
101 Comment by respondent No367, Sierra Leone.
102 Comment by respondent No751, Liberia.
103 Comment by respondent No785, Liberia.
104 Comment by respondent No817, Liberia.

# Redress and reparations

This section sought to obtain people's feelings about redress and reparations and ascertain people's perceptions on who should provide redress and reparations for victims.

- The majority of respondents considered justice to be a form of redress, with both financial redress and apologies being highlighted as other important ways of achieving redress.
- Despite the fact that half of the respondents identified themselves as victims of war crimes or crimes against humanity, the majority have not benefited from any form of financial or material redress.
- While the majority of Sierra Leoneans believe that the Government should pay reparations, the majority of Liberians think that it should be the perpetrators themselves. In both countries, it was emphasised that the responsibility of the international community was high and consequently the international community also had an obligation to provide reparations.

Notwithstanding that a large number of respondents (Sierra Leone 49.82%; Liberia 48.97%) identified as being victims of war crimes or crimes against humanity and a large percentage also had relatives or friends who were victims of these crimes,[105] the majority (overall 80.55%) said that they had not received any form of redress.


**Figure 17: Have you benefited from any form of redress?**

105 See annexes 19 and 20.

**Lomé Peace Agreement**

Required the government, with the support of the international community, to "design and implement a programme for the rehabilitation of war victims".[106] A reparations program was established to address the needs of victims of the war in Sierra Leone, with the National Commission for Social Action (NaCSA, formerly the National Commission for Reconstruction Resettlement and Reconstruction NCRRR) designated in 2007 as the implementing agency.[107]

**Special Court Statute**

Although the SCSL Statute does not specifically authorise the SCSL to award reparations, the SCSL does have the power under article 19(3) to "order the forfeiture of the property, proceeds and assets of a convicted person to their rightful owner, if acquired unlawfully or by criminal conduct, and their return to their rightful owner or to the State of Sierra Leone".

**Special Court Agreement (2002), Ratification Act**

Section 45 of the Ratification Act states that "Any person who has been a victim of a crime within the jurisdiction of the Special Court, or persons claiming through him, may claim compensation in accordance with the Criminal Procedure Act, 1965 if the Special Court has found a person guilty of that crime".[108]

**TRC**

Both TRCs identified reparations to victims as one of the key issues for the country's rehabilitation and healing within society and recommended that a reparations program be set up for the most vulnerable victims, i.e., amputees, war wounded, victims of sexual violence, war widows and child victims.[109]

Those who said that they had received redress were asked what kind of redress they received, to which the majority of Sierra Leoneans said that the redress came in the form of justice and for the majority of Liberians, redress came in the form of an apology:

| | Sierra Leone % | Liberia % | Total % |
|---|---|---|---|
| Financial | 33.63 | 24.49 | 30.88 |
| Non-financial | 9.94 | 4.76 | 8.38 |
| Acknowledgment | 4.39 | 13.61 | 7.16 |
| Apology | 17.25 | 31.97 | 21.68 |
| Justice | 49.12 | 23.81 | 41.51 |
| Other | 6.43 | 5.44 | 6.13 |
| Total | 120.76 | 104.08 | 115.75 |

(Valid cases: 489; Missing cases:2332; Pearson chi2(22) = 68.7878 Pr = 0.000)

106 Tesfamicael Negash, Accomplishments, shortcomings and challenges: evaluation of the special court for sierra leone, Thesis, University of the Western Cape, 2006, available at http://repository.up.ac.za/handle/2263/1236 (accessed on 21 August 2012).

107 Brenda Hollis - Chief Prosecutor at the SCSL, No signs of victim compensation in Sierra Leone, The Hague Justice Portal, 18 November 2010.

108 The Special Court Agreement, 2002, Ratification Act, 2002; Supplement to the Sierra Leone Gazette Vol. CXXX. No II dated 7 March 2002, available at http://www.sc-sl.org (accessed on 08 August 2012).

109 International Organization for Migration, Support for the Sierra Leone Reparations Programme, available at http://www.iom.int/jahia/Jahia/support-for-the-sierra-leone-reparations-programme (accessed on 08 August 2012).

When asked what they thought should be done for victims, the most common replies were that they should be financially compensated (overall 43.38%), receive housing (overall 35.44%), go to school/receive support for education (overall 31.47%) and receive health care (overall 30.03%).[110]

Respondents were then asked whether justice was a form of redress, to which a substantial majority (81.01% overall) said yes, the delivery of justice was a form of redress.[111] Generally, the overall feeling was that those who should pay for reparations are the perpetrators of the violence, the Government and the international community, while differences in opinion between Sierra Leoneans and Liberians are evident:

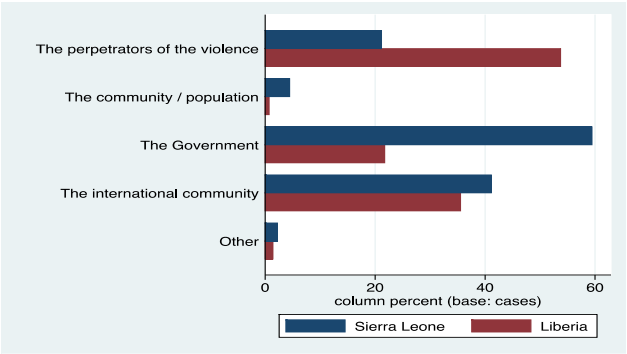



Figure 18: Who should pay for redress and reparations?

*"Perpetrators of violence should pay for redress to the victims."*

*"No peace without redress."*

*"I thank SCSL for indicting the perpetrators of crimes and crimes against humanity as a form of redress for the people of Sierra Leone."*

110 See annex 21.
111 See annex 22.

# Work, impact, legacy and effectiveness of the Special Court for Sierra Leone

This section was designed with the aim of assessing people's knowledge about and the impact of the SCSL, their knowledge about and participation in activities organised by the Outreach Section of the Court and their perceptions of the Court's overall legacy and impact.

- Awareness of the existence of the SCSL is extremely high.
- The majority of people first heard of the SCSL around the time of its establishment from the radio, which was an important tool both for the SCSL and for civil society at the time.
- A sizeable majority is of the opinion that the SCSL has attained what it set out to achieve.
- Although awareness of the SCSL is high, knowledge on how to access the offices and knowledge about SCSL staff is low, particularly in Liberia. A common trend was that the more specific the question about the SCSL and its staff, the more likely it was for people not to answer it.
- The Outreach Section was extremely successful in making people aware of the Court's existence and bringing the SCSL to the people in general, a large number of whom participated in outreach events, including radio programs, although there was a general feeling that more needed to be done to reach marginalised groups and rural areas.

## General information

Awareness of the existence of the SCSL was high in both countries, with only 6.99% of respondents overall not having heard of the SCSL. By way of illustration of how impressive this is, a survey about the International Criminal Court in Uganda in 2007 found that 40% of respondents had not heard of the ICC, which was an improvement over the 73% reported in 2007.[112]

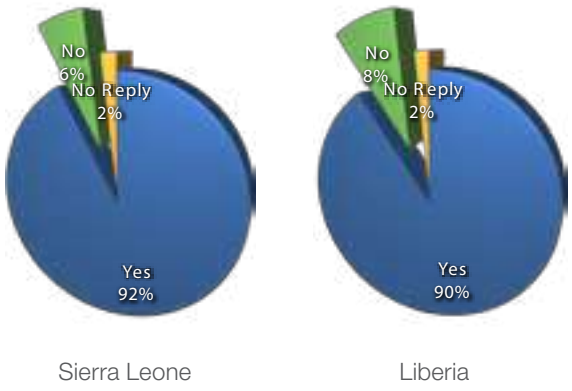



**Figure 19: Have you heard of the SCSL?**

When those who replied 'yes' were asked when they had first heard of the SCSL the replies reflect that the majority had first heard of the SCSL around the time of its establishment. During this time period (2002-2003), outreach activities targeted the general population and specific groups through diverse programs such as community town hall meetings at district and chiefdom level; weekly and biweekly meetings with civil society, national and international NGOs; radio programs; publications; and seminars.[113] Prior to 2002, outreach work was primarily carried out by civil society in anticipation of the Court's establishment, after which civil society and the Court joined forces to continue the work together. The fact that the majority of people heard about the Court either before or during its establishment and start-up is a testament to the importance that the SCSL attached to outreach from the outset and their hard work in engaging with the populations of both countries. While the figures of those having heard about the Court during this timeframe are lower in Liberia than in Sierra Leone, this is understandable given the location of the SCSL in Sierra Leone, the later establishment of the Outreach Secretariat in Monrovia and the general challenges faced by the Outreach Section, including funding. In addition, it must be remembered that while the involvement of Charles Taylor in the Sierra Leone conflict was common knowledge, he was, at that time, still a sitting Head of State and few thought that he would end up being indicted by the SCSL.

112 ICTJ, Uganda: Impact of the Rome Statute and the International Criminal Court, May 2010, footnote 24, available from http://ictj.org/sites/default/files/ICTJ-Uganda-Impact-ICC-2010-English.pdf (accessed on 16 September 2012).

113 First Annual Report of the President of the Special Court for Sierra Leone – For the Period 2 December 2002-1 December 2003, p 27, available at http://www.sc-sl.org/DOCUMENTS/tabid/176/Default.aspx/ (accessed on 12 September 2012).

| | Sierra Leone % | Liberia % | Total % |
|---|---|---|---|
| Pre-2002 | 16.80 | 4.05 | 9.40 |
| 2002-2003 | 42.13 | 27.55 | 33.67 |
| 2004-2005 | 17.60 | 18.30 | 18.01 |
| 2006-2007 | 16.40 | 21.29 | 19.24 |
| 2008-2009 | 6.00 | 16.57 | 12.14 |
| 2010-2011 | 2.13 | 9.63 | 6.49 |
| 2012 | 0.93 | 2.99 | 2.13 |
| Total | 102.00 | 100.39 | 101.06 |

(Valid cases: 1788; Missing cases: 1033; Pearson chi2(13) = 208.1313 Pr = 0.000)

As a follow up question to 'when did you first hear of the SCSL?', respondents were asked 'where from' –this question was often misunderstood to mean a physical location rather than the medium through which the information was received. The majority of those who interpreted the question correctly said that they had heard of the SCSL through the media (overall 61.4%).[114] When referring to the media, it is worth noting that this refers largely to the radio, which is an effective means of communication, especially in societies where the communications infrastructures are limited and levels of literacy are low. A lot of outreach work, especially in the earlier years, was done over the radio, including weekly panel discussions about the SCSL,[115] expert interviews and rapid response programs aimed at facilitating an immediate response to deliberate misinformation or clarification of misunderstandings.[116] The Court's work in informing the public about its work was often hindered by a 'relatively hostile and in some cases, sensationalist, domestic news coverage',[117] which made the rapid response programs a useful tool in overcoming these challenges. In addition to this, outreach officers and civil society, often in partnership, appeared on national and provincial radio media in Sierra Leone and Liberia to discuss current issues relating to the Court[118] and the Outreach Section produced audio trial summaries for the radio and worked with a number of individual radio stations to provide wide coverage.[119] One obstacle the Outreach Section faced in Liberia was that the SCSL did not have free access to radio, as was the case in Sierra Leone, which limited their ability to reach people through the radio.[120]

When asked what they thought the SCSL was set up to achieve, 52.74% of respondents overall replied that the SCSL was established to prosecute perpetrators of crimes committed during the war and an impressive majority of 79.16% of respondents replied that the SCSL has accomplished what it set out to achieve.[121] The suggestions that other people should also be tried before the court and that a Special Court should be set up in Liberia were highlighted by respondents during this section.

