

APENDICES

APPENDIX ONE: MANUAL FOR STATEMENT-TAKERS

MANUAL FOR STATEMENT TAKERS

The purpose of this document is to guide statement-takers in their work. It explains the Commission's mandate and functions, and offers some guidance regarding the appropriate way to take a statement. The term 'statement-taker' refers to the person who receives and records the statement on behalf of the Commission. The term 'statement-giver' refers to the person telling his/her story to the Commission.

1. **What is the Commission, its mandate and functions?**

The Commission is an independent organisation whose mandate 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 on 7 July 1999. The Commission has the mandate to address impunity and to respond to the needs of the victims of the conflict in Sierra Leone. The Commission has also been established to prevent a repetition of the conflict.

The general function of the Commission is to investigate and report on the causes, nature and extent of the human rights violations and abuses, and on the context in which these violations and abuses occurred. It also has to report on whether or not the human rights violations and abuses were the result of deliberate planning, policy or authorisation by any government, group or individual. The Commission will investigate and report on the role played by both internal and external factors in the conflict. In this respect, it will investigate the role that foreign individuals, groups or governments might have played in the conflict in Sierra Leone.

During its statement-taking phase, the Commission has to provide an opportunity to victims to give an account of the human rights violations and abuses they have suffered in order to assist them restore their dignity and to promote reconciliation. It also has to provide an opportunity to perpetrators to relate their experiences and to create a forum within which victims and perpetrators can speak to each other. Statement-takers will therefore collect statements from both victims and perpetrators in the conflict.

The Commission will give special attention to the needs of child victims, to those who have suffered sexual abuses and to children who were perpetrators in the conflict.

The Commission has no money of its own to give to victims. On the other hand, it will, in its Final Report, make recommendations to the government of Sierra Leone. There is a place in the statement form for victims, perpetrators and witnesses to indicate to the Commission the recommendations that they would like it to make.

2. What is the difference between the Commission and the Special Court, and what is their relationship?

The Commission and the Special Court are two independent organisations who have started their work at the same time. The Special Court is a court of law, and will therefore try people who have responsibilities in the conflict in Sierra Leone. But the mandate of the Special Court is to try those who bear the greatest responsibilities in the conflict, that is, not more than 25 people in all (?).

The Commission is not a court of law. It will not prosecute anybody and will not apply any sentence to any perpetrator in the conflict. The purpose of the Commission is to give an opportunity to victims, perpetrators and witnesses to the conflict to speak about their experiences. It will not limit itself to those who bear the greatest responsibilities. The Commission is for everybody; it is to seek truth and promote reconciliation.

The Commission and the Special Court both have the mandate to address impunity, but by different means. They are complementary organisations, but are totally independent from one another. That is to say that the Commission will not disclose any information collected in its statement-taking phase to the Special Court.

3. Understanding of human rights violations and abuses

Human rights law applies in times of conflict as well as in times of peace. "Human rights" is a term used to describe a broad spectrum of rights that may belong to individuals, groups (such as ethnic and religious minorities) and "peoples". Human rights are sometimes classified into civil, political, economic, social and cultural rights. They range from rights which contemplate the core values of human dignity, like the right to life and the prohibition of torture, to the right to housing and medical care.

The Commission is interested in all of these categories. Although wartime atrocities usually involve the "core" human rights, like the right to life and the protection against cruel and inhuman treatment, the conflict in Sierra Leone may also have involved, and have been caused by, violations of such economic and social rights as the right to food, to housing and to medical care. The Commission takes a broad approach to the term human rights.

A list of human rights is provided in annex 1. This list should be regarded as a sample of human rights and therefore, it is not exhaustive. Statement-takers should be careful in excluding any type of right that is not included in the list. The Commission wishes not to exclude anyone who thinks he/she has suffered a human rights abuse or violation.

4. Understanding of violations of international humanitarian law

International humanitarian law applies in times of armed conflict. These are the laws of war, found in documents like the Geneva Convention. They protect civilians, non-combatants like wounded soldiers and prisoners, and even combatants, against inhuman abuses.

5. Differences between victims, perpetrators and witnesses

The Commission considers four categories of statement givers. The statement-taker will have to determine in which of the four categories each person belongs. The categories are made according to the role played in the conflict.

Victims: This category regroups statement-givers who have suffered a human rights violation or abuse or a violation of international humanitarian law during the conflict. Those statement-givers will tell the statement-takers about what they suffered.

Perpetrators: This category is for statement givers who have themselves committed human rights violations or abuses or violations of international humanitarian law during the conflict. Those statement-givers will tell the statement-takers about what they inflicted to other people.

Witnesses: The Commission also provides for people who have seen human rights violations or abuses or violations of international humanitarian law committed during the conflict. These are the people who have witnessed an incident and want to tell the Commission about it.

Person making a statement on behalf of someone else: This category includes the statement-givers who want to tell the story of a victim family member, relative or friend who is not able to speak to the Commission himself, either because of emotional, mental or physical problems (including death).

The statement form contains a section for all of the categories, namely one for victims, one for perpetrators, one for direct witnesses and one for people making a statement on behalf of a family member, a relative or a friend.

It is crucial for the statement-takers to understand that the statement-giver can belong to more than one category.

Indeed, many people in Sierra Leone are victims, perpetrators and witnesses at the same time. As an example, let's consider the case of a child soldier. If the child was recruited involuntarily, he can be considered as a victim. On the other hand, after his forced enrolment, he is likely to have committed himself human rights violations or abuses or violations of international humanitarian law during his time as a combatant. That makes him a perpetrator as well. Furthermore, this same child soldier is likely to have been a witness to atrocities committed by others; he is therefore also a witness. The statement-takers will then have to fill in three of the statement form sections, one for each role that the statement-giver has played in the conflict.

