

**SPECIAL COURT FOR SIERRA LEONE**  
PRESS AND PUBLIC AFFAIRS OFFICE

**PRESS CLIPPINGS**

**Enclosed are clippings of the latest local and international press on the Special Court and related issues obtained by the Press and Public Affairs Office as of:**

Tuesday, October 12, 2004

The press clips are produced Monday to Friday.  
If you are aware of omissions or have any comments or suggestions please contact  
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# Sierra News

## Chief Norman writes from Prison

By Alhassan Spear Kamara

Chief Samuel Hinga Norman on the 5th October 2004 wrote a strongly worded letter to the Principal Defender of the Special Court in which he filed a motion in pursuant of rule 73 of the Special court's rules of procedures and evidence in order to raise some objections and concern before the Trial Chamber as constituted.

The CDF 1st Accused stated that, 'I wish to draw your attention to the Trial Chamber's remarks in line 15 to 21 on page 5 and lines 3 to 6 on page 6 of the court proceedings referred to above and request further explanation (legal or otherwise) to enable me take



Chief Sam Hinga Norman

appropriate action regarding my defence and my standby counsels who are presently paid under my signed contract. In the mean time, I wish to request the Trial Chamber through your office to stop all

current proceedings against me until the following vital legal issues are judicially and expeditiously addressed in the interest of transparent justice'.

The former CDF National Coordinator who described

himself as a qualified Justice of the Peace (JP), outlined some of the vital legal issues he wants the Trial Chamber of the

Special Court to address which include the non-compliance of the Trial Chamber's  
*See back page*

## Chief Norman writes from Prison

consequential order of 27th January 2004 that the consolidated indictment be served on each of the accused in accordance with the provision of rule 52 of the Rules, that the Accused (Chief Norman) has not been arraigned before the Trial Chamber on the said Amendment consolidated indictment on which the trial against him should proceed, and that the indictment date March 2003 which was approved against him on which

he alone made initial appearance before a judge and was properly arranged has not been stayed by order of the Trial Chamber even in spite of the Trial Chamber's consequential order of 27th January, 2004 that a consolidated indictment be prepared for joint trial of the CDF accused.

Mr. Norman also stated that in spite of the numerous concerns raised in his June 15 2004 address to his lordships as a Trial Chamber, in an effort to save the Bench from a grave

legal error, their lordships went a head to allow the commencement of a proceeding in the absence of the fulfillment of rule 52 of the Rules of Procedure of the Statute of the Special Court of Sierra Leone.

The former Internal Affairs Minister who addressed copies of his letter to the court's Registrar, Prosecutor as well as the UN Human Rights Community the Commonwealth, European Union and African Union said that the consolidated indictment is served on him in pursuant of Rules 52 which if not addressed now, his position still remains the same and his trial is yet to commence.

# Special Court In Financial Scam

one Alfred claims that the Special Court payroll, and that the court lic funds on high price legal Mr. Alfred M. Sam Foray court now earn one hundred  
of the Hinga for Sierra Leone has placed "is spending an inordinate fees." According to the e-mail stated that they "have learned and ten dollars (\$110) per  
reference Fund prosecution witnesses on its amount of international pub- on the subject Special Court, that senior lawyers for the Contd. page 2

## Special Court In Financial Scam

*From front page*

hour for their services, or the lack thereof plus an additional five hundred dollars (\$500) in per diem." He further stated that "junior attorneys earn the equivalent of ninety dol-

lars (\$90) per hour plus an additional three hundred dollars (\$300) in per diem." Sam Foray however stated that despite these massive expenditures, public interest seems to be waning, adding that

in an effort to postpone the inevitable collapse of the court due to lack of voluntary funding by international donors and waning public interest, court officials have developed an innovative solution by commandeering school children into the court gallery in order to create the image of a public trial

*The Exclusive*  
*12 Oct 2004*

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*Chicago Daily Law Bulletin, October 8, 2004*

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Chicago Daily Law Bulletin

**October 8, 2004, Friday**

**SECTION:** Pg. 5

**LENGTH:** 899 words

**HEADLINE:** **Sierra Leone's lessons for Uncle Sam**

**BODY:**

How soon we forget, and at our peril.