> *"Information on the trial of Taylor was not available to nearly 90% of the country (Liberia) population, therefore a majority do not know whatever the trial was free and fair."*[122]

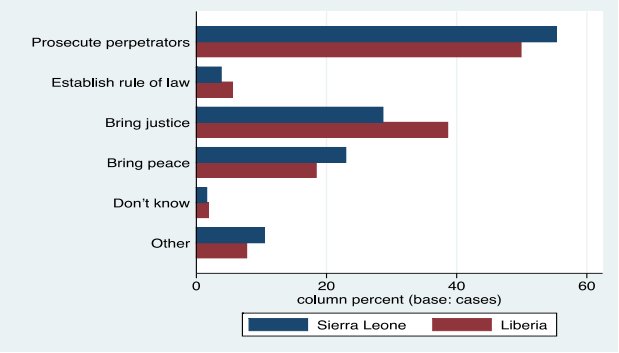



Figure 20: What was the SCSL established to achieve?

Despite the work of the Outreach Section of the SCSL, a large number of respondents stated that they would not know how to get information from the SCSL (overall 65.98%), with the results (below) showing that a substantially larger percentage of Liberians said that they would not know where to obtain such information. This may relate to knowledge of the Court's physical location, especially when considering that more than 80% of people overall had not visited any of the Court's offices and that a significant number of Liberian respondents had not heard of the Outreach Secretariat in Liberia.

> *"Extend SCSL and its activities in other country by UN resolution. The court should (be) geographically balanced."*[123]

114 See annex 23.
115 Second Annual Report of the President of the Special Court for Sierra Leone – For the Period 1 January 2004-17 January 2005, p 34, available at http://www.sc-sl.org/DOCUMENTS/tabid/176/Default.aspx/ (accessed on 12 September 2012).
116 Third Annual Report of the President of the Special Court for Sierra Leone – For the Period January 2005-January 2006, p 38, available at http://www.sc-sl.org/DOCUMENTS/tabid/176/Default.aspx/ (accessed on 12 September 2012).
Also Fourth Annual Report of the President of the Special Court for Sierra Leone – For the Period January 2006-May 2007, p 53, available at http://www.sc-sl.org/DOCUMENTS/tabid/176/Default.aspx/ (accessed on 12 September 2012).
117 Kings College London, Rachel Kerr & Jessica Lincoln, 'The Special Court for Sierra Leone. Outreach, Legacy and Impact', 2008, p 10.
118 Fifth Annual Report of the President of the Special Court for Sierra Leone – For the Period June 2007-May 2008, p 53, available at http://www.sc-sl.org/DOCUMENTS/tabid/176/Default.aspx/ (accessed on 12 September 2012).
119 Sixth Annual Report of the President of the Special Court for Sierra Leone – For the Period June 2008-May 2009, p 41, available at http://www.sc-sl.org/DOCUMENTS/tabid/176/Default.aspx/ (accessed on 12 September 2012).
120 Discussion with SCSL personnel, August 2012.
121 See annex 24.
122 Comment made by respondent No468, Liberia.
123 Comment made by respondent No637, Liberia.

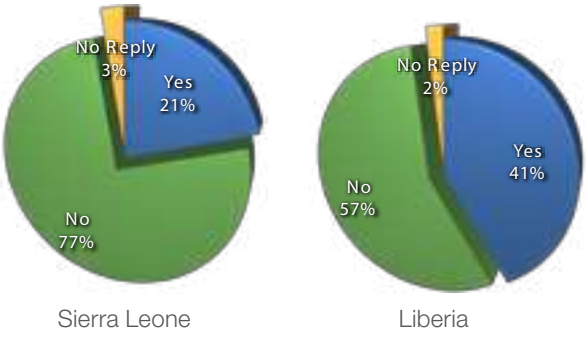



Figure 21: Do you know how to get information from the SCSL?

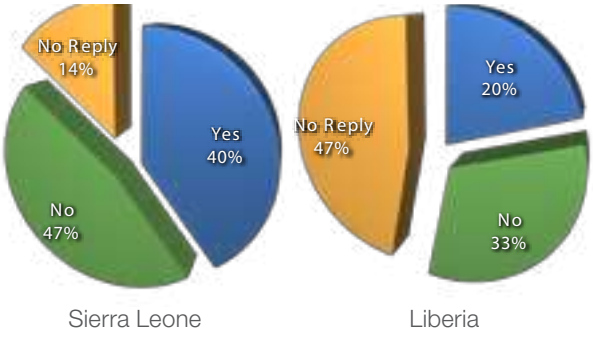



Figure 22: Has the percentage of Sierra Leonean staff changed over time?

A large number of respondents have never visited any of the offices of the Court in Freetown, Monrovia or The Hague (overall 80.46%) and a sizeable majority has never had direct contact with the SCSL (overall 88.98%). Despite this, 63.99% said they were interested in the work of the Court, particularly in prosecution and outreach activities,[124] and the majority of respondents were most familiar with Outreach (52.73%) and the Prosecution (28.06%). This shows the impressive range of people that outreach activities have touched, particularly when viewed alongside the fact that more than 90% of the population of each country has heard of the SCSL.

Other than knowledge about the physical structures of the SCSL, the survey was designed to capture respondents' knowledge about the staffing and composition of the SCSL, including the participation of Sierra Leonean nationals, to try to understand whether this has made any difference to the Court's legacy and impact. As the statistics provided in the Annual Reports of the SCSL[125] show, from 2002 to date, Sierra Leonean nationals have made up just over 50% of the entire SCSL staff. This applies to all the time periods covered other than for the period June 2009 - May 2010, when less than 50% of staff were Sierra Leonean.

When asked what percentage of staff they believed were Sierra Leonean the replies were as follows:

| | Sierra Leone % | Liberia % | Total |
|---|---|---|---|
| 100% | 2.31 | 6.01 | 3.57 |
| 75% | 25.26 | 31.43 | 27.36 |
| 50% | 32.99 | 26.81 | 30.88 |
| 25% | 36.25 | 23.57 | 31.93 |
| 0% | 3.35 | 12.17 | 6.36 |
| Total | 100.16 | 100.00 | 100.11 |

(Valid cases: 1904; Missing cases: 917; Pearson chi2(5) = 101.9273 Pr = 0.000)

When asked whether they thought this number had changed over time, the replies showed that knowledge on this was limited and this was particularly so in Liberia.

When asked whether they thought enough senior SCSL staff are Sierra Leonean, the replies showed that many respondents did not have enough knowledge on this and therefore many, especially in the case of Liberia, did not reply to this question, making it difficult to get reliable statistics on this point.[126]

Respondents were also asked whether having Sierra Leonean staff has an impact on the SCSL. While the majority of Sierra Leoneans believe that it does (56.89%), the majority of Liberian respondents believe that it does not (40.55%). Once again a large percentage of Liberian respondents did not reply to this question (37%).[127]

Respondents were asked whether they thought enough information had been made available to the general public about the Special Court and its proceedings, to which the replies were varied. While the majority of Sierra Leoneans believed that it had, the majority of Liberians did not think it had, most likely because of the challenges the Court had in reaching rural and remote areas, particularly in Liberia.

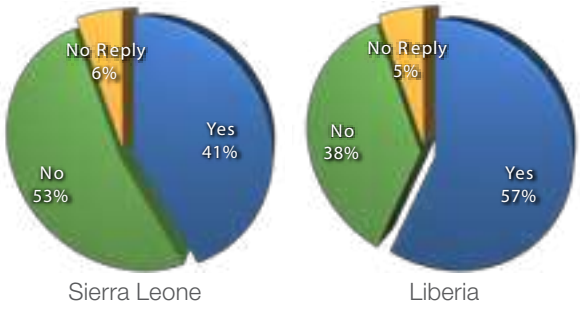



Figure 24: Do you believe that enough information has been made available to the general public about the Special Court and its proceedings?

124 See annexes 25-28.
125 All Annual Reports of the President of the Special Court for Sierra Leone are available at http://www.sc-sl.org/DOCUMENTS/tabid/176/Default.aspx (accessed on 21 August 2012).
126 See annex 29.
127 See annex 30.

# Impact of the SCSL

This section assesses the impact of the SCSL generally on containing the culture of impunity, bringing justice, bringing those who bear the greatest responsibility to justice and its impact on the development of judicial and peace building mechanisms.

- There is an overall positive attitude towards the SCSL and its contribution towards stability, peace and development.
- Although a majority were of the opinion that the SCSL has succeeded in bringing those who bore the greatest responsibility for committing crimes to justice and that the SCSL can be trusted to bring justice, there was a resounding feeling that not all those who committed crimes were brought to justice.
- The sentences handed down by the SCSL were mainly considered to be fair.
- There is a recurring negative feeling among Liberian respondents about the impact of the SCSL on the development of law and judicial mechanisms in Liberia, which they frequently felt was due to the fact that the court was not in Liberia.

> *"I appeal to the SCSL to stay and continue peacebuilding."*[128]

The question about the containment of the culture of impunity seemed to create some confusion; from the replies given, especially when viewed against other answers by the same respondents, it was evident that a number of respondents misunderstood the question. Notwithstanding this, the data analysis has shown that an overall 68.95% of respondents believe that the SCSL has indeed succeeded in this respect and that it did this mainly through the prosecution of perpetrators (overall 61.01%).

> *"I want peace to continue so let the SCSL stay."*[129]

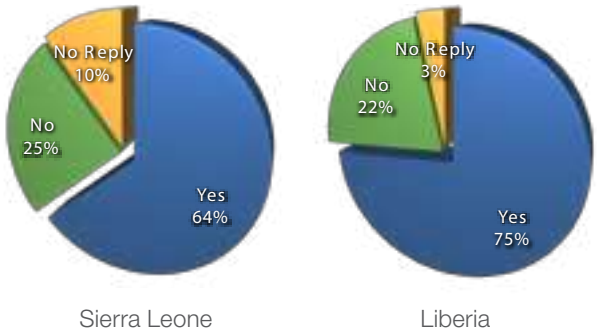



**Figure 25: Do you believe that the SCSL has contributed towards containing the culture of impunity?**

When asked how the SCSL has contributed the replies were as follows:

| | Sierra Leone % | Liberia % | Total % |
|---|---|---|---|
| Serves as a deterrent | 13.38 | 21.52 | 17.60 |
| Reduce crimes | 5.86 | 5.25 | 5.55 |
| By prosecuting perpetrators | 54.54 | 67.04 | 61.01 |
| Other | 29.20 | 12.36 | 20.48 |
| Total | 102.99 | 106.18 | 04.64 |

(Pearson chi2(11) = 109.9377; Pr = 0.000)

A resounding majority believes that the SCSL can be trusted to bring justice (overall 82.01%).[130] Those who gave a positive reply to this question were asked 'in what way?', to which the replies were as follows:

| | Sierra Leone% | Liberia % | Total % |
|---|---|---|---|
| By being an independent court | 8.40 | 17.37 | 12.48 |
| Accused were given their day | 7.72 | 10.34 | 8.92 |
| in court | | | |
| By punishing those responsible | 52.06 | 49.80 | 51.03 |
| Other | 35.85 | 28.21 | 32.37 |
| Total | 104.03 | 105.72 | 104.80 |

(Valid cases: 2187; Missing cases: 634; Pearson chi2(11) = 64.9063 Pr = 0.000)

A large majority also believes that the SCSL has done a good job in bringing those responsible for the atrocities to justice (overall 83.92%), with replies in the two countries essentially mirroring each other.[131] The predominant opinion amongst respondents is that the SCSL brought those who bear the greatest responsibility to trial.[132]

128 Comment by respondent No 2337, Sierra Leone.
129 Comment by respondent No 2310, Sierra Leone.

130 See annex 31.
131 See annex 32.
132 See annex 33.

When asked whether the sentences handed down by the Court have been too lenient, fair or too harsh, there was a significant difference between Sierra Leonean and Liberian respondents. While most people in each country thought the sentences were fair, more Sierra Leoneans than Liberians thought the sentences were too lenient. In addition, nearly the same number of Liberians (42.43%) thought the sentences were too harsh as thought the sentences were fair (48.62%):

| | Too Lenient | Fair | Too Harsh | No Reply | Total |
|---|---|---|---|---|---|
| | % | % | % | % | % |
| Sierra Leone | 17.93 | 71.37 | 7.89 | 2.81 | 100.00 |
| Liberia | 6.96 | 48.62 | 42.43 | 1.99 | 100.00 |
| Total | 12.81 | 60.76 | 24.01 | 2.43 | 100.00 |

(Pearson chi2(3) = 473.5005 Pr = 0.000)

The majority (82.09%) of respondents overall believe that the SCSL has contributed to greater respect for human rights and rule of law,[133] mainly by:

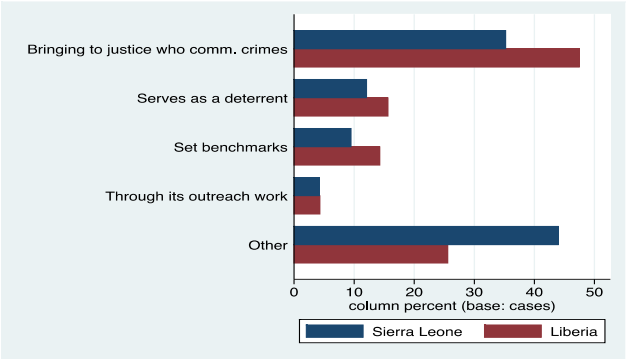



Figure 26: How has the SCSL contributed to greater respect for human rights and the rule of law?