6. Issues of confidentiality and self-incrimination

Confidentiality:

The issues of confidentiality and self-incrimination must not be confused. Confidentiality means that no name or information leading to the identification of a statement giver will be published in the Final Report of the Commission. It is important to note that by making a statement to the Commission, the name and the details of the statement the person makes may appear in the Final Report of the Commission. Perpetrators whom the statement-giver names may also be informed of any allegations that the statement-giver makes, unless the statement-giver specifically requests that any information he/she gives to the Commission be regarded as confidential. The statement-giver may also require that the Commission does not disclose his/her name or details which may make it possible to identify him/her. In this instance, the statement-giver will need to request that the Commission extends this kind of protection to him/her by telling his/her statement-taker. When making the statement, statement-givers will have to inform their statement-taker that they want to request confidentiality from the Commission.

Self-incrimination:

The right to avoid self-incrimination means that a person's testimony at the Commission cannot be used against that person in any court of law, including the Special Court. During the statement-taking phase, perpetrators giving a statement will have to provide the Commission with details related to the human rights violations and/or abuses they committed. These details will not, under any circumstance, be used to prosecute them. The right to avoid self-incrimination is part of the law and is granted automatically to all statement givers (they do not have to request it).

7. How to take a statement¹

A. General rules of statement taking

Confidence

Statement-takers should always keep in mind that giving a statement may be a difficult and even painful experience for the person giving the statement. Indeed, it will force the statement-giver to relive his/her experience: the human rights violations suffered, witnessed or committed. Feelings of fear, sadness or guilt may resurface during the statement-giving. It is therefore crucial that the statement-taker be attentive and compassionate. The statement-giver must feel that his/her experience is of interest to the statement taker. The statement-giver must be allowed to take breaks when tired or when overwhelmed by emotions.

The statement-taker should always avoid appearing to be judging the statement-giver, disapproving his/her conduct or disbelieving the information given. Overall, the statement taker should appear as neutral as possible, while at the same time show compassion for the statement-giver's suffering.

The statement form

The statement-taker will have to explain the different sections of the statement form to the person giving the statement. The statement-taker should first explain the Commission's role and functions, briefly if the statement giver seems already aware, more in depth if the statement-giver does not seem familiar with it. Then, the statement-taker will read and explain the rules of confidentiality and make sure that the statement-giver understands them, by insisting that he/she may ask questions in order to clarify these issues. The statement-giver must sign the declaration at the bottom of the page, indicating that he/she understands and agrees to the conditions outlined.

The statement-taker has then to fill up the section on his/her own personal details and sign it. He/she will then read the section on personal details of the statement-giver and complete the questions. The statement-giver has to sign the declaration at the end of this section to indicate that the information provided is accurate and true.

At this point, the statement-taker will ask the statement giver what kind of statement he/she wishes to give to the Commission. That is to say, does the statement-giver wish to tell the Commission about human rights violations and abuses he/she suffered, witnessed, committed or that a relative suffered? The corresponding section is to be completed by the statement-taker. If the statement-giver considers himself/herself as belonging to more than one category, each corresponding section will be completed in turn.

Each section comprises several questions. The statement-taker has to ensure that the statement-giver understands perfectly each question and allow the statement-giver to ask for clarification at any time. At the end of a section, the statement-taker reads the declaration and asks the statement-giver to sign his/her statement, indicating that the information provided is accurate and true to the best knowledge of the statement-giver.

The narrative

Each section of the form asks for the statement-giver to tell his/her story. Although the statement-taker should let the statement giver speak as freely as possible, some clarification questions might become necessary. For example, clarification questions regarding the number of persons present during the incident, the actions of a specific person, etc., may be useful.

The statement-taker must avoid asking leading questions at all times. A leading question may present a temptation for the statement-giver to answer what he/she thinks that the statement-taker wants to hear rather than the truth.

It is important to note that extra pages have been added to the statement form to allow the statement-taker to take extra notes regarding any of the questions. Therefore, statement-takers should never interrupt a statement-giver because of a lack of space in the form to record answers. Statement-takers will need to identify any extra page used with the number of the section and question to which it belongs.

The recording of statements

Some statement-takers will be asked by the Commission to record statements using an audio tape recorder or a camera. This equipment should never be hidden from the statement-giver and the statement-taker should always request the permission of the statement-giver to use it. It must be explained carefully to the statement-giver that his/her name will not be recorded on the tape. The statement-taker must never photograph the face of the statement-giver, in order to preserve confidentiality and to protect the statement-giver.

If the statement-giver does not feel comfortable with the use of a taper recorder or a camera, the statement-taker should not insist on using it. If the use of an audio tape recorder is not permitted by the statement-giver, the statement-taker will have to rely on taking notes by hand.

Translation issues

1. Translation of the statement form:

The statement is in English. It will be the responsibility of the statement-taker to translate the questions for statement-givers that do not speak English. Two conditions are necessary: 1) the statement-taker must understand the questions perfectly and 2) he/she must speak the language of the statement giver well enough to be able to translate the questions clearly. If this is not the case, the statement-taker will have to rely on the use of an interpreter (this will be covered below).

When translating the questions, the statement-taker should use simple words and short sentences, in order to make sure that the meaning of the question is not lost during translation. He/she must also make sure that the statement-giver understands the questions perfectly and that there is no confusion. A good strategy is to ask the statement-giver if the question is clear, and repeat the question using different words if necessary. Again, the statement-taker must refrain from asking leading questions at all time.

It is up to the statement-taker to decide if he/she prefers to take notes in English or in the language used by the statement-giver. In the latter case, it will be the responsibility of the statement-taker to translate the answers in English after the statement-taking.

2. The use of interpreters:

In the case where an interpreter is necessary, the statement-taker should have a meeting with the person chosen before the statement-taking. They should review the statement form together and the statement-taker should ensure that the interpreter understands all questions. The interpreter must be instructed to relay the questions exactly, without using words or expressions that may be confusing to the statement-giver. The interpreter must let the statement taker know immediately if the statement-giver does not seem to understand a question, in order to let the statement-taker rephrase the question.