A few years ago the small West African country of **Sierra Leone**, which few Americans could locate on a map, made headlines for the most sordid and appalling reasons. Its people staggered under the crushing weight of a brutal civil war, fought **largely by child soldiers forcibly recruited and drugged** into combat, and fueled by greed for the country's diamond revenues. Widespread atrocities, including systematic chopping off of arms and hands, rape and murder, were not merely incidents but strategies of war.

Since the **Sierra Leone** war ended two years ago, media attention has turned to other strife, such as in Iraq and the Darfur region of Sudan. While these crises demand attention, other ongoing conflicts in places stretching from Burundi to Colombia are overlooked. Past conflicts -- and the reasons for them and how to avoid their renewed outbreaks -- get even less notice.

This is why the report of the **Sierra Leone** Truth and Reconciliation Commission deserves study, not only in **Sierra Leone**, but in the pages of American newspapers. Created by the peace accords and funded mainly by international donors, including at least a half-million dollars from **Uncle Sam**, the commission was mandated to examine what led to the conflict and to recommend how to avoid its repetition.

The commission's seven members included four from **Sierra Leone** -- a bishop, a judge and two educators. Its three widely respected international members, proposed by the United Nations high commissioner for human rights, were Irish Centre for Human Rights Director William Schabas, former South African Truth Commission member Yasmin Sooka, and a former Gambian minister of education.

From late 2002 until early this year, they gathered more than 7,000 statements from victims of the violence, held public hearings and drafted their report, which was formally presented to the government of **Sierra Leone** this week. Although the full text is not yet readily available here, even its summary overview is provocative, with worrisome implications for American foreign policy.

The central question examined by the commission was what led to **Sierra Leone's** descent into a human hell that eventually required costly international intervention. A common view of international experts is that the war was fought over diamonds. But that is only partly

true, says the commission. Other factors would have led to war in any event. Diamonds were not the cause, but rather "an element that fueled the conflict," used by most of the armed groups to finance their fighting.

What, then, caused the war? The commission concludes that "it was years of bad governance, endemic corruption and the denial of basic human rights that created the deplorable conditions that made conflict inevitable."

"Institutional collapse reduced the vast majority of people into a state of deprivation. Government accountability was non-existent... Democracy and the rule of law were dead. By 1991, **Sierra Leone** was a deeply divided society... It required only the slightest spark for the violence to be ignited."

This is a sobering conclusion, not only for **Sierra Leone**, but for American policy toward many other countries. In **Sierra Leone**, the commission stresses, main causes of the war have still not been properly addressed. Corruption continues, the judiciary lacks credibility, and the rule of law is weak. Meanwhile, "many young adults continue to occupy urban ghettos, where they languish in ... unemployment and despair" and "continue to be excluded from meaningful participation in the political process."

What is striking -- and troubling -- about these statements is that they could equally be made about literally scores of nations in what is euphemistically called the "developing" world, where in fact many nations remain stagnant or even slide deeper into poverty.

If wars stem from corrupt governments that do not meet the needs of repressed youth, beset by poverty and hopelessness, large parts of the world are at risk of conflict. In some places war may take the form of civil war, as in **Sierra Leone**, that create not only human catastrophes, but require expensive humanitarian aid and often military intervention.

In other places -- especially the Middle East -- the wars may be directed outward, against Washington, which is rightly perceived as an important backer of repressive regimes ranging from Pakistan to Egypt to Morocco. Since conventional military offensive against the superpower is not an option, those conflicts inevitably will resort to the weapon of the weak - terrorism. We have seen what the consequences can be.

American policy makers are not unaware of these threats to our national security. Around the world our aid funds democratization, judicial reform and transparency in government. But as one who has been directly involved in such programs, I can testify that the resources we devote to them pale in comparison to the magnitude of the problems. We spend more in a month or two in one war -- Iraq -- than we spend in a year on all such preventive programs elsewhere in the world.