An overall 66.89% of respondents believe that the work of the SCSL has had an impact on the work of national rule of law actors such as the police, the army, prison officials and the national judiciary.[134] This impact came about through:

| | Sierra Leone | Liberia | Total |
|---|---|---|---|
| | % | % | % |
| Empowering them | 17.43 | 17.76 | 17.59 |
| Restructuring/reform | 16.17 | 21.83 | 19.01 |
| Citizens have greater respect for the law | 9.91 | 17.53 | 13.73 |
| Changing attitude their towards human rights | 13.21 | 25.57 | 19.41 |
| Other | 52.28 | 30.54 | 41.37 |
| Total | 109.00 | 113.24 | 111.12 |

(Valid cases: 1762; Missing cases: 1059; Pearson chi2 (19) = 122.8674 Pr = 0.000)

An overall 78.64% of respondents thought that the SCSL has had an impact on the restoration and maintenance of peace in their country:


Figure 27: Has the SCSL had an impact on the restoration and maintenance of peace in your country?

A sizeable majority (overall 70.01%) also believes that the SCSL has had an impact on the development of other peace building mechanisms in their country.[135] Those who said it had not had such an impact were asked 'why not'; 32.06% of Liberian respondents thought that there was no impact because there was no "Special Court in Liberia". The enumerators also recorded this reply in high numbers in the following question about the impact of the SCSL on the development of transitional justice mechanisms.[136] A high number of Liberian respondents (30.87%) who said they thought it had not had an impact on transitional justice mechanisms were of the opinion that this was so due to the absence of a "Special Court in Liberia".

Since the end of the conflict, national law in both countries has seen many developments - the percentage of respondents who attributed these developments to the SCSL was 61.66% in Sierra Leone and 55.34% in Liberia.[137] The SCSL organised a number of training programs contributing towards judicial reform and targeting members of the police, military, lay magistrates and prison officers. The percentage of respondents who believed these to have been successful was of 59.89% overall.[138] When those who replied 'yes' to the question posed were asked in what way these programs contributed the replies were as follows:

| | Sierra Leone | Liberia | Total |
|---|---|---|---|
| | % | % | % |
| Provided them with knowledge they need for their work | 36.74 | 52.78 | 45.13 |
| Activities now based on protection of human dignity | 5.97 | 10.51 | 8.34 |
| Positive mindset | 6.50 | 12.32 | 9.54 |
| Don't know | 3.71 | 1.09 | 2.34 |
| Other | 52.25 | 31.28 | 41.28 |
| Total | 105.17 | 107.97 | 106.64 |

(Valid cases: 1582; Missing cases: 1239; Pearson chi2(12) = 109.8360 Pr = 0.0000

133 For full results see annex 34.
134 For full results, see annex 35.
135 See annex 36.
136 See annex 37.
137 See annex 38.
138 See annex 39.

# Outreach

**2002** The first three outreach staff members were employed by the Office of the Prosecutor (OTP). During this pre-indictment phase, activities were intended to establish a relationship with the people of Sierra Leone and to inform them about the impending setting up of the Court.[139]

**2003** Outreach activities were moved to the Registry and were assigned to the newly created Outreach Section. Outreach staff increased to five and five district outreach officers were also recruited. By mid-2003 a mission statement for the Section had been developed, outlining its mandate as fostering an environment of two-way communication between Sierra Leoneans and the Special Court.[140] Activities that targeted the general population and specific groups such as the military, the police and students, included town hall meetings, meetings with civil society, radio programs, publications and seminars.[141]

**2004** The Outreach Section focused on its nationwide approach and organised many activities in more than 450 communities. It developed its programs to include children, women and people with disabilities. Information activities about the SCSL were also organised in neighbouring Liberia.[142]

**2005** The Outreach Section organised the Victims Commemoration Conference that was attended by 250 delegates from all over Sierra Leone and set out wide ranging activities aimed at guiding civil society with victim related issues. Other activities undertaken during the year included: video screenings of trials, radio programs, the establishment of Accountability Now Clubs and capacity building initiatives.[143]

**2006-2007** Outreach expanded its activities to Liberia. Four hundred and twenty local government councillors nationwide were trained in the rule of law, the mandate of the SCSL, due process and the rights of the accused. An independent contractor was retained to carry out an Independent Public Perception Survey on the work of the Court and Outreach. Video screenings of trials, radio and television programming, the development of Accountability Now Clubs and training of various target groups continued.[144]

**2007-2008** With the setting up of the Outreach Secretariat in Liberia, civil society engaged in the organisation of activities including the screening of trial video summaries in Monrovia and the provincial counties, town hall meetings, radio interviews, talk shows and distribution of informational material. Outreach activities continued to be organised across Sierra Leone.[145]

**2008-2009** In April 2008, the Public Affairs and Outreach sections merged to form the Outreach and Public Affairs Section. Activities included community screenings of redacted trial summaries, town hall meetings, school visits, production of audio trial summaries for the radio and the establishment of video-streaming service on the SCSL website.[146]

**2009-2010** The conclusions of the cases tried in Sierra Leone with judgment and sentencing in the RUF case in Freetown and the beginning of the Charles Taylor Defence case in The Hague were significant milestones in the work of the Outreach and Public Affairs Section. The "Grassroots Awareness Campaign" continued to prove successful. Work of the Outreach and Public Affairs Section continued to focus on the widespread dissemination of information on the Taylor case.[147]

**2010-2011** Screening of video summaries of the trial of Charles Taylor continued with the videos also being shown on TV in Monrovia and Freetown, bringing the trial closer to the people. Public lectures at various universities and institutions continued.[148]

**2011-2012** The Court started winding down its operations in Freetown and reducing staff in anticipation of the completion of all court activities. A Residual Special Court will continue to fulfil the Court's obligations after the completion of its mandate; however the Residual Court's mandate does not include outreach.[149]

This section sought to understand perceptions of outreach by the SCSL in Liberia and Sierra Leone, its impact on people and their understanding of how outreach has worked and the challenges it has faced.

- The results show very clearly that outreach has had a major impact on the people of Sierra Leone and Liberia, which is also reflected in the overall findings of this survey.
- Participation in outreach activities is much higher among Sierra Leoneans. This could be because the Outreach Section in Sierra Leone was set up four years before the Outreach Secretariat in Liberia, it was significantly harder to reach people in remote villages in Liberia than it was in Sierra Leone and outreach in Liberia cost considerably more than it did in Sierra Leone.

139 First Annual Report of the President of the Special Court for Sierra Leone – For the Period 2 December 2002-1 December 2003, p 27, available at http://www.sc-sl.org/DOCUMENTS/tabid/176/Default.aspx/ (accessed on 17 August 2012).
140 Ibid.
141 Ibid.
142 Second Annual Report of the President of the Special Court for Sierra Leone – For the Period 1 January 2004-17 January 2005, pp 32-35, available at http://www.sc-sl.org/DOCUMENTS/tabid/176/Default.aspx/ (accessed on 17 August 2012).
143 Third Annual Report of the President of the Special Court for Sierra Leone – For the Period January 2005-January 2006, pp 37-38, available at http://www.sc-sl.org/DOCUMENTS/tabid/176/Default.aspx/ (accessed on 17 August 2012).
144 Fourth Annual Report of the President of the Special Court for Sierra Leone – For the Period January 2006-May 2007, pp 53-54, available at http://www.sc-sl.org/DOCUMENTS/tabid/176/Default.aspx/ (accessed on 17 August 2012).
145 Fifth Annual Report of the President of the Special Court for Sierra Leone – For the Period June 2007-May 2008, pp 52-53, available at http://www.sc-sl.org/DOCUMENTS/tabid/176/Default.aspx/ (accessed on 17 August 2012).
146 Sixth Annual Report of the President of the Special Court for Sierra Leone – For the Period June 2008-May 2009, p 41, available at http://www.sc-sl.org/DOCUMENTS/tabid/176/Default.aspx/ (accessed on 17 August 2012).
147 Seventh Annual Report of the President of the Special Court for Sierra Leone – For the Period June 2009-May 2010, p 43, available at http://www.sc-sl.org/DOCUMENTS/tabid/176/Default.aspx/ (accessed on 17 August 2012).
148 Eighth Annual Report of the President of the Special Court for Sierra Leone – For the Period June 2010-May 2011, p 43, available at http://www.sc-sl.org/DOCUMENTS/tabid/176/Default.aspx/ (accessed on 17 August 2012).
149 Ibid. pp 31-34 and 51

- The biggest challenges to outreach were identified as finance, access to remote areas and security.

The results of this survey show that a large majority of respondents in both countries were aware of the existence of the Special Court's Outreach Program (67.37% overall), while a substantial overall percentage of respondents in both countries had not heard of the Outreach Secretariat of Liberia (overall 65.25%). Indeed, 52.37% of Liberians had not heard of the Outreach Secretariat of Liberia, which may be reflective of its later establishment and the fact that the SCSL itself was not present in Liberia and did not have its other offices or trials held there.[150] While relatively few of the respondents had worked together with the Court in organising outreach activities (overall 13.54%),[151] 48.18% overall said that they had participated in outreach activities organised by the court, including listening to radio programs[152] and nearly one-third of the respondents indicated they have had some form of contact with the SCSL Outreach Section.[153] These figures on awareness and participation – with nearly half the population of Sierra Leone and Liberia together having been reached through some form of outreach activity – are remarkably high considering the challenges associated with outreach, not least the lack of funding and logistical challenges; this is a testament to the hard work of the Outreach Section.