B. Taking a statement from special groups

Victims of torture

Statement-takers must be very careful when taking a statement from a victim of torture. The retraumatization of the victim must be avoided as much as possible. The statement-taker needs to be prepared to deal with the emotions that the victim will necessarily experience while telling his/her story. The statement-taker should always be compassionate and attentive to the victim, and allow him/her to take breaks when the emotions seem too painful.

Women victims of sexual abuse or rape

In most countries around the world, sexual abuse and rape are socially attached to feelings of shame. According to some cultural values, women victims of sexual abuse or rape feel guilty about their experience and may be reluctant to speak about it. It is therefore highly important that the statement taker establish trust with the statement-giver and avoid asking for embarrassing details when these details are not indispensable to the telling of the story. The statement-giver should not be pushed to relate details that she does not feel comfortable revealing. The Commission will allow for women victims of sexual abuse or rape to request that a female statement taker take their statement.

Children

Very special care must be used when taking a statement from a child. Children have been implicated in the conflict in Sierra Leone in many ways: most child perpetrators are also victims, because most of them have been abducted and enrolled against their will into the warring factions. In that regard, statement-takers must always look compassionate and avoid judging the child. They must be very attentive to the needs of the child and avoid pushing by asking for answers that the child does not want to provide. The child should be allowed to ask for breaks or to stop the statement taking at any time. Breaks should be planned by the statement takers even if the child does not ask for it.

The statement-taker must explain the form very carefully to the child, using simple language to avoid confusion. The statement-taker needs to keep in mind that children may not understand the formulation of a question that has been designed for adults and that rephrasing questions might be useful. The child should also be allowed to be accompanied by a family member or a friend if he/she feels the need for it.

Perpetrators

When taking a statement from a perpetrator, the most important thing for statement-takers is to avoid judging the statement giver, whatever the violations committed. Statement-takers must be prepared to deal with feelings of guilt and anger during the statement-taking. Finally, statement-takers must keep in mind that a lot of perpetrators to the conflict in Sierra Leone are also victims as well.

Appendix Two: List of Human Rights

The following simplified list, derived from the Universal Declaration and the African Charter, is proposed for the guidance of statement-takers:

Discrimination on grounds of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, disability
Right to life
Right to be free from violence
Slavery
Torture
Cruel, inhuman or degrading treatment or punishment.
Wrongful arrest or detention
Right to a fair trial
Right to privacy
Protection of home and family
Freedom of movement
Right to nationality
Right to marry and have a family without discrimination
Right to property
Freedom of religion
Freedom of speech
Right to receive information
Freedom of association
Freedom of peaceful assembly (meetings)
Right to vote and to democratic government
Right to work
Right to decent working conditions
Right to equal pay for equal work
Right to join trade unions
Reasonable limitation of working hours and periodic paid holidays
Right to food, clothing, housing and medical care
Right to education
Right to participate in the cultural life of the community
Protection against ill-treatment of children and the elderly
Right to a healthy environment
Right not to be forced to enroll or participate in an armed conflict?

APENDIX THREE STATEMENT-TAKING PROTOCOL

Number : _____

THE TRUTH AND RECONCILIATION COMMISSION
SIERRA LEONE

STATEMENT

Block A, Brookfields Hotel, Jomo Kenyatta Rd., Freetown.

THE TRUTH AND RECONCILIATION COMMISSION

Object of the Commission as set out in Section 6 (1) of the TRC Act of 2000

The Commission is established for the object of:
Creating 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 on 7 July 1999;
Addressing impunity;
Responding to the needs of victims;
Preventing a repetition of the violations and abuses suffered.

The function of the Commission as set out in the Act is:

1. To investigate and report on the causes, nature and extent of the human rights violations and abuses, and on the context in which these violations and abuses occurred;

To report on whether or not the human rights violations and abuses were the result of deliberate planning, policy or authorisation by any government, group or individual;

To investigate and report on the role played by both internal and external factors in the conflict.
2. To provide an opportunity to victims to give an account of the human rights violations and abuses they have suffered in order to assist them restore their dignity and to promote reconciliation;

To provide an opportunity to perpetrators to relate their experiences and to create a forum within which victims and perpetrators can speak to each other;
3. The Commission is to give special attention to the needs of child victims, to those who have suffered sexual abuses and to children who were perpetrators in the conflict.

Making a statement to the Truth and Reconciliation Commission

The Truth and Reconciliation Act 2000, envisages that a number of different people and institutions will make statements to the Commission. These will include victims, witnesses, perpetrators, political parties, civil society institutions and interested parties. The Commission sets out below those categories of people who may be interested in making either a statement or submission to the Commission.

1. Those who have suffered violations

You may make a statement to the Commission in the following circumstances:

- If you have suffered a human rights violation or abuse or a violation or abuse in terms of international humanitarian law during the conflict period in Sierra Leone which you wish to share with the Commission;
- If you have a relative or a friend who has suffered a human rights violation or abuse or a violation or abuse of international humanitarian law and they are not able to make the statement themselves because they are dead or missing or not in an emotional frame of mind to do so themselves and you wish to share this information with the Commission;
- If you have witnessed a human rights violation or abuse or a violation or abuse of international humanitarian rights law and you wish to share this information with the Commission.

2. Those who have committed violations and abuses

You may also make a statement to the Commission if you have committed or been responsible for the commission of a human rights violation or abuse or a violation or abuse of international humanitarian rights law and you wish to share this information with the Truth and Reconciliation Commission;

3. Those who have knowledge of the commission of violations and abuses

If you are an ex-combatant, a policeman, a soldier and you wish to inform the Commission of violations and abuses you have witnessed being perpetrated, you may also make a statement to the Commission sharing your experiences.

If you have witnessed a human rights violation or abuse or a violation or abuse of international humanitarian rights law and you wish to share this information with the Commission.