The central teaching of the **Sierra Leone** Truth Commission report, then, is that our foreign aid programs are not mere charity. They are essential to our national security. If we would be safe, we need to pay far more heed to the needs of others.

**LOAD-DATE:** October 11, 2004

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**12/10/2004**

## **TRC FINAL REPORT GIVES SIERRA LEONEANS FOOD FOR THOUGHT**

The final report of the Truth And Reconciliation Commission (TRC) which was released last week has given war-destroyed Sierra Leone food for thought.

True to the expectations of the nation and the international community , the TRC has performed its responsibility with aplomb .From the report released last week, the commission has successfully traced the reasons for the 11-year bloody conflict in Sierra Leone which killed over 50, 000 people, created communities of disabled citizens and amputees and left the nation's infrastructure in ruins.

The TRC also successfully documented the atrocities committed by all the warring factions and offered valuable recommendations about how the nation can avoid such a catastrophe in the future. More than anything else, the TRC report is an epic, because it confirms fears and concretizes truths that citizens have often treated with levity , but whose dangerous effects plunged the country into the 11-year calamity that forever changed the destiny of a once promising nation.

COCORIOKO will today begin several useful features on the highlights of the war in an attempt to make our readers understand what really happened in Sierra Leone.

READ THE EXECUTIVE SUMMARY OF THE TRC REPORT.

**UNMIL Daily Newspaper Summary**  
**Monday, 11 Oct 2004**

**Human Rights commission Wants Special Court on Corruption and Rights Abuses**

*(National Chronicle)*

- Addressing a two-day workshop on human rights and political reporting last Friday at the Liberian Institute of Journalism (LIJ), the Chairman of the Independent Human Rights Commission, Attorney Dempster Brown, called for the establishment of a special court at the Temple of Justice to prosecute cases arising out of allegations of corruption, human rights abuses and crimes against humanity.
- He said that instead of a war crimes tribunal—which is a high cost initiative—elevating the Criminal Court A at the Temple of Justice to a Special Non-Appellant Court with international judges and legal practitioners will enhance the scrupulous dispensation of justice in Liberia.





## **The Death Penalty: a Growing Human Rights Issue**

**Concord Times (Freetown)**

OPINION

October 11, 2004

Posted to the web October 11, 2004

By Sulaiman Banja Tejan-Sie  
Freetown

As we progress well into the communications age of globalization, the DEATH PENALTY is considered by most civilized nations as a cruel and inhuman treatment. It has been abolished as a matter of fact or law by 106 nations, 30 of these countries abolished it in the early 90's. Despite this encouraging evolution the death penalty continues to be commonly applied in 90 other nations including Sierra Leone.

China, the Democratic Republic of Congo, the United States and Iran are the most prolific executioners' in the world. To exacerbate an already horrendous situation the United States is also one of six countries, including Iran, Nigeria, Pakistan, Saudi Arabia and Yemen that executes people under the age of 18 years at the time of the commission of the crime.

Although International Instruments have controlled and in some cases even banned the death penalty, its application is yet to crystallize into customary international law. Much debate continues in the United States as to whether it constitutes an appropriate punishment at least for the most heinous crimes. In recent years this debate has been fueled by the use of new technologies, notably DNA, which have shown that a large proportion of people sentenced to death were indeed innocent.

The death penalty is the ultimate cruel, inhuman and degrading treatment. It gravely violates the right to life. It is irrevocable and can be inflicted on the innocent while it has never been shown to deter crime more effectively than other punishments.

Each year since 1997 the United Nations Commission on Human Rights have passed resolutions calling on countries that have not abolished the death penalty to adopt a moratorium on executions. The latest resolution adopted in April 2004 was co-sponsored by 76 UN member states.

In Nigeria the last person to be executed was hanged on 3rd January 2001. President Olusegun Obasanjo has repeatedly declared his opposition to the death penalty. In November 2003 he inaugurated the National Study Group on the Death Penalty with mandate to conduct a national debate on the issue and make recommendations to the Federal Government by June 2004.