Those who said that they had attended outreach activities indicated that they had participated in the following kinds of outreach activities:

| | Sierra Leone % | Liberia % | Total % |
|---|---|---|---|
| Town hall meeting | 53.17 | 26.95 | 41.68 |
| Radio Programs | 31.08 | 26.10 | 28.90 |
| Video Screenings of trials | 43.39 | 52.88 | 47.55 |
| Training Program | 7.28 | 5.08 | 6.32 |
| Monitoring of court proceedings | 8.60 | 5.25 | 7.13 |
| Other | 2.78 | 2.03 | 2.45 |
| Total | 146.30 | 118.31 | 134.03 |

(Valid cases: 1346; Missing cases:1475; Pearson chi2(38) = 164.8056 Pr = 0.0000)

> *"Little information provided by the Outreach Section in Liberia."*[154]

> *"The Special Court have done a great job by making sure that we got enough information through our outreach section in Monrovia."*[155]

> *"Let the outreach program reach our marginalized brothers in remote areas."*[156]

When asked whether they thought that that the outreach program has been successful in keeping Sierra Leoneans and Liberians informed about the work of the SCSL, a sizeable majority of people said yes:

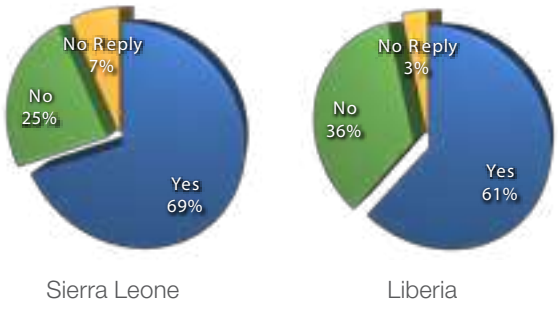



**Figure 28: Has the outreach program been successful in keeping people informed?**

When asked to suggest ways in which the Outreach Section could have had more success, the most common replies given were that there should have been more publicity and that vulnerable/unrepresented groups should have been targeted more. This was also reflected in the replies to the question that asked whether the respondents thought that outreach activities were accessible to all. In this instance, an overall 76.47% of respondents replied in the negative.[157] This was further reiterated in the responses to the question asking whether the SCSL outreach program had reached marginalised groups and those in remote areas, where an overall 74.06% replied that it had not.[158] This has to be read in conjunction with the finding that 72% of people felt that they had sufficient information about the Taylor case.

> *"CSOs need funding support to reach grass root levels."*[159]

> *"That every tribunal that will be set up, there be an outreach office that will unbiasedly interpret everything that will be unfolding at the tribunal."*[160]

Knowledge of the nationality of outreach staff was reasonably limited and replies to a question asking what percentage of Outreach staff are Sierra Leonean resulted in the following replies:

150 See annexes 40 and 41.
151 See annex 42.
152 See annex 43.
153 See annex 46.
154 Comment by respondent No 31, Liberia.
155 Comment by respondent No 200, Liberia.
156 Comment by respondent No 1062, Sierra Leone.
157 See annex 44.
158 See annex 45.
159 Comment by respondent No 1636, Sierra Leone.
160 Comment by respondent No 1974, Sierra Leone.

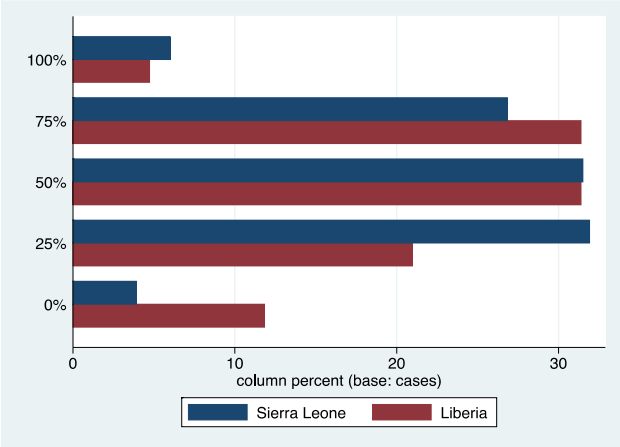



Figure 29: What percentage of Outreach staff are Sierra Leonean?

In fact, the SCSL's outreach staff has almost always been comprised entirely of Sierra Leonean nationals, with the exception of the current Chief of Outreach and Public Affairs. The Outreach Section has employed many international interns as part of the team throughout the years, but all employees, both in the office and out in the field, have been Sierra Leonean.[161]

When asked whether they thought it made a difference whether outreach staff was Sierra Leonean or foreign, the most common answer among Sierra Leonean respondents (49.26%) was that it does make a difference whereas the most common answer among Liberian respondents (52.85%) was that it does not.[162] When asked why this was so, the replies were as follows:

| | Sierra Leone % | Liberia % | Total % |
|---|---|---|---|
| Same rules applicable to all | 11.82 | 36.16 | 20.32 |
| Sierra Leoneans are in a better position to understand/explain | 53.25 | 18.59 | 41.14 |
| Don't know | 4.12 | 5.66 | 4.66 |
| Other | 31.56 | 41.21 | 34.93 |
| Total | 100.76 | 101.62 | 101.06 |

(Valid cases: 1417; Missing cases: 1404; Pearson chi2(8) = 206.1428 Pr = 0.000)

The challenges faced by the Outreach Section over the years in informing Sierra Leoneans and Liberia beyond Freetown and Monrovia about the work of the Court generally, and the trial process in particular, are many and varied. A number of communities are isolated, with limited communications infrastructure and this was particularly so in Liberia. There are also a number of different languages and dialects and levels of literacy are low.[163] Lack of funding has also been repeatedly cited as a serious obstacle for the Outreach Program. There were also safety issues which had to be considered when sending Sierra Leonean nationals to conduct outreach in Liberia. When asked which they thought the biggest challenges faced by the Outreach Section were, the replies given by the respondents reflected that awareness of the challenges faced was high:

| | Sierra Leone % | Liberia % | Total % |
|---|---|---|---|
| Lack of finances | 30.06 | 49.38 | 39.28 |
| Lack of human resources | 20.17 | 17.49 | 18.89 |
| Distances to travel | 49.39 | 26.14 | 38.29 |
| Lack of interest | 10.05 | 4.83 | 7.55 |
| Lack of knowledge | 6.93 | 4.33 | 5.69 |
| Timing of activities | 12.10 | 4.66 | 8.55 |
| Collaboration | 9.97 | 8.08 | 9.07 |
| Hostility from local authorities | 5.86 | 1.33 | 3.70 |
| Logistical Problems | 11.57 | 17.40 | 14.35 |
| Other | 4.11 | 3.08 | 3.62 |
| Total | 160.20 | 136.72 | 148.99 |

(Valid cases: 2515; Missing cases: 306; Pearson chi2 (148) = 447.4238 Pr = 0.000)

A resounding majority (82.22%) said that they believed that the Outreach Section and civil society should work together due to the fact that they have similar goals and to be in a position to reach more people.[164]

161 Information obtained from Outreach staff at the SCSL in Freetown.

162 For full results, see annex 47. It is worth noting here that to the Liberian respondents, the Sierra Leonean staff are in fact 'foreign' and this must be taken into account when interpreting these figures. See the section on limitations of this survey for further information.

163 Second Annual Report of the President of the Special Court for Sierra Leone – For the Period 1 January 2004-17 January 2005, p 33, available at http://www.sc-sl.org/DOCUMENTS/tabid/176/Default.aspx/ (accessed on 17 August 2012).

164 See annex 48.

# Trials

The aim of this section was to gauge whether Sierra Leoneans and Liberians believed that the people who were tried and convicted before the SCSL should have been tried. Questions were asked about the trials of Charles Taylor; Fofana and Kondewa; Sesay, Kallon and Gbao; and Brima, Kamara and Kanu. The replies to these questions were varied.

- People generally felt that Charles Taylor should have been tried, that they received adequate information about his trial and agreed with the fact that he was tried out of Sierra Leone or Liberia. It is worth noting that support for Charles Taylor is still evident in Liberia, despite the fact that he brought so much terror on his own people and on the people of neighbouring Sierra Leone.
- There were mixed reactions to the judgment handed down in the Taylor case – a surprisingly substantial number of Liberian nationals felt that the 50 year sentence handed down was 'too harsh'.
- A large number of Sierra Leoneans are convinced that the right people were brought before the SCSL, while this idea was not affirmed in Liberia.
- Liberians are well informed about the Taylor case, but not about the other cases before the Court.

The question about Charles Taylor received mixed reactions and although the majority did believe that he should have been tried, 11% of Liberian respondents were of the opinion that he should not have been.

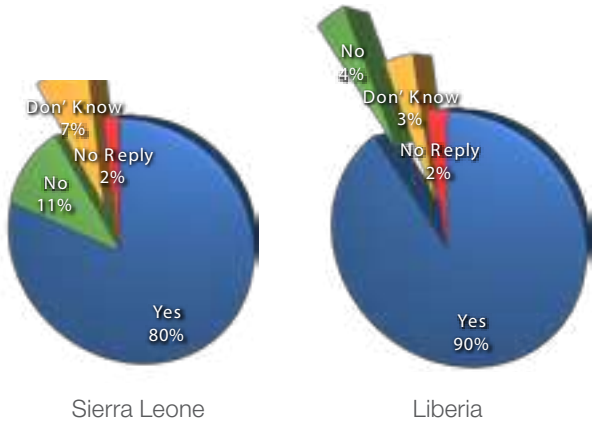



Figure 30: Should Charles Taylor have been tried?

Information about the trial of Charles Taylor seems to have been widely available, with 72.00% overall saying they had received enough information,[165] although this does have to be read in conjunction with other replies that more information-sharing was needed and people felt not enough information was reaching rural areas. A question was also asked about whether the respondents agreed with the fact that Taylor was tried outside Sierra Leone/Liberia – this question was largely misunderstood and interpreted as asking if the respondent was aware of this fact and not whether they thought it was a good idea or not. The resulting percentages are therefore not a reliable representation of the overall opinion.[166]

The responses to the question asking whether the judgment handed down in the Taylor case was too lenient, fair or too harsh, were the following:

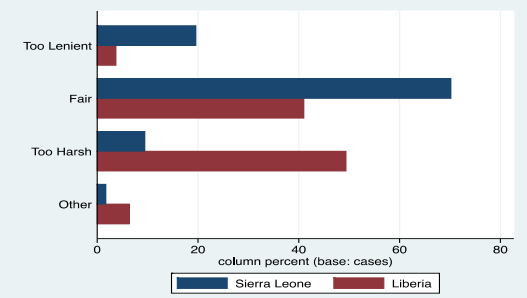



Figure 31

> *"The court should go beyond Charles Taylor and prosecute other Liberians who committed war crimes."*[167]

> *"SCSL prosecuted only Charles Taylor, while there are also a big number of other people who committed crimes and should have been brought before justice."*[168]

> *"SCSL should try all those guilty/suspected of war crimes."*[169]

In the case of the questions asking whether the Sierra Leonean defendants should have been tried, the vast majority of Liberian respondents did not reply to these questions, leaving the sections blank or writing 'do not know'. It therefore seems that unlike the Taylor trial, information about these trials was either not widely available in Liberia or that people in Liberia were not interested in those trials; the following section will therefore reflect the replies given by the Sierra Leonean respondents.[170]

165 See annex 49.

166 See annex 50.
167 Comment by respondent No 895, Liberia.
168 Comment by respondent No 137, Liberia.
169 Comment by respondent No 942, Sierra Leone.
170 Replies given by Liberian respondents can be found in the annexes.

The large majority of respondents, when asked about cases by name of defendant, thought that those who were put on trial should have been tried.

In the case of Fofana and Kondewa, while the vast majority considered they should have been tried, 13.92% of Sierra Leonean respondents replied that they should not have been tried. When asked 'why', a predominant feeling was that Fofana and Kondewa were heroes who were fighting for Sierra Leoneans and not against them.[171]


Figure 32: Should Fofana and Kondewa have been tried?

When asked whether Sesay, Kallon and Gbao should have been tried, the vast majority of Sierra Leoneans replied 'yes', with only 3% saying 'no':[172]


Figure 33: Should Sesay, Kallon and Gbao have been tried?

Resulting statistics show that feelings were the same about the Kamara and Kanu trials:[173]


Figure 34: Should Kamara and Kanu have been tried?