3. Political Parties, civil society institutions and interested parties (including governmental institutions and agencies)

The Commission will be requesting that political parties, civil society institutions and interested parties make submissions to it on their knowledge of the violations and abuses of human rights and international humanitarian law which has taken place. The Commission intends particularly to address the issue of whether these violations and abuses were the result of deliberate planning, policy or authorization by any government, group or individual as well as the role of both internal and external factors in the conflict.

Confidentiality

Should you wish to give information to the Commission on a confidential basis, the Commission will ensure that such information is never used by it in such a way as to permit your identification, either directly or indirectly. The Commission will never disclose a statement given to it after confidentiality has been requested. You must exercise this request by signing this form in the appropriate place on page 5. If you wish to give some information on a

confidential basis, but are willing to provide other information without requesting confidentiality, please use two separate sheets, indicating the information that is confidential on one of them and signing the request for confidentiality.

Confidentiality is the prerogative of the Commission. The Commission has decided to extend this protection to all who require it.

It is important to note that the Commission will not be sharing any information with the Special Court. No information given to the Commission on a confidential basis will be provided to the Special Court.

Public Hearings

The Commission will be holding public hearings for victims, perpetrators and witnesses. Please inform the Statement-Taker whether you will be willing to appear at a Public hearing to share your experiences publicly if you are invited.

Special Hearing Procedures

The Commission is cognizant of the fact that many victims and witnesses may not feel secure in making statements or giving their testimony in public. The Commission has the power in terms of the Act to implement special procedures to protect victims and witnesses and in particular women and children. The Commission will also implement special procedures to address the needs of those who have suffered sexual abuse. Special Procedures will also take into account the needs of Child perpetrators.

Telling the truth

Truth telling is important for the Commission. It is your duty to tell the truth. Only in this way can the Commission accomplish its goals of genuine reconciliation. If you intentionally provide misleading or false information to the Commission, you are liable to trial by the High Court of Sierra Leone for contempt of court, and may be punished with fine or imprisonment.

Please sign this declaration at the end of this page as proof of the fact that you have read and understand what has been stated above. You may ask the Statement-Taker to explain this section to you.

Declaration

I, _____ affirm:

That I have read this section and understand its contents insofar as they pertain to me; or the Statement-Taker has explained this section to me and I confirm that I understand the contents thereof insofar as they pertain to me.

Signature or thumbprint

Dated at _____ (Chiefdom and District) on this the _____ day of _____ 2003

Please sign the following section as well if you wish the information you give to the Commission to be treated as confidential

Declaration by Those Wishing to Give Confidential Information

I _____ affirm that I request that the Commission treat the information I am giving as confidential. I understand that the Commission will not use the information that I provide in such a way as to permit me to be identified.

Signature or thumbprint

Dated at _____ (Chiefdom and District) on this _____ day of _____ 2003

Section 1: Section for Statement-Taker

The Statement-Taker is an employee of the Truth and Reconciliation Commission authorised to complete this form.

This section should be completed by the Statement-Taker and refer to his/her particulars.

1. Particulars of Statement-Taker

Name of statement-taker: _____

2. Areas of responsibility for Statement-Taker

Please circle the number of the region which you are responsible for taking statement from:

- 1. Western Area 1 2. Western Area 2 3. Northern Region
- 4. Southern Region 5. Eastern Region

Please circle the number of the district you are responsible for:

- 1. Kailahun 2. Kenema 3. Kono 4. Bombali 5. Kambia 6. Koinadugu
- 7. Port Loko 8. Tonkolili 9. Bo 10. Bonthe 11. Pujehun 12. Moyamba
- 13. Western Area 1 14. Western Area 2

3. Please fill in the name of the town/place/chiefdom where this statement has been

taken: _____

4. Please fill in the language in which this interview was conducted: _____

Section 2: Personal Details of the Statement-Giver

The Statement-Giver is the person who tells his/her story to the Commission.

A. Personal details:

1. Family name: _____
2. First name: _____
3. Other names: _____
*Alias, combat name, nickname.
4. Date of birth: _____
5. Age at incident _____
6. Ethnic group: _____
7. National Identity / Passport (where available): _____
8. Place of birth: _____
9. Nationality: _____
10. Occupation/Education level: _____
11. Marital Status: _____
12. Sex: _____

B. Contact details:

1. Where can you be contacted in the future:
2. Address: _____

3. Telephone : _____
4. Mobile: _____
5. Fax number: _____

Family member or relative where you may be contacted:

1. Name and Address: _____

2. Telephone: _____
3. Mobile: _____
4. Fax number: _____

Other (person with whom a message can be left):

C. Please indicate whether the statement is about violations and abuses suffered by
(please circle):

1. You personally
2. A family member, a relative, a friend or someone known to you
3. Another person known or unknown to you

D. Is the information you will be providing the Commission confidential? YES NO

General instructions for the Statement-Giver

1. If this statement is about you and the human rights violations and abuses you have personally experienced or suffered, please complete section 3.
2. If this statement is made by you on behalf of a family member, a relative or a friend, who have experienced human rights violations and abuses, please complete section 4.
3. If this statement is about human rights violations and abuses you have witnessed, please complete section 5. In the case of mass victims, please give the Commission estimates of the numbers of people, their sexes, ages and any other relevant information that could enable the Commission disaggregate the information.
4. If this statement is about human rights violations and abuses you have carried out, please complete section 6.

Please attach any photographs, medical records or certificates that may assist the Commission understand your story.

1.2 Please provide the statement taker with details as to the date, places and circumstances of the human rights violations and abuses you have suffered.

1.3 Do you think that you were specifically targeted or singled out?

YES NO

If yes, please explain why you believe that you were targeted or singled out.

2. Perpetrator information

2.1 Do you know the identity of the person / persons or group who committed the violations and/or abuses? Did he/they call themselves by any aliases or names?