In the southern part of the continent, five countries of the Southern African Development Community (SADC):- Angola, Mauritius, Mozambique, Namibia and South Africa have abolished capital punishment. Other SADC countries have made positive progress. According to Amnesty International "There is a clear trend worldwide and across Africa towards abolition of the death penalty." And so, with this trend towards globalization, the question then becomes, what about those individuals who have been charged with the most egregious crimes in international jurisprudence: crimes against humanity, genocide and war crimes? How does international law apply to them with regards to capital punishment? The answer is similar to the aforementioned trend in domestic law, several countries, including over 20 African nations, have "so far ratified the Rome Statute of the International Criminal Court (ICC)", which states that the maximum punishment the ICC can award, is life imprisonment.

The discrepancies between domestic law and international law then become very apparent and disturbing. For instance, those who allegedly committed some of the most heinous crimes during Sierra Leone's civil war, at least the one's who were charged by the Special Court for Sierra Leone (SCSL), face a maximum sentence of life imprisonment.

The last execution in Sierra Leone was in 1999. But, in Sierra Leone where the death penalty is still in the statutes for the crimes of: (1) Treason (2) Murder and (3) Aggravated Robbery, individuals who have committed less egregious offences face the possibility of a death sentence.

Apart from the moral implications of applying capital punishment, there are several pragmatic considerations that really must be addressed by individual nations.

Firstly, most of the nations that still have capital punishment statutes also employ the practice of executing individuals who were under the age of 18 at the time the crime was committed. This is in direct contravention of the International Covenant on Civil and Political Rights (ICCPR), by the United Nations.

Pursuant to this treaty "...a death sentence shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women." Secondly, some of these nations also continue to execute those who suffer from mental illness and mental retardation. Basic acquaintance with the elements of a crime makes it quite patent that without the requisite mens rea (mental state) an individual cannot be convicted of the crime. So, it would seem that fundamental criminal justice would forbid the execution of these individuals.

There is the further innate problem of racial and class discrimination, which leads to the subjective application of the death penalty. A case in point is the United States, where racial tensions are towering, 98% (ninety-eight percent) of all persons sentenced to death could not afford an attorney. Moreover, although whites in the U.S. constitute 50% (fifty percent) of all victims of homicide, 82 % (eighty-two percent) of all convicts on death row are sentenced for murdering whites. In essence African- American offenders who kill whites are therefore 4 (four) to 7 (seven) times more prone to receive the death penalty than whites for the same offence.

Also, there is the additional salient issue of how long inmates must remain on death row before they are executed. Many lawsuits and briefs have been filed concerning this particular issue. The main argument has been that to be forced to anticipate the date of one's execution, (bearing in mind some inmates like Clarence Lacky in the United States waited as long as 17 years), is in and of itself cruel and unusual punishment. In the Privy Council decision in *Bradshaw v Attorney General and Others* *Roberts v Attorney General and Others* of 24th May 1995 the Court endorsed the presumption of inhuman or degrading punishment when there is a delay in carrying out the death penalty for a period of five years or more. The Privy Council allowing the appeal and quashing the death sentences which were substituted with sentences of life imprisonment held that "Since a delay of more than five years had elapsed between sentence and intended execution there would be strong grounds for holding on established principles that such constituted "inhuman or degrading punishment or other treatment". It is also trite at this juncture to recall what was said in *Pratt* {1993} 2 LRC 349 at 346, {1994} 2 AC 1 at 33: "It is part of the human condition that a condemned man will take every opportunity to save his life through use of the appellate procedure. If the appellate procedure enables the prisoner to prolong the appellate hearings over a period of years, the fault is to be attributed to the appellate system that permits such delay and not to the prisoner who takes advantage of it." In Sierra Leone like other nations that continue to preserve the death penalty in their statutes, there are several issues that must be addressed concerning both the morality and the application of capital punishment sentences, including: 1) the irrevocable nature of the death penalty, 2) racial and class disparities, and 3) the violation of humanitarian interest in everyone's right to life. The international trend is a move towards abolition, but there is still a lot more work to be done if we are to get rid of this barbaric dispensation of justice that continues to haunt mankind as it seeks a peaceful and more secured world order.