When respondents were asked whether in general they thought the right people had been tried, while the majority of Sierra Leonean respondents were of the opinion that they had, one-third of Liberian respondents did not reply to the question, which could have been because they skipped the last section of the questionnaire or because they did not have an opinion on the matter.

| | Yes % | No % | No Reply %Total % | |
|---|---|---|---|---|
| Sierra Leone | 83.28 | 13.43 | 3.29 | 100.00 |
| Liberia | 42.96 | 21.67 | 35.38 | 100.00 |
| Total | 64.44 | 17.28 | 18.28 | 100.00 |

(Pearson chi2(2) = 594.6164 Pr = 0.000)

*"Fofana and Kondewa (CDF) should not have been tried because they were forced to do what they did."*[174]

*"The Special Court should reduce Taylor's term in prison."*[175]

*"The Taylor judgment was unfair. Taylor's case is an example for us that if the West does not favour you, they can try their best to kill you. God will make real justice to be shown."*[176]

171 Results for Liberia available in annex 51.
172 Results for Liberia available in annex 52.
173 Results for Liberia available in annex 53.

174 Comment by respondent No 158, Sierra Leone.
175 Comment by respondent No 624, Liberia.
176 Comment by respondent No 909, Liberia.

# Conclusion

This survey was conducted immediately after the sentencing judgment in the Charles Taylor case was issued, with the aim of getting an overall picture of the impact and legacy of the SCSL in Sierra Leone and Liberia. Once the appeals filed in the Taylor case are resolved, the SCSL will become the first of the ad hoc international criminal tribunals to close its doors.

The Court represented many firsts for international justice and lessons learnt from its ten year tenure can go a long way towards guiding those responsible for the establishment of future special tribunals. With the winding down of activities at the SCSL comes the question of 'what next?' What impact will the closing of the SCSL have on Sierra Leone, Liberia and West Africa as a whole? What will it be remembered for? Did it achieve all that it set out to achieve?

The fact the SCSL was located in the country where the crimes were committed meant that expectations were high for its impact on the national rule of law and its ability to have a far-reaching legacy. As noted, this has had a positive impact on the country, especially in relation to perceptions about the role of justice in the peace-building process. Nonetheless, although some changes were made and there has been improvement in this regard, direct impact on the national law enforcement system and judiciary remains minimal and perceptions of impact remain relatively low. The hoped-for impact of SCSL jurisprudence on national legislation has failed to emerge and time is running out for this to happen, since once the Court closes its doors, the impetus to integrate SCSL jurisprudence into national law will almost certainly wane. This finding also indicates the necessity of international courts and tribunals, including the International Criminal Court, considering these kinds of issues right from the moment they begin working in a country, to ensure that this kind of legacy is both left and felt, especially by the population at large.

The trial of and judgment against Charles Taylor is a major achievement for the SCSL. However, the fact that he was tried in The Hague meant that it was harder for the citizens of Sierra Leone and Liberia to follow proceedings closely and limited the number of people who could have direct access to the Courtrooms to view the trial in person. Despite the tremendous work of the Outreach Section in keeping people informed, the distance of the trial location from both Sierra Leone and Liberia created enormous challenges that might have led to this case having less of an impact than it could have, notwithstanding the considerable impact it did have.

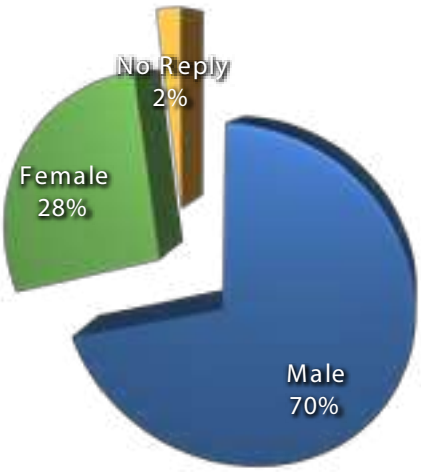
The Outreach Section of the Court, through the organisation of numerous events over the years, has in many respects been hugely successful. People across both countries have heard of the Court, are interested in its work and a substantial number of people have participated in outreach activities, including radio programs. This is not universal and while universality should be the goal, perhaps its achievement will always remain just out of reach, but there is still room for other courts and tribunals to learn lessons from the SCSL. One of the many obstacles facing the Outreach Section was funding. The fact that outreach was not included in the core budget from the outset and that outreach had to rely on separate donor funding, rather than being part of the SCSL's core budget (which already was funded by voluntary contributions), meant that its work and therefore its impact were reduced.

This survey shows that while most people feel that the court has been successful in fulfilling its mandate, many feel that more could have been done and that there are many lower-level perpetrators of crimes who have gone unpunished. While this is a criticism people make of the SCSL, it is a better reminder for the architects and implementers of international and transitional justice mechanisms and processes to address the impunity gap more explicitly, including by supporting processes for those who bear less than the greatest responsibility. The closure of the Court is also of particular concern to people who feel that the Court has over the years acted as a deterrent to would-be perpetrators of crimes.

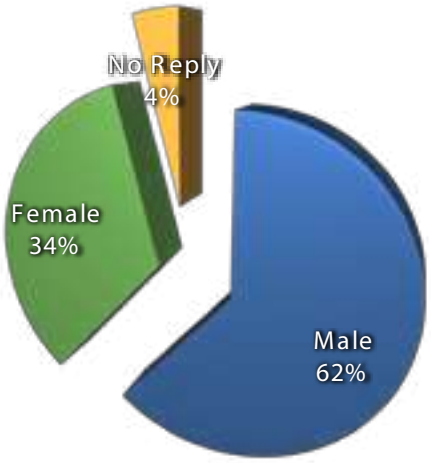
Perhaps now SCSL outreach activities need to focus precisely on closure and legacy. The people most affected by the crimes committed need to understand why the court is closing and why only those who were deemed to bear the greatest responsability were prosecuted. Addressing these issues is important for the victims of the war to feel that they are not being abandoned and their voices will be heard and remain important, even once the SCSL closes its doors. For other courts and tribunals, the most important thing will be to learn the lessons from the SCSL to ensure that their own legacy and impact is maximised and safeguarded, so that they too may fulfil their mandates.

# Annexes
## Impact and legacy survey for the Special Court for Sierra Leone

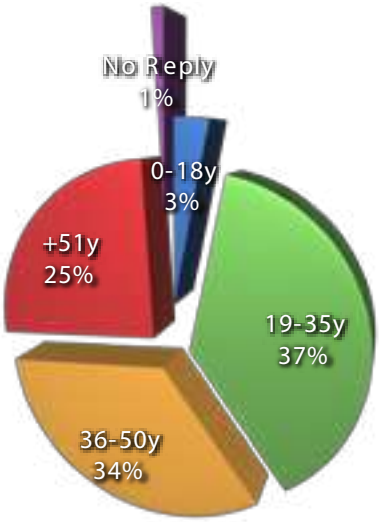
## Annex 1



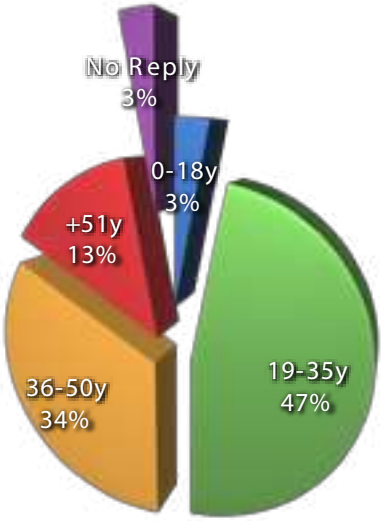

Gender Distribution Sierra Leone




Gender distribution Liberia




Age Distribution Sierra Leone




Age Distribution Liberia

## Annex 2

Frequency table Location - Liberia

| | Freq. | Percent | Cum. |
|---|---|---|---|
| Liberia | 90 | 6.76 | 6.76 |
| Montserrado county | 226 | 16.97 | 23.72 |
| Nimba | 252 | 18.92 | 42.64 |
| Bong | 261 | 19.59 | 62.24 |
| Lofa | 236 | 17.72 | 79.95 |
| Grand Capemont | 256 | 19.22 | 99.17 |
| No Reply | 11 | 0.83 | 100.00 |
| Total | 1,332 | 100.00 | |

## Annex 3

Frequency table Location - Sierra Leone

| | Freq. | Percent | Cum. |
|---|---|---|---|
| Sierra Leone | 642 | 42.35 | 42.35 |
| Bo | 88 | 5.80 | 74.47 |
| Bombali | 10 | 0.66 | 64.58 |
| Bonthe | 74 | 4.88 | 85.95 |
| Freetown & Western Area | 240 | 15.83 | 58.18 |
| Kailahun | 46 | 3.03 | 99.41 |
| Kambia | 36 | 2.37 | 68.67 |
| Kenema | 73 | 4.82 | 96.37 |
| Koinadugu | 2 | 0.13 | 64.71 |
| Kono | 55 | 3.63 | 61.81 |
| Moyamba | 85 | 5.61 | 91.56 |
| Port Loko (Koya Chieftain) | 24 | 1.58 | 66.29 |
| Pujehun | 100 | 6.60 | 81.07 |
| Tonkolili | 32 | 2.11 | 63.92 |
| No Reply | 9 | 0.59 | 100.00 |
| Total | | 1,516 | 100.00 |

## Annex 4

The table below shows the % of respondents corresponding to the profession listed:

| | Sierra Leone | Liberia | Total |
|---|---|---|---|
| Academic | 13.78 | 13.38 | 13.54 |
| Business | 5.24 | 9.83 | 7.38 |
| Civil society activist | 3.94 | 2.84 | 3.42 |
| Judiciary | 0.50 | 1.01 | 0.73 |
| Legal Professional | 0.80 | 0.77 | 0.78 |
| Media Professional | 1.40 | 1.12 | 1.27 |
| Member of political party | 3.59 | 5.74 | 4.58 |
| Public servant | 5.74 | 3.85 | 4.85 |
| State institution | 1.80 | 0.89 | 1.37 |
| Special Court for Sierra Leone | 0.15 | 0.00 | 0.08 |
| Farmer | 16.87 | 12.20 | 14.70 |
| Petty trader | 10.43 | 12.85 | 11.63 |
| Fisherman | 1.75 | 1.18 | 1.51 |
| Student | 12.58 | 16.87 | 14.51 |
| Traditional leader | 5.99 | 1.72 | 4.01 |
| Unemployed | 4.64 | 6.45 | 5.44 |
| Retired | 0.90 | 0.36 | 0.65 |
| Other | 7.24 | 6.34 | 6.81 |
| No Reply | 2.65 | 2.61 | 2.77 |
| Total | 100.00 | 100.00 | |

## Annex 5

According to the UNDP Human Development Indicators for 2011, the adult literacy rate in Sierra Leone is at 40.9%, while in Liberia it stands slightly higher at 59.1%.