YES NO

2.2 Did they belong to one of the groups or factions indicated below and, if yes, which one (please circle)?

- UN Peacekeepers Police RUF AFRC SLA
- ECOMOG NPRC APC Govt. SLPP Govt. The Peoples Army
- CDF: Kamajors Donsos Gbethes Tamaboros Kapras
- Executive Outcomes Gurkhas Civilian Collaborator to any of these groups

Others: _____

Further details: _____

2.3 Is there any particular detail that you remember about the perpetrator(s) (for example, physical details such as scars, clothes, names, insignia or languages spoken)?

2.4 Do you know the region or district where the perpetrator(s) came from?

2.5 Could you identify him/her/them if you saw them again?

YES NO

2.6 Please provide the current whereabouts and address of the perpetrator(s), if known to you.

2.7 Which language was spoken by the perpetrator(s)?

2.8 Do you know to which ethnic group the perpetrator(s) belonged?

2.9 Male or female: _____

3. Political affiliation / organisation that you belong to

3.1 At the time of the violation / abuse, were you a member of any organisation, faction or group?

YES

NO

3.2 If you were a member of an organisation, please indicate if it was one of the following:

1. Community 2. Political grouping or party 3. Military
4. Police 5. Other

3.3 Please detail the name of the organisation, the dates of your membership and the position(s) you held:

Name of organisation: _____

Dates of membership: _____

Position(s) held: _____

3.4 Were you sick, injured, captured or surrendered at the time of the violation?

YES

NO

4. Witness details

4.1 Did anybody witness the violations and abuses you suffered?

YES

NO

4.2 If there is a witness or witnesses who saw what happened, please provide the Commission with the following details:

Name of witness / witnesses: _____

Contact address(es): _____

Telephone / mobile number: _____

4.3 Would they be willing to make a statement to the Commission about what they saw?

YES

NO

DON'T KNOW

5. Other victims in the same incident

5.1 Are you able to confirm that other people have suffered human rights violations and/or abuses with you, in the same incident?

YES

NO

If yes, please provide the following details to the Commission (please use additional sheets if necessary):

Family name: _____

First name: _____

Other names: _____

*Alias, combat name, nickname.

Ethnic group: _____

Relationship with you: _____

*For example: spouse, child, neighbour, etc.

Address: _____

Telephone / Mobile: _____

Occupation: _____

Please fill in Sections 4 and/or 5 of this booklet for those other violations that you witnessed or know about.

6. Consequences of the human rights violations and abuses suffered

6.1 Did you sustain any physical or mental injury, damage or loss as a result of the human rights violation or abuse?

YES

NO

If yes, please describe the nature of the physical or mental injury, damage or loss sustained:

6.2 Did you receive medical treatment and/or counselling or participate in a traditional healing/cleansing process?

YES

NO

If yes, please provide details:

6.3 What is the current status of your health?

6.4 Have you received any compensation for the loss or damage you sustained?

YES

NO

6.5 What impact did the human rights violation or abuse have on you, eg are you disabled, have you lost your home, etc.?

6.6 How do you currently support yourself?

6.7 Family details (please circle)

A. Marital Status: Single Married Divorced Widowed

B. Children: Yes No If yes, how many: ____

C. Names of children: _____

D. Names of other dependants: _____

E. Accommodation:

Details: _____

7. Appearance at hearings

7.1 Are you willing to testify at a public hearing?

YES

NO

2.3 Did you witness the event or incident personally or were you informed by someone else of what happened (please circle)?

I witnessed it myself

Someone else told me

If someone else related the event to you, please provide the following details about this person:

Name: _____

Address: _____

Occupation: _____

Date when you were informed: _____

If there were several victims, please give the Commission an estimate of their number, sexes and ages.

3. Perpetrator(s) details

3.1 Do you know the identity of the person(s) who committed the violation and/or abuse?

YES

NO

3.2 Could you identify him/her/them if you saw them again?

YES

NO

Please tell the Commission about the perpetrator(s):

Name(s): _____

Ethnic group: _____

Other names: _____

*For example: combat name, nickname, alias, etc.

Combat unit / faction / other: _____

Rank: _____

Region from which perpetrator(s) came from: _____

Language spoken: _____

Address (if known): _____

Current whereabouts (if known): _____

Any other detail: _____

4. Consequences of the human rights violations and abuses suffered

4.1 Did the victim sustain any physical or mental injury, damage or loss as a result of the human rights violation or abuse suffered?

YES

NO

If yes, please describe the nature of the physical or mental injury, damage or loss sustained:

4.2 Did the victim receive medical treatment and/or counselling?

YES

NO

If yes, please provide details:

4.3 What is the current status of the victim's health?

4.4 Have the victim(s) received any compensation for the loss or damage he/she sustained?

YES

NO

4.5 What impact did the human rights violations or abuses have on the victim, eg is he/she disabled, have he/she lost their home, is the victim dead, etc.?

Ethnic group: _____
Combat unit / faction: _____
Rank(s): _____
Age: _____
Sex: _____
Region the perpetrator(s) is from: _____
Language spoken by the perpetrator(s): _____
Ethnic group: _____

3.2 Could you identify him/her/them if you saw them again?

YES NO

3.3 Please provide the current whereabouts and address of the perpetrator(s), if known to you.

4. Consequences for the victim(s)

4.1 Do you know what consequences the victim(s) has experienced following the human rights violations or abuses he/she/they suffered?

YES NO

If yes, please describe what these consequences are to the best of your knowledge (for example: death, physical or mental injury, loss of home, etc.):

1.2 Please give details as to the date and place of the human rights violations and abuses:

1.3 Did you act as an individual or as part of a group? _____

1.4 How old were you at the time you committed the violation?

1.5 Were you a civilian at the time you committed the violation and/or abuse?

YES

NO

1.6 Did they belong to one of the groups or factions indicated below and, if yes, which one (please circle)?

UN Peacekeepers Police

RUF

AFRC

SLA

ECOMOG NPRC

APC Govt

SLPP Govt.