With the just concluded report of the Truth and Reconciliation Commission (TRC) in Sierra Leone, recommending inter alia the abolition of the death sentence as a way forward from the violence of the past and the start of a new beginning; the issue should now take centre stage in a national debate that can present a road map for the future of the death penalty and other human rights issues in Sierra Leone.

Former President Nelson Mandela rejecting calls for the reintroduction of the death penalty in South Africa had this to say "That type of vengeance does not help us, to kill people merely because they have killed others." For us in Sierra Leone like in an increasing number of countries the death penalty should be a critical human rights issue.

Abolition of the death penalty does not only contribute to the enhancement of human dignity which we lost in the last decade of an internecine war; but also the progressive development of human rights and the rule of law which we desperately require..

I therefore most humbly call on the political leadership to heed the call by the President of Malawi who recently announced a moratorium on all executions in his country and the commutation of all existing death sentences. In his words "life is sacred. I believe a person can reform I invite all heads of state in Africa, our common home, to abolish the death sentence." Finally, the advancement of any significant measure of human rights, such as the abolition of torture, slavery, the death sentence and the criminalization of libel, is serrated. At certain moments (like the present movement towards the abolition of the death penalty) the world lurches ahead, even as some countries resist change. The above model of recent developments and the global trend towards abolition demonstrates that the world is in an era of profound change. Therefore, as we commence the long walk into the new millennium, we cannot continue to find ourselves drifting into isolation on the issue of capital punishment. We must act now. This new campaign presents a challenge and a unique opportunity to build on the spirit of human rights collaboration that now exist in this country by seeking the statutory alternatives we possess to state killings that has continued unabated since independence. May the Almighty make mankind see reason and appreciate the fact that two wrongs do not make a right, but rather multiplies the issues and solution to a complex problem.

## Delayed Milosevic trial resumes

**The war crimes trial of the former Yugoslav leader Slobodan Milosevic has resumed after a month-long delay.**

The recess was ordered to give Mr Milosevic's court-appointed lawyers more time to prepare their case.

They were assigned to Mr Milosevic against his will after doctors said he was too ill to conduct his own defence.

The two British lawyers are waiting for judges to rule on an appeal they lodged against the assignment, as Mr Milosevic has refused to co-operate with them.

Steven Kay and his co-counsel Gillian Higgins made their appeal on the grounds that appointing a defence team for Mr Milosevic against his wishes could lead to an unfair trial.

The trial at the UN court in The Hague resumed with the hearing of witnesses.

Last month, presiding judge Patrick Robinson said he was giving Mr Milosevic's lawyers time to get "an overview of the witness situation".

The two lawyers have complained that many defence witnesses were refusing to testify.

### Health problems

The former Yugoslav president faces 66 war crimes charges relating to conflicts in the Balkans during the 1990s.

#### **MILOSEVIC TRIAL**

Began February 2002

Milosevic faces more than 60 charges

Prosecutors' case rested February 2004

Court already heard from 295 witnesses

Mr Milosevic's ill health, linked to heart problems and high blood pressure, has repeatedly brought his lengthy trial to a halt, putting it behind schedule.

The former Serb strongman began his defence in late August, having refused to use lawyers in court since February 2002, when the prosecution began presenting its case.

The trial judges appointed Mr Kay and Ms Higgins to defend him in September.

Mr Milosevic, who has dismissed the charges against him as lies, wants to call more than 1,000 witnesses, but it is unlikely there will be time for all of them during the 150 trial days allotted for his defence.

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Tuesday, October 12, 2004 1:16 AM

National

**Bush used ICC terms against Saddam**

By ESTRELLA TORRES  
TODAY Reporter

German Judge Hans-Peter Kaul of the International Criminal Court (ICC) has criticized the Bush administration for extracting provisions of the 1998 Rome Statute and using them to try ousted Iraqi leader Saddam Hussein for war crimes.