### Indicator Value Notes for Sierra Leone[1]

| | |
|---|---|
| Public expenditure on education (% of GDP) | 4.3 |
| Expected years of schooling (of children under 7) (years) | 7.2 |
| Adult literacy rate, both sexes (% aged 15 and above) | 40.9 |
| Mean years of schooling (of adults over 25) (years) | 2.9 |
| Education index (expected and mean years of schooling) | 0.304 |
| Combined gross enrolment in education (both sexes) (%) | 22.8 |

### Indicators Value Notes for Liberia[2]

| | |
|---|---|
| Public expenditure on education (% of GDP) | 2.8 |
| Expected years of schooling (of children under 7) (years) | 11.0 |
| Adult literacy rate, both sexes (% aged 15 and above) | 59.1 |
| Mean years of schooling (of adults over 25) (years) | 3.9 |
| Education index (expected and mean years of schooling) | 0.439 |
| Combined gross enrolment in education (both sexes) (%) | 65.3 |

1 Available at http://hdrstats.undp.org/en/countries/profiles/SLE.html (accessed on 09 August 2012)

2 Available at http://hdrstats.undp.org/en/countries/profiles/LBR.html (accessed on 09 August 2012)

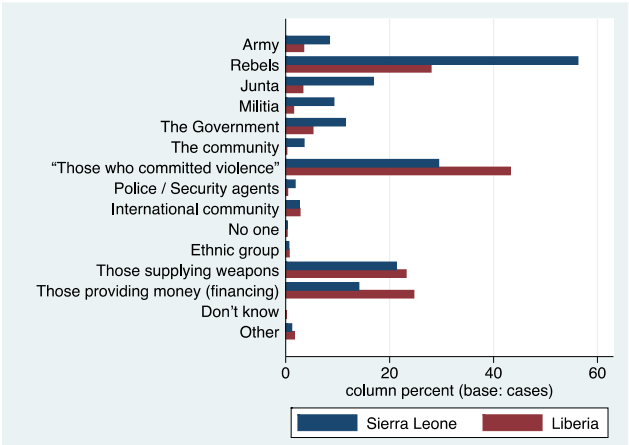
## Annex 6

List of Persons Indicted by the Special Court for Sierra Leone

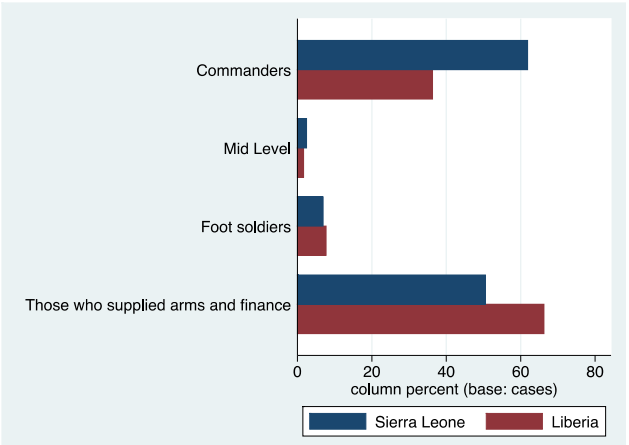
| Accused | Indictment Approved | Trial Judgment | Sentencing Judgment | Appeal Judgment | Current Status |
|---|---|---|---|---|---|
| Charles Ghankay Taylor | 07 March 2003 | 26 April 2012 | 30 May 2012 | Appeal in progress (notices of appeal filed 19 July 2012) | Convicted-In custody as of 29 March 2006 |
| Foday Saybana Sankoh | 07 March 2003 | N/A | N/A | N/A | Deceased Indict. withdrawn 08 December 2003 |
| Sam Bockarie | 07 March 2003 | N/A | N/A | N/A | Deceased Indict. withdrawn 08 December 2003 |
| Issa Hassan Sesay | 07 March 2003 | 25 February 2009 | 08 April 2009 | 26 October 2009 | Serving Sentence |
| Morris Kallon | 07 March 2003 | 25 February 2009 | 08 April 2009 | 26 October 2009 | Serving sentence |
| Augustine Gbao | 16 April 2003 | 25 February 2009 | 08 April 2009 | 26 October 2009 | Serving sentence |
| Johnny Paul Koroma | 07 March 2003 | N/A | N/A | N/A | At large |
| Alex Tamba Brima | 07 March 2003 | 20 June 2007 | 19 July 2007 | 22 February 2008 | Serving sentence |
| Brima Bazzy Kamara | 28 May 2003 | 20 June 2007 | 19 July 2007 | 22 February 2008 | Serving sentence |
| Santigie Borbor Kanu | 16 September 2003 | 20 June 2007 | 19 July 2007 | 22 February 2008 | Serving sentence |
| Samuel Hinga Norman | 07 March 2003 | N/A | N/A | N/A | Deceased Indict. withdrawn 21 May 2007 |
| Moinina Fofana | 26 June 2003 | 02 August 2007 | 09 October 2007 | 28 May 2008 | Serving sentence |
| Allieu Kondewa | 26 June 2003 | 02 August 2007 | 09 October 2007 | 28 May 2008 | Serving sentence |

## Annex 7

Who do you think should be held accountable for the crimes committed?

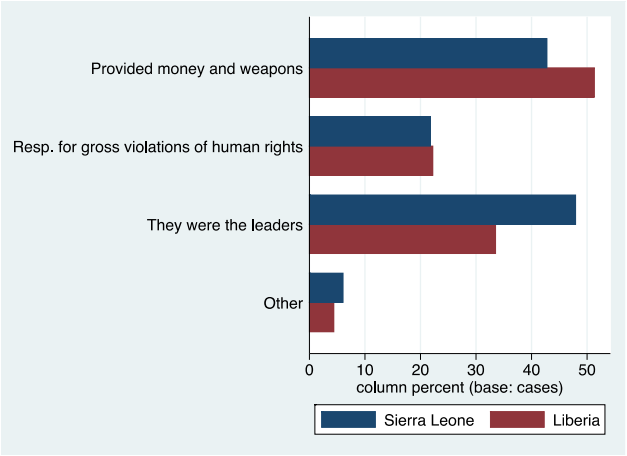



Who do you think bears the greatest responsibility?



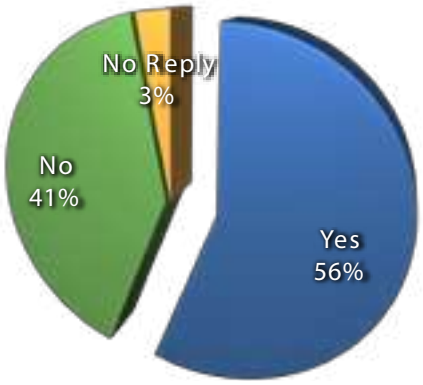
## Annex 8

Reasons why those listed in annex 7 bear the greatest responsibility:

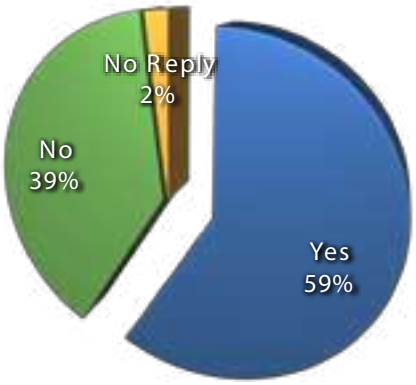



## Annex 9

Have you noticed developments in the security situation in Sierra Leone/Liberia since the establishment of the SCSL?




Sierra Leone




Liberia

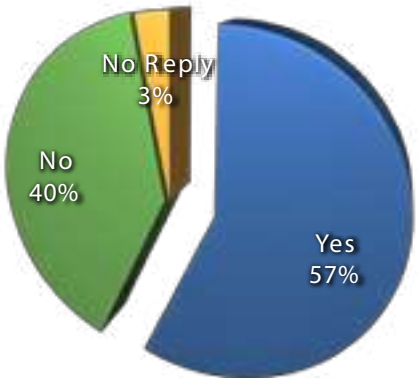
If 'yes' explain:

| | Sierra Leone | Liberia | Total |
|---|---|---|---|
| | % | % | % |
| Acts as a deterrent | 9.35 | 9.84 | 9.59 |
| Police/army are better trained | 21.28 | 37.27 | 29.02 |
| The overall environment is | 35.92 | 34.78 | 35.37 |
| calmer | | | |
| Other | 39.98 | 25.46 | 32.95 |
| Total | 106.52 | 107.35 | 106.92 |

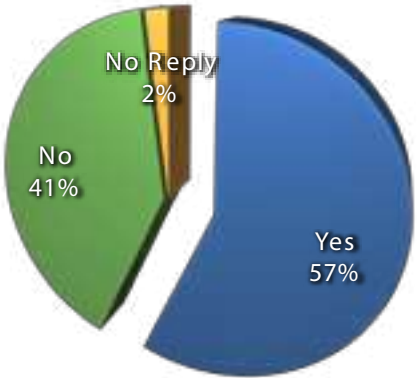
(Valid cases: 1575; Missing cases: 1246; Pearson chi2 (10) = 66.2728 Pr = 0.000)

## Annex 10

Have you noticed developments in the establishment of respect for the rule of law in Sierra Leone/Liberia since the establishment of the SCSL?




Sierra Leone




Liberia

If 'yes' explain:

| | Sierra Leone | Liberia | Total |
|---|---|---|---|
| | % | % | % |
| SCSL acts as a deterrent | 16.85 | 18.39 | 17.59 |
| More tolerance | 5.20 | 7.52 | 6.31 |
| People encouraged to follow | 15.49 | 21.21 | 18.23 |
| the due process of law | | | |
| Increased respect for the law | 26.64 | 36.64 | 31.44 |
| Other | 47.96 | 30.20 | 39.43 |
| Total | 112.14 | 113.96 | 113.02 |

(Valid cases: 1552; Missing cases: 1269; Pearson chi2(21) = 72.0345 Pr = 0.000)

## Annex 11

What do you think customary justice should do for you?

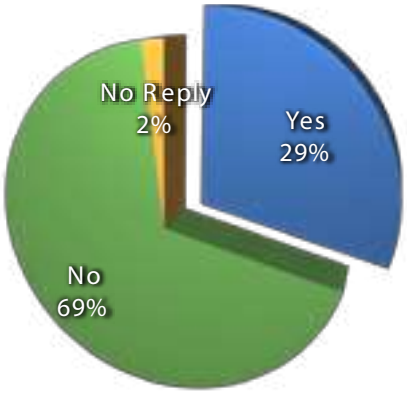
| | Sierra Leone | Liberia | Total |
|---|---|---|---|
| Nothing | 1.13 | 3.94 | 2.49 |
| Prosecute those who commit | 9.03 | 8.68 | 8.86 |
| crimes | | | |
| Customary law and national law | 10.53 | 17.28 | 13.80 |
| should be harmonized | | | |
| Maintain the values of society | 16.10 | 19.21 | 17.61 |
| Don't know | 3.46 | 2.49 | 2.99 |
| Other | 65.01 | 52.89 | 59.15 |
| Total | 105.27 | 104.50 | 104.90 |

(Valid cases: 2573; Missing cases: 248; Pearson chi2(13) = 80.4814 Pr = 0.000)

## Annex 12

Do you know of any changes that have been made to customary justice since the end of the war?


Sierra Leone

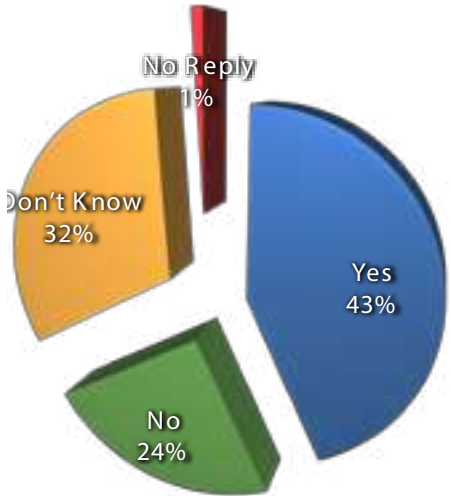



Liberia

## Annex 13

Do you think that the SCSL closing will have an impact on peace in the country or the region?