Peoples Army

CDF: Kamajors Donsos Gbethes Tamaboros

Executive Outcomes

Gurkhas

Civilian Collaborator to any of these groups

Others: _____

Further details: _____

1.7 Please provide details of all the different groups you may have belonged to and the dates of your belonging:

1.7 Are you currently employed?

YES NO

If yes, please provide the details: _____

1.8 What are your educational training and qualifications?

2. Command information

2.1 Were you acting under orders to commit the human rights violations and/or abuses?

YES NO

If you were acting under orders, please provide the Commission with the following details:

Please indicate who ordered you to commit the violations/abuses.

If you had refused to carry out the instructions given, what would have happened to you?

Have you ever refused to carry out the orders or instructions of a superior officer or a commander?

YES

NO

If you have, please give details of the circumstances as well as what happened when you refused.

Who was your commander or immediate superior officer?

3. Victim(s) information

3.1 Did you know the identity of your victim(s)?

YES

NO

If yes, please provide the Commission with the following details:

Name of victim(s): _____

Ethnic group: _____

Age: _____

Region or district they were from: _____

Male(s) or female(s): _____

3.2 What was the reason or motive for the human rights violations or abuses?

3.3 What were the consequences for the victim(s) of the human rights violation or abuse?

3.4 Are you willing to meet with your victim(s) if the Commission is able to facilitate such a meeting?

YES

NO

3.5 What are you willing to do in order to make it up to your victim(s)?

Accept responsibility and offer apology _____

Pay reparations _____

Participate in rebuilding _____

Other (please specify) _____

3.6 What is your reason or motivation for making a statement to the Commission?

4. Consequences:

4.1 What are the consequences of your experience to you?

Personal: _____

Familial: _____

Employment prospects: _____

Physical and emotional well-being: _____

4.2 Did you participate in any of the disarmament, re-integration or cleansing programmes or ceremonies?

YES

NO

If yes, please provide details:

4.3 Did you receive any assistance from any structure or body?

YES

NO

Please provide the details of any assistance received:

Body or structure: _____

Training: _____

Education: _____

Financial assistance: _____

Medication: _____

Emotional support: _____

4.4 Please tell the Commission how you currently support yourself:

4.5 Please provide details of dependants, if any: _____

5. Appearance at public hearings

5.1 Are you willing to testify at a public hearing?

YES

NO

5.2 Are you going to mention names in your testimony? The person you name may be informed and may wish to defend

APPENDIX FOUR

HEARING PROCEDURES PROCESS OF HEARINGS BY THE COMMISSION

GOALS OF THE HEARINGS

The primary goal of the hearings is to cater to the needs of victims. The hearings will also enable the Commission to collect information about the experiences of all the people during the conflict with a view to promoting social harmony and reconciliation.

OBJECTIVES OF THE HEARINGS

1. To provide witnesses with an opportunity to tell their stories either publicly or in private and help relieve their grief or recognise their feeling of remorse through providing them a platform that validates their experience and offers official acknowledgement of the wrongs done to or by them.
2. To create an opportunity for the country to be engaged in a dialogue with itself about what went wrong and what needs to change.
3. To provide information that may promote future accountability.
4. To educate the public on the patterns of abuse, the social environment in which violations and abuses took place, institutional complicity, and the actions and omissions of different actors, local and international.
5. To engage and mobilise civil society in the journey to reconciliation through embodying an open, dialogic and participatory process as an ethos for conflict resolution and democratisation in the country
6. To make recommendations towards charting a roadmap for development and sustainable peace in Sierra Leone.
7. To promote community and individual healing for victims, witnesses and perpetrators and the rehabilitation of victims through public recognition of their

suffering (and in the case of community reconciliation procedures, the reintegration of individuals back into their communities.)

8. To provide public education on human rights particularly the human and other costs of human rights violations.
9. To promote reconciliation through truth telling.

PRINCIPLES GOVERNING THE HEARINGS

1. Respect for diversity: The Commission respects the participants' rights to narrate the facts or events in an atmosphere of respect to their identity and without discrimination on gender, social, political, religious or cultural grounds. Participants will have the right to express themselves in their own language, for which there will be interpretation services provided.
2. No hierarchy: cases selected by the Commission for the hearings will be illustrative of the totality of abuses and violations committed with the aim of achieving dignity for the victim and creating an impartial historical record.
3. Emotional and social sustainability. Participants will have the right to be accompanied by their immediate family as well as by members of the local community. They will be protected from harassment and lack of respect which are likely to increase the emotional impact of giving public testimony.
4. Respect for all witnesses. All persons who appear at the hearings are witnesses for the Commission they therefore deserve respect. Nobody will be denied the possibility of providing his/her account of the events within the framework of the Commission's processes, either through statement taking and investigations or testimony at hearings.
5. The voluntary participation of all witnesses will be encouraged at all times. The use of subpoena to attend a hearing will be a last resort in appropriate cases.
6. The security of witnesses appearing at the hearings is important to the Commission. The Commission may in the interest of the witness decline to invite a witness to a public hearing, or take the witness's testimony in private.

TYPES OF HEARINGS

The Commission shall organise four types of hearings:

1. Individual witness hearings. Individuals are requested during statement taking whether they would be willing to attend and give testimony at hearings.
2. Thematic hearings. This is designed to produce a social analysis that describes and explains the past in relation to a number of identified themes. Such hearings will allow the Commission to address patterns of abuse and broader social analysis regarding the enabling background conditions.
3. Event-specific hearings. The Commission hopes to consider whether particular events served an especially catalytic role in the history of human rights abuse in Sierra Leone.
4. Institutional hearings. The Commission wishes to consider whether there were specific civil society institutions or state structures that warrant particular scrutiny for their role in inflicting, legitimising or ignoring abuses. Were there sectors of society which benefited from abusive structures? Were there other institutions that were targeted unfairly? Institutional hearings will therefore provide the Commission with an opportunity to address areas where broader institutional reform and policy change may be needed.