Kaul is in the country with Dr. Herta Daubler-Gmelin, a former justice minister of Germany and now member of the Federal Parliament, to campaign for the ratification by the Philippine Senate of the 1998 Rome Statute.

Nearly 100 governments have ratified the 1998 Rome Statute that formally established the ICC on July 1, 2002. The court based in The Hague seeks to try war crimes, genocide and crimes against humanity.

Kaul said, "The US has devised a criminal law against Saddam Hussein and took criminal law out of the treaty [Rome Statute]. . .and interpreted it otherwise."

Speaking Monday at the Asia-Europe forum on ICC in Ortigas Center, Kaul also emphasized that even as the Bush administration is actively opposed to the ICC, this position should not be taken against the people of the United States where a strong civil society group supports the criminal court.

"The Iraqi Ad Hoc Committee that adopted provisions of the Rome Statute should not mix up comment on US government with the people of the US. There are lawyers in the grassroots who support ICC and we should not give up hope," said Kaul.


A group of 400,000 lawyers belonging to the American Bar Association have adopted a resolution supporting the ICC.

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Op-Ed


Private property  
[T]he real problem of this country, insofar as foreign investors are concerned, is that officials won't stay bought and you must bribe twice or as many times as the government changes for the same old advantage.



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Gmelin said that while the international community has largely condemned the inhuman treatment of the prisoners in Abu Ghraib prison, the US government has justified the acts of its soldiers as standard for military operations.

She agreed with Kaul that the Bush administration has copied the Rome Statute and used it in the Ad Hoc Committee to try Saddam Hussein.

She added the US government continues to lobby for bilateral immunity agreements with weak governments like the Philippines to free its soldiers from prosecution under the ICC.

The Philippines, among the 112 countries that signed the 1998 Rome Statute, has so far not ratified it owing to pressure from the United States where the Philippines could lose needed aid.

In his keynote address, Philippine Chief Justice Hilario Davide Jr. said the ICC should be supported by the Philippine military to make the Filipino soldiers act more humane.

"We should have all learned the lesson by now that when we refuse to abide by a legal order, we make ourselves vulnerable to the onslaught of lawlessness and stand unprotected to bear the brunt of its devastating winds," said Davide. He added that, "The surest guarantee that our soldiers and men are not indicted before the court is not to refuse to recognize its jurisdiction but to see to it that our soldiers and men always act above suspicion in full and unqualified compliance with law's demands."

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## Rwandan genocide 'postponed'

12/10/2004 10:27 - (SA)

Arusha, Tanzania - Rwanda's 1994 genocide was initially planned to start on February 23 of that year but was delayed to ensure that as many Tutsis as possible were slaughtered, Hirondele news agency has reported a witness as telling the International Criminal Tribunal for Rwanda (ICTR).

Witness XXQ, a member of the former Rwandan army, told the court that on February 22, 1994, a telegram announced that "the planned activities for tomorrow are suspended", Hirondele reported late on Monday.

"These activities would have been killing Tutsis and Hutu opponents," Hirondele quoted the witness as telling the court.

"The suspension was motivated by the desire to wait for the school holidays, so that no Tutsis, even schoolchildren, would survive," the witness said.

"When the plane carrying then Rwandan president Juvenal Habyarimana was brought down on the evening of April 6, no new date had yet been set for the massacres," the witness said.

The slaughter ran from April 6 to July 1994, during which time up to one million people, most of them ethnic Tutsis, were murdered in a well-orchestrated killing spree.

The witness was giving evidence in the trial of former Rwandan defence ministry cabinet director Colonel Theoneste Bagosora, former head of military operations Brigadier Gratien Kabiligi, ex-military commander of northwest Gisenyi region Lieutenant Colonel Anatole Nsengiyumva and former para-commando battalion commander Major Aloys Ntabakuze.