Sierra Leone




Liberia

What kind of impact?

| | Sierra Leone | Liberia | Total |
|---|---|---|---|
| | % | % | % |
| It will no longer serve as a deterrent | 31.10 | 45.07 | 37.25 |
| It will bring back fear | 21.02 | 26.68 | 23.52 |
| Other | 56.36 | 33.63 | 46.34 |
| Total | 108.48 | 105.38 | 107.11 |

(Valid cases: 1012; Missing cases: 1809; Pearson chi2 (6) = 58.8824 Pr = 0.000)

## Annex 14

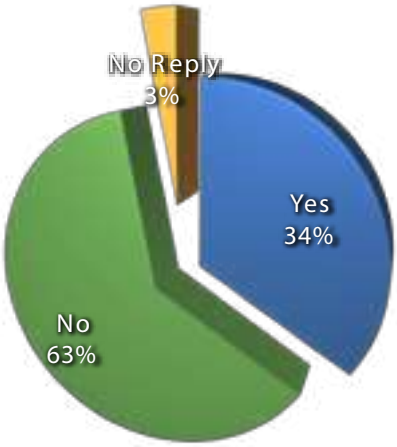
Is it important to know the truth about war crimes and crimes against humanity committed in Sierra Leone/ Liberia?


Sierra Leone


Liberia

## Annex 15

Have you participated in a process to establish the truth?




Sierra Leone


Liberia

## Annex 16

Have you heard of the Truth and Reconciliation Commission?


Sierra Leone


Liberia

## Annex 17

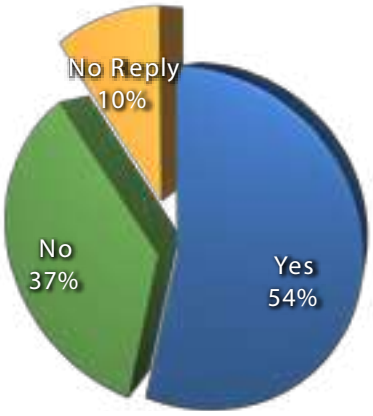
Did you participate in the work of the Truth and Reconciliation Commission?


Sierra Leone


Liberia

## Annex 18

Do you think the goals of the SCSL and the TRC are the same or are complementary?

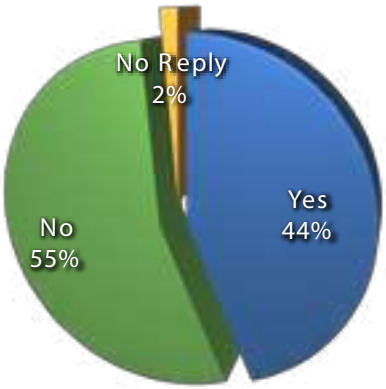



Sierra Leone

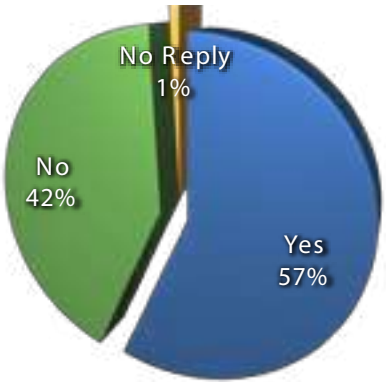

Liberia

## Annex 19

Were you a victim of war crimes or crimes against humanity?




Sierra Leone




Liberia

## Annex 20

Were any of your family or friends victims of war crimes or crimes against humanity?


Sierra Leone


Liberia

## Annex 21

What should be done for victims?

| | Sierra Leone | Liberia | Total |
|---|---|---|---|
| | % | % | % |
| Receive money | 42.41 | 44.47 | 43.38 |
| Other material compensation | 25.12 | 24.88 | 25.01 |
| Receive housing | 41.73 | 28.34 | 35.44 |
| Receive food | 22.19 | 8.22 | 15.63 |
| Receive health care | 27.71 | 32.64 | 30.03 |
| Punish those responsible | 26.21 | 23.27 | 24.83 |
| Go to school, support for education | 20.49 | 43.86 | 31.47 |
| Official recognition of their suffering | 7.28 | 6.30 | 6.82 |
| Psychological counselling | 22.60 | 33.49 | 27.72 |
| Receive apologies | 4.63 | 6.99 | 5.74 |
| Receive cattle, livestock | 2.04 | 0.46 | 1.30 |
| Receive land | 1.23 | 2.15 | 1.66 |
| Peace, security | 9.05 | 10.14 | 9.56 |
| Nothing | 1.09 | 0.31 | 0.72 |
| Aid, assistance, unspecified | 18.72 | 13.13 | 16.10 |
| Don't know | 0.54 | 0.00 | 0.29 |
| Other | 2.31 | 1.00 | 1.70 |

(Valid cases: 2771; Missing cases: 50)

## Annex 22

Is delivering justice a form of redress?


Sierra Leone


Liberia

## Annex 23

Where from? (Follow-up question to 'Have you heard about the SCSL?')

| | Sierra Leone | Liberia | Total |
|---|---|---|---|
| | % | % | % |
| Media (news/radio/newspapers) | 55.45 | 66.62 | 61.40 |
| Word of mouth | 16.75 | 7.62 | 11.88 |
| Posters/bill boards | 1.26 | 0.14 | 0.66 |
| Other | 30.81 | 26.87 | 28.71 |
| Total | 104.27 | 101.25 | 102.66 |

(Valid cases: 1355; Missing cases: 1466; Pearson chi2(10) = 61.2301 Pr = 0.000)

## Annex 24

Do you think the SCSL is accomplishing/has accomplished what it set out to achieve?

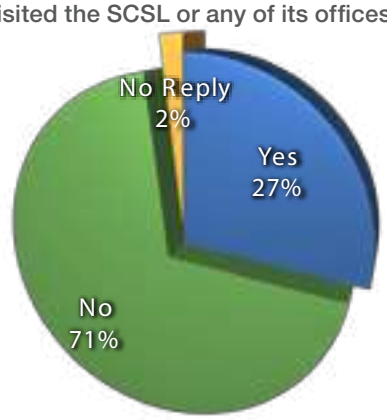

Sierra Leone


Liberia

(Pearson chi2(2) = 9.6006 Pr = 0.008)

## Annex 25

Have you visited the SCSL or any of its offices?




Sierra Leone


Liberia

(Pearson chi2(2) = 225.5945 Pr = 0.000)

## Annex 26

Have you had direct contact with the SCSL?

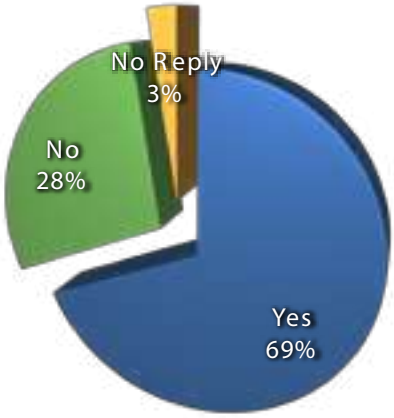

Sierra Leone


Liberia

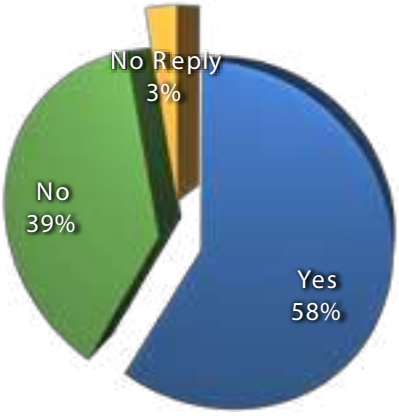
(Pearson chi2(2) = 116.8166 Pr = 0.000)

## Annex 27

Are you interested in the work of the SCSL?




Sierra Leone

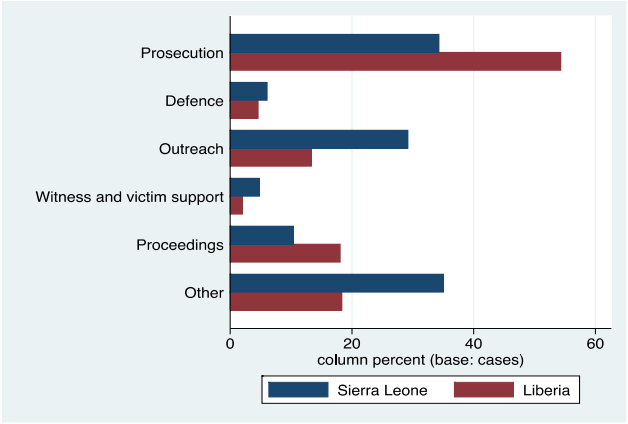



Liberia

(Pearson chi2(2) = 36.7884 Pr = 0.000)

## Annex 28

If 'yes', which aspects of the work of the SCSL interest you the most?

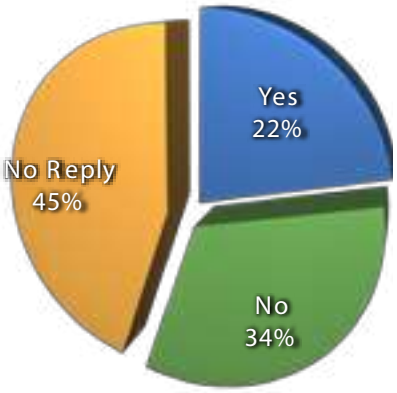



(Valid cases:1640; Missing cases:1181; Pearson chi2(26) = 190.3129 Pr = 0.000)

## Annex 29

Do you think enough senior staff of the SCSL is Sierra Leonean?


Sierra Leone



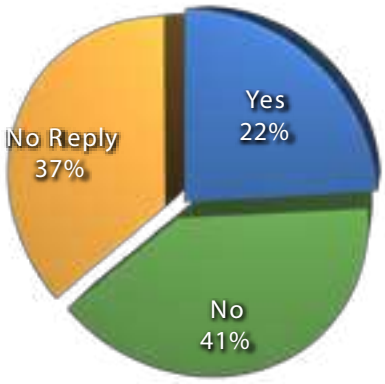

Liberia

(Pearson chi2(2) = 410.5175 Pr = 0.000)

## Annex 30

Do you think that having Sierra Leonean staff has an impact on the SCSL?


Sierra Leone



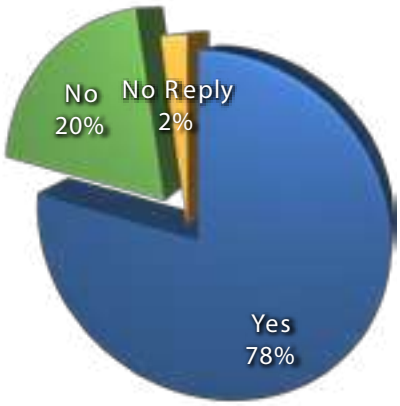

Liberia

(Pearson chi2(2) = 549.7168 Pr = 0.000)

## Annex 31

Can the Special Court be trusted to bring justice?


Sierra Leone




Liberia

(Pearson chi2(2) = 77.9005 Pr = 0.000)

## Annex 32

Do you believe that the SCSL has done a good job in bringing those responsible for the atrocities to justice?


Sierra Leone


Liberia

(Pearson chi2(2) = 93.8294 Pr = 0.000)

## Annex 33

Do you think the Special Court has brought those who bear the greatest responsibility to trial?


Sierra Leone

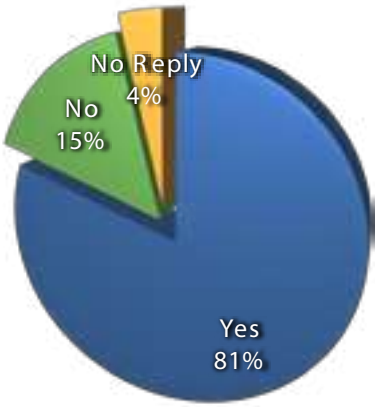

Liberia

(Pearson chi2(2) = 188.6110 Pr = 0.000)

## Annex 34

Do you believe that the SCSL has contributed to greater respect for human rights and the rule of law in Sierra Leone and Liberia?