PRE HEARING PROCEDURES

1. Selection of Witnesses

- a. Witnesses to testify in the public or closed hearings are those who have given statements to the Commission.
- b. For thematic, institutional or event specific hearings, the Commission may invite any witness to testify (whether or not the witness has made a statement), if in the opinion of the Commission, the interests of truth finding and the mandate of the Commission will be best served by receiving testimony from the witness.

2. The criteria for selecting cases for hearings are as follows:

- a. Representative cases
 - I. Regarding different kinds of constituencies – diversity in relation to a whole range of factors, including region, ethnic group, political affiliation, gender, social status, class, age, military/civilian etc.
 - II. Different kinds of violations – the range of violations that have taken place in Sierra Leone's history. It is also desired to offer a full picture of the kind of repression suffered by victims so as to flag areas for institutional reform/retraining. This is also important to address violations that elucidate the broader socio-political environment that enabled human rights violations.
 - III. Different localities –to maximize national outreach, hearings will be held in every district and in a range of settings: schools, meeting rooms in faith institutions, community centres, halls etc.
- b. Where the violation was committed by, in the presence and/or knowledge of any one perceived as a key player/leader in the conflict.
- c. The statement mentions the following institutions APC Govt; NPRC Govt; RUF; ECOMOG; SLPP Govt; AFRC; People's Army; Guinean Armed Forces; Identified Mercenaries; Security Firms (Executive Outcomes, Sandline), UN Peacekeepers.
- d. The statement giver has information about the administrative/military command structure, internal policing, policy making, local authorities within the combatant groups.
- e. The statement mentions a mass killing (below 50 deaths) or a massacre (above 50 deaths).

- f. The statement refers to an international arms/drugs/diamond transaction.

3. Witness preparation prior to hearings:

- a. Those witnesses who will give testimony shall be given advance notice regarding the process and dates to reconfirm their interest in participating in hearings.
- b. A pre hearing interview will be held with a staff member of the Commission to help the witness prepare effective presentations on the facts and the meaning attributable to those facts
- c. At those briefings, witnesses would be given information on the hearings procedures and the position of the witness during the hearing. They will also be told what they might expect from participation in the hearings from media coverage to the psychological impact of testifying about painful events. Post hearings actions and support will also be discussed, such as the consequences if any, for the perpetrators they identify and the Commission's anticipated timeline for report writing.

4. Witness protection.

The Commission shall provide witness protection if it is determined that a witness is potentially at risk because of public testimony. If the potential risk is greater than the witness protection services the Commission can offer, the Commission will discourage the witness from testifying.

HEARING PROCEDURES

1. **Welcome**

- a. The Presiding Commissioner will invite prayers and/or religious songs before the start of the day's proceedings. The Commissioner will welcome all present, in particular the witnesses for attending the hearings.
- b. The Commissioner will explain the programme for the entire week or duration of hearings in the locality. He/she would also explain the procedures for hearings, including issues such as clapping, shouting or booing people; address any potential false expectations on the part of the people (such as ordering reparations; opportunities for testimony; investigation of all cases, etc); the availability of counsellors and the holding of closed sessions. Those wishing to make statements during the course of the hearings would be directed to the venue for doing so. It must be noted that the hearing is a solemn occasion deserving of rectitude. Those who want to participate in any processes to mark the end of hearings or who signify their desire to reconcile and engage in the rebuilding of their relationships or communities would be invited indicate to staff of the Commission.
- c. Each day's proceedings will be ended by reading a roll call of all those who have died and were mentioned in the course of the day's session, and observing a minute's silence in their honour.

2. **Status of witnesses**

Every person testifying at the hearing is a witness for the Commission including those against whom allegations have been made.

3. Oath

- a. All testimony shall be under oath. The Commissioner presiding shall administer the oath to the witness in the language he/she understands.
- b. All non-staff of the Commission, such as interpreters, who will be temporarily employed by the Commission during the hearings shall also be administered an oath before they begin to render service at the venue of the hearing.

4. Breaks

- a. The Commission will order breaks where it deems it necessary to do so, including such circumstances as where the witness is finding it difficult to continue with the testimony; is distraught and needs to compose him/herself, or for lunch etc. Witnesses also have a right to request breaks.
- b. The day's session however will not be adjourned on the grounds that the witness is in an emotional state, unless the witness requests the adjournment. The expression of emotion is encouraged by the Commission.

5. Orders

The Commission may make any orders as it deems fit in the course of the day's deliberations. Such orders may include ordering the attendance of any person who had been mentioned in the course of the proceedings, ordering a witness or his/her legal representative to produce any document or person at an agreed date and hearing venue. It may also issue subpoenas for any documents or persons to attend a subsequent session of the hearings. The order would be in writing and read out by the presiding Commissioner. Every opportunity for a witness or person to participate voluntarily in the hearings will however be explored.

6. Documents

Documents and other secondary evidence may be tendered at a hearing. Such documents will be registered with a number or such particulars as to enable it/them to be identified in the future.

7. Participation of Counsel

Where a witness is accompanied by a legal representative, the counsel shall be permitted to ask questions of the witness after the Commission has finished questioning the witness. The counsel is a legal representative for the witness and not of the Commission. The prerogative to first question the witness therefore rests with the Commission.

8. Naming Names

Witnesses may in any proceedings mention the names of the person/s or institutions allegedly responsible for or that participated in the violation of their or someone else's rights. Where this information is available to the Commission before the proceedings, the Commission will endeavour as much as possible to notify the alleged perpetrator and arrange with them on possible dates to give their own side of the story. Where this is not possible, at the conclusion of the witness's testimony, the Commission will announce (if the address of the perpetrator is known) that the perpetrator would be contacted and all efforts will be made by staff of the Commission to contact the person (and where the address is not known) that the alleged perpetrator is invited to contact the Commission for the purposes of telling their side of the story. They may in the alternative send a written submission to the Commission.

9. Confrontation between witnesses

- a. Any person who has been mentioned by a witness as allegedly being responsible for the abuse or violation of a witness' or someone else's rights shall have the right at the same or subsequent proceeding to rebut the story as told by the witness. The Commission shall not however allow a situation whereby the witnesses confront themselves with a view to rebutting or interrogating each other's story, neither

shall the legal representative of one witness be allowed to question another witness even if the witness consents to it.

- b. Where after both sides have told their stories and, both sides are willing to pursue reconciliation, the relevant personnel within the Commission shall hold separate discussions with the parties and at the appropriate time bring them together in promotion of their mutual desire to reconcile. The Commission shall at all times encourage and facilitate the involvement of NGOs, communities, civic, chieftaincy and other institutions and groups in arranging or facilitating reconciliation between people, communities or groups in the conflict.
- c. All persons who wish to testify at a hearing session in connection with any matter shall not be at the session where the matter is being considered until they have been called to testify. The Commission will ensure that before the commencement of any matter, all witnesses in the matter are advised to be out of hearing range. The Commission may waive this requirement in victim hearings.

10. Noise, disturbance, clapping etc.

There shall be general silence at the venues of all hearings. All participants are required to respect the solemnity of the proceedings. The presiding commissioner may order any person in breach of this requirement to leave the premises.

11. Conclusion

- a. At the end of the week of hearings in a district or location, the presiding commissioner shall do a careful summary of the testimony that has been led and inform the audience of what would happen to the information collected. The steps leading to the report of the commission will be laid out clearly for the audience.
- b. The Commission will encourage (and where necessary, participate in discussions within the communities on the erection of monuments and memorials for the victims of the conflict in the community and/or district.

CLOSED HEARINGS

The Commission shall organise closed hearings and adopt such other measures as it deems fit that enable it to respond to the two important aspects of its mandate that require it to “capture the experiences of women and children, and where the interests of the witness so dictate.

Special measures for hearings shall include:

- a. Witnesses may provide testimony in a closed room with only their voices broadcast into the public hearing rooms.
- b. The witness can be briefed to take out all identifiers from their testimony (name, address, location, violation), or
- c. A protective screen may be placed between the witness and the audience with a separate door for entry and exit.
- d. The testimony may be recorded on a prior occasion and then played during the public hearing and the video shot in such a way as not to reveal the identity of the witness.

The closed hearing is designed to respond to the cultural sensibilities of the community and the best interests of the witness. Circumstances in which a closed hearing may be advised include:

- e. Where the violation is of a sexual nature.
- f. If the re-entry of the witness into the community after the testimony will be jeopardized.
- g. Where there is a threat level to the security of the witness
- h. Where the witness is a child at time of testimony.
- i. Where the testimony may jeopardize the witness' ongoing reintegration/re-absorption in the community.

Where the testimony relates to a sexual violation, the following procedure shall be followed:

- a. The witness shall be interviewed by female commissioners only. All male commissioners and other male staff shall be excused from the hearing.
- b. Where there is no female commissioner present, this fact should be communicated to the witness and the witness shall be notified of her right to give the testimony at another location and time where a female commissioner would be present.
- c. The witness reserves the right to waive the requirement of clause (a) above, and give her testimony in the presence of male commissioners and/or staff.

Process for closed hearing

1. The Commission will stop any information from the closed hearing to be known to the public.
2. The Commission will ensure that the identity of the witness is not revealed.
3. The Commission will ensure that the record of proceedings is kept in such a way, which continues to protect the witness.
4. The closed hearing shall be held in an appropriate room/space different from the location for the public hearings.
5. The Commission shall arrange for special attendants such as counsellors, psychosocial or child welfare workers to sit with the witness during the testimony.

ISSUES OF PROCEDURAL FAIRNESS FOR PERPETRATORS

1. Hearings involving perpetrators shall be governed by the following considerations:

The hearing will further understanding of the reason or motivation behind the actions of the perpetrators,

- a. The hearing has the objective of reconstructing the truth vis a vis victims,
- b. The perpetrator will be encouraged as much as possible to participate voluntarily in the hearings,
- c. The Commission will use its subpoena powers if the hearings will achieve (a) and (b) above.

2. Where perpetrators have been/would be named in a hearing, the Commission will ensure that:

- a. Reasonable and good faith efforts are made in locating them and giving them prior notice that they will be/have been named. This would include advertising in newspapers or electronic media, and specifying a reasonable number of days during which they are expected to respond.
- b. Provision will be made for the perpetrators to attend the session, offer a response and/or submit a written statement.
- c. Provision is made for perpetrators to bring legal counsel or have legal counsel available for the indigent (depending on availability of resources). The Commission will not allow legal counsel to speak for the perpetrators.
- d. The Commission will avoid legalised procedures that may compromise its mandate and mission.
- e. The Commission will not compel alleged perpetrators to answer questions.

EXTERNAL ACTORS

1. Consultation. There will be ongoing consultation with different sectors of civil society to maximize public participation and input. Hearings will generally be planned in collaboration with civil society institutions.
2. Media: The media will be permitted to offer full coverage of public hearings, with translation support that ensures that those hearings will be transmitted to communities in all parts of Sierra Leone.
3. The media may be provided information only on the subject matter to be heard so that it could prepare appropriately.
4. The Commission will draw the attention of the media on sensitivity for journalists covering human rights issues, particularly regarding the respect of witnesses, the important role the media can play in using its coverage to catalyse public debate and interest about the historical patterns of human rights violations, the factors that enhance abuse of power, the complicity of different institutions, the space for dissent etc., and will encourage training on these issues.
5. The Commission will establish its own accreditation scheme for media practitioners.
6. A special section of the public hearing room shall be designated as a press gallery.