The four accused, whose trial opened on April 2, 2002, have all pleaded not guilty

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**Father Athanase Seromba, a former priest in western Rwanda, appears in Arusha court on September 27. He is accused by the International Criminal Tribunal for Rwanda of the murder of an estimated 2 000 Tutsis who had taken shelter in his church in 1994. (Kennedy Ndahiro, AFP)**

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"The four accused were part of a group of officers hostile to sharing power with the rebel Rwandan Patriotic Front (RPF), now in power in Kigali," the witness said.

The witness was to be cross-examined by the defence on Tuesday.

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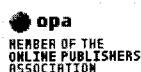
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12/10/2004

# EXECUTIVE SUMMARY OF THE TRUTH AND RECONCILIATION'S REPORT

## CHAPTER ONE

This Executive Summary provides a cursory overview of the Report and its principal areas of analysis, as listed in paragraph 5, below. Substantive detail is contained in the chapters that follow. It is particularly important to read the Executive Summary in conjunction with the Findings and the Recommendations. The Commission hopes those who read the Executive Summary will take the time also to read the rest of the Report. Only by so doing can a comprehensive understanding be obtained of one of the terrible human tragedies that unfolded in the last decade of the twentieth century.

### Introduction

1. On 23 March 1991, armed conflict broke out in Sierra Leone - a tiny country on the coast of West Africa made up of just 4.5 million people - when forces crossed the border from Liberia into the town of Bomaru near the eastern frontier. An organization styling itself the Revolutionary United Front (RUF) took credit for the incursion with the declared objective being to overthrow the corrupt and tyrannical government of Joseph Saidu Momoh and the All People's Congress (APC) which had ruled Sierra Leone since 1968.

2. The events that day were little more than a skirmish, but they heralded the beginning of a decade of violence that devastated the country. As the civil conflict exploded into appalling brutality unleashed upon civilians, the world recoiled in horror as stories of the tactics used by the RUF, its allies and opponents emerged - stories of indiscriminate amputations, abductions of women and children, recruitment of children as combatants, rape, sexual slavery, cannibalism, gratuitous killings, and wanton destruction of villages and towns. This was a war measured not so much in battles and confrontations between combatants but essentially in attacks upon civilian populations. Its awesome climax was the destruction of much of Freetown in January 1999.

3. The war finally shuddered to a negotiated conclusion, reached at Lomé, the capital of neighbouring Togo, in July 1999. Although the fighting did not end entirely with the Lomé Peace Agreement, it began a process that brought a fragile peace to the country. The subsequent presence of a robust United Nations peacekeeping force, the United Nations Mission in Sierra Leone (UNAMSIL), did much to ensure conflict would not be renewed and the components of a lasting peace, notably disarmament and demobilisation, would be effected.

4. Article XXVI of the Lomé Peace Agreement mandated the establishment of a Truth and Reconciliation Commission. The remit of the Sierra Leone Truth and Reconciliation Commission (TRC or Commission) is set out in several provisions of the enabling

legislation, adopted in 2000 by the Parliament of Sierra Leone.  
According to section 6.1 of the Act:

[T]he 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.

5. In response to its mandate and in order to create an impartial and historical record, the Commission examined various aspects of the conflict:

- ? the historical antecedents and other preceding events;
- ? its causes, with a particular focus on issues of governance;
- ? the conflict itself, including military and political events, its nature, the role of external actors, and circumstances that fuelled it, such as mineral resources;
- ? its impact on various groups, particularly on women, children, and youths;
- ? the relationship between the TRC and the Special Court for Sierra Leone; and,
- ? the efforts made to help Sierra Leone reconcile with its past, including the proposed reparations programme and the National Vision for Sierra Leone.

6. In drawing its conclusions and preparing its Report, the Commission took into account the testimony provided by victims, witnesses, and perpetrators at its hearings and during an initial statement-taking phase; the investigation and research conducted by the Commission's staff; and, the statistical analysis deriving from the Commission's database of violations committed during the conflict in Sierra Leone.

## HISTORICAL ANTECEDENTS TO THE CONFLICT

7. How did a peace-loving nation become engulfed, seemingly overnight, in horror? What are the underlying events that occurred in the history of this country, which made this conflict possible? Responses have varied from 'bad governance', 'the history of the post-colonial period in Sierra Leone' to the roles of 'Liberia and its former president Charles Taylor' and 'Libya'. The international community initially dismissed the war as just another example of tribal conflict in Africa, another failed state imploding in the context of environmental degradation and acute economic crisis<sup>2</sup>.

8. Fulfilling the terms of its mandate to "compile a clear picture of the past" (Section 1 of the Lomé Peace Agreement, as explained in the Memorandum of Objects and Reasons for the Act) required the Commission to go beyond the temporal jurisdiction set out in the Act ('the beginning of the conflict' - 23rd March 1991 - to 'the signing of the Lomé Peace Agreement' - 7 July 1999). A meaningful understanding of the conflict required an analysis of the historical antecedents of the war, most notably the structural conditions that

laid its foundations, as well as placing the conflict within its historical context.

9. Accordingly, the Commission examined the history of the country from the colonial period through to the outbreak of hostilities. It identified fault lines and other key moments which offer an explanation for what happened and which can be regarded as warning signs or missed opportunities. Had the political elite of the country responded to them responsibly, the trajectory of Sierra Leone's history might have been radically different.

10. Central to this examination was the nature and extent of the social and political interaction among the various groups that make up Sierra Leone, which shaped perceptions amongst them. These perceptions, in turn, provided the biggest challenge to the concept of nationhood and citizenship. They undermined a sense of national identity needed to build a nation out of disparate groups that came together to fight colonialism.

11. The Commission identified four periods in the formation of the Sierra Leonean state crucial to understanding the conflict and certain challenges facing Sierra Leone today:

? The Colony and the Protectorate. The Colonial government was responsible for creating two nations (one in the Protectorate and another in the Colony) in the same land and developing them separately and unequally as well as two legal systems that persist today (it formalized the common law yet neglected the development of customary law). The impact of these and other policies and practices (including those relating to issues of citizenship, ownership of land, land tenure rights and conflict of laws) were far reaching and affected access to education, social, political and economic development. Their impact bred deep ethnic and regional resentment and destabilized the traditional system of Chieftaincy.

? The Era of Party Politics. Party politics provided the greatest challenge to national cohesion and identity. With hindsight, the euphoria and apparent perceptions of unity in the decade preceding the post-colonial period appear to have been artificial. When stresses tore at the fabric of the nation in the post-colonial years, the ruling elite demonstrated that it was still hostage to ethnic sentiments and other vested interests entrenched during this period.

? The Sierra Leone People's Party (SLPP). The 1962 elections were characterized by ethnic and regional differences which impacted upon the judiciary and the military as well as upon other institutions of government. The first post-colonial government, that of the SLPP, polarised public opinion in the country and laid the foundation for military involvement in politics. This had terrible but foreseeable consequences on the unity of the young state and served to deepen existing cleavages.

? The 1967 Elections. These elections, marked by ethnic politics and used by the political elite to sustain its privileges, were a turning point in the political fortunes of the country and ultimately led to the destruction of the multi-party system established in 1961. The crisis in Sierra Leonean politics deepened when a standoff developed between the SLPP and the All Peoples Congress (APC). This was

followed by a military coup which served to narrow the political space, compelling some sections of the public to begin exploring alternatives to power other than through free and fair elections, and set the scene for the coups that were to follow.

12. Against this background of emerging and ever-exacerbating ethnic and class tensions, the Commission examined the period in power of the All Peoples Congress (APC). Its stifling of a nascent democratic culture and the consequent economic decay and political fragmentation made the onset of war in 1991 inevitable. The APC's corruption, nepotism and the plunder of state assets became standard government practice operating, as did the system of power, through patronage and exclusionary politics. These practices were replicated at regional and local levels. Chieftaincies, created by the colonial government and politicised by successive post-colonial governments, became an increasing source of local resentment.

13. Sadly, neither the SLPP nor the APC made genuine efforts to deal with the systemic failure and dysfunction in the politics and economy of the country. While they claimed to be ideologically different, in reality the politics of the two parties was