Sierra Leone

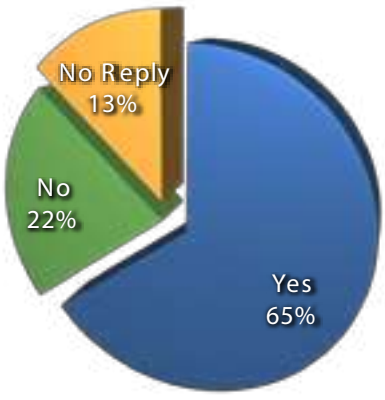



Liberia

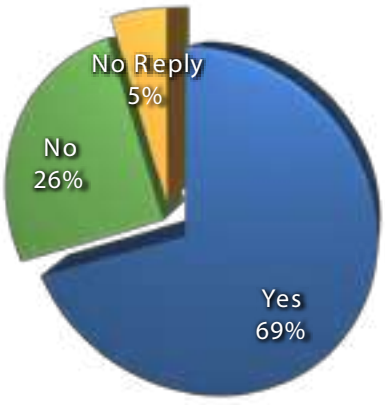
(Pearson chi2(2) = 29.5821 Pr = 0.000)

## Annex 35

Do you believe that the work of the SCSL has had an impact on the work of national rule of law actors such as the police, the army, prison officials, national judiciary (in Sierra Leone and Liberia)?




Sierra Leone

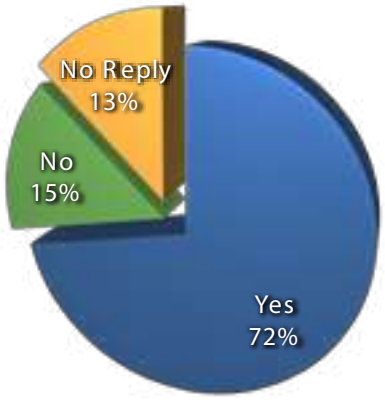



Liberia

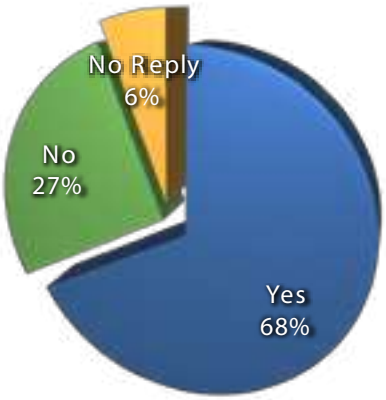
(Pearson chi2(2) = 55.8427 Pr = 0.000)

## Annex 36

Do you think the SCSL has had an impact on the development of other peace building mechanisms in your country?




Sierra Leone

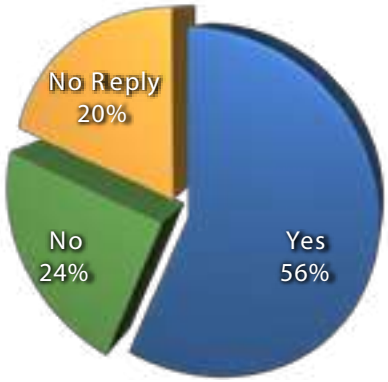



Liberia

(Pearson chi2(2) = 81.9628 Pr = 0.000)

## Annex 37

Do you believe that the SCSL has had an impact on the development of Transitional Justice Mechanisms in your country?




Sierra Leone


Liberia

(Pearson chi2(2) = 73.7503 Pr = 0.000)

## Annex 38

Do you believe that the SCSL has had an impact on the development of national law in your country?

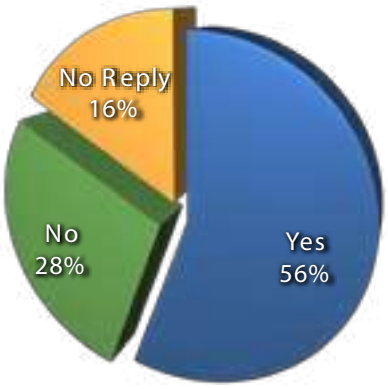

Sierra Leone


Liberia

(Pearson chi2(2) = 46.1300 Pr = 0.000)

## Annex 39

Do you believe that the training programs organised by the court for contributing towards judicial reform and targeting members of the police, military, lay magistrates, prison officers, have been successful?




Sierra Leone


Liberia

(Pearson chi2(2) = 50.4002 Pr = 0.000)

## Annex 40

Have you heard of the Special Court's Outreach Program?


Sierra Leone


Liberia

(Pearson chi2(2) = 59.6262; Pr = 0.0000)

## Annex 41

Have you heard of the Outreach Secretariat of Liberia?


Sierra Leone


Liberia

(Pearson chi2(2) = 251.2817; Pr = 0.000)

## Annex 42

Have you participated in the organisation of outreach activities?


Sierra Leone


Liberia

(Pearson chi2(2) = 8.5206 Pr = 0.014)

## Annex 43

Have you attended any of the outreach activities organised by the court?


Sierra Leone


Liberia

(Pearson chi2(2) = 8.0930; Pr = 0.017)

## Annex 44

Are outreach activities accessible to all?


Sierra Leone


Liberia

(Pearson chi2(2) = 10.2661; Pr = 0.006)

## Annex 45

Do you think the SCSL outreach program reached marginalised groups and those in remote areas?

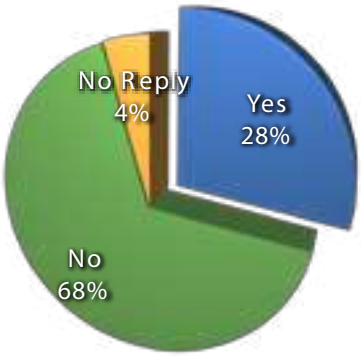

Sierra Leone


Liberia

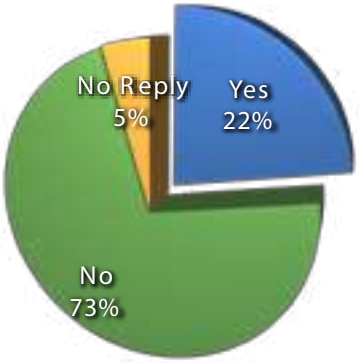
(Pearson chi2(2) = 9.2486; Pr = 0.010)

## Annex 46

Have you had contact with Outreach Section Staff?




Sierra Leone

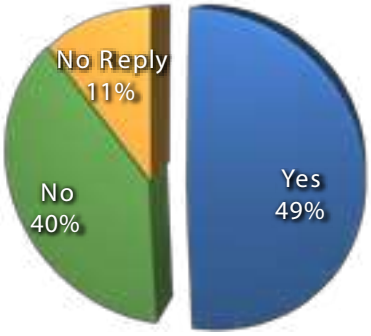



Liberia

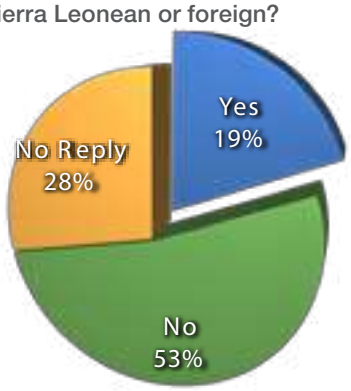
(Pearson chi2(2) = 10.2064; Pr = 0.006)

## Annex 47

Do you believe that it makes a difference whether Outreach staff are Sierra Leonean or foreign?




Sierra Leone

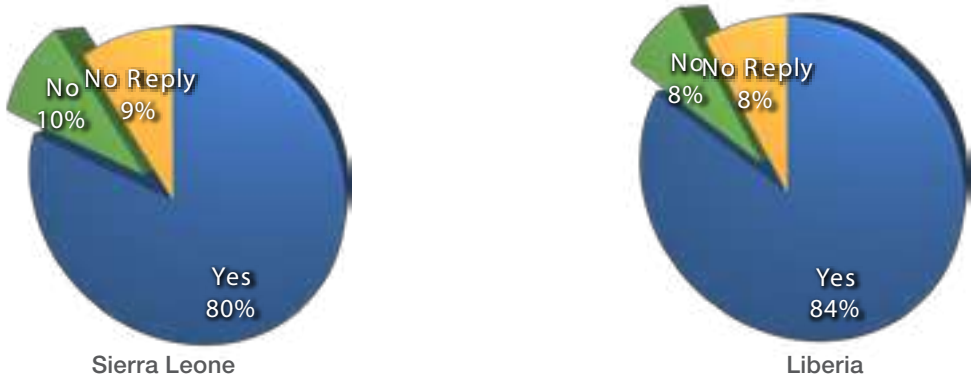



Liberia

(Pearson chi2(2) = 311.3592 Pr = 0.000)

## Annex 48

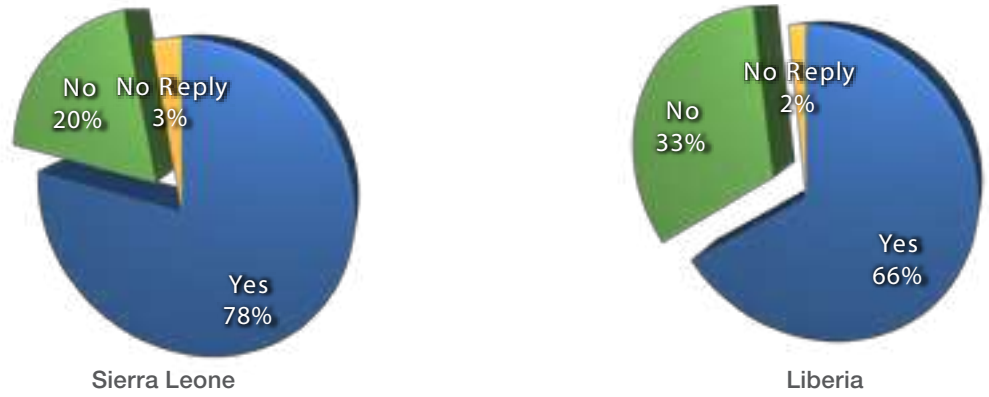
Do you believe that the Outreach Section and civil society (NGOs) should work together?




(Pearson chi2(2) = 7.4506; Pr = 0.024)

## Annex 49

Do you believe that you received enough information about the trial of Charles Taylor?




(Pearson chi2(2) = 64.5142 Pr = 0.000)

## Annex 50

Do you agree with the fact that Charles Taylor was tried outside Sierra Leone/Liberia?


(Pearson chi2(2) = 13.2413 Pr = 0.001)

## Annex 51

Should Fofana and Kondewa (CDF) have been tried?


Liberia

## Annex 52

Should Sesay, Kallon and Gbao (RUF) have been tried?


Liberia

## Annex 53

Should Brima, Kamara and Kanu have been tried (AFRC)?


Liberia

## Notes

## Notes

The issuing of the Charles Taylor judgment and sentence brings the mandate of the Special Court for Sierra Leone, as the principal accountability mechanism to try those who bear the greatest responsibility for the crimes committed during the conflict in Sierra Leone since November 1996, near to completion. As the Court winds down its activities, the importance of the SCSL's impact and legacy in Sierra Leone and Liberia is of utmost significance.

To this end, after the Charles Taylor sentence was issued at the end of May 2012, the Special Court commissioned a nationwide survey in Sierra Leone and Liberia, which was conducted on the impact and legacy of the SCSL by No Peace Without Justice and its partners, the Sierra Leone Institute for International Law, Manifesto 99, the Coalition for Justice and Accountability and the Liberia NGOs Network. 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, which was administered throughout Sierra Leone and Liberia to 2,841 people, highlights the wide and deep impact the Court has had on ending impunity, strengthening the rule of law, restoring peace and bringing victims a sense of redress.

Lessons learned should be taken on board to ensure that the SCSL leaves a meaningful and consolidated legacy for justice, reconciliation and the rule of law, for the government, the people of Sierra Leone and Liberia, as well as for future international criminal justice initiatives in the region.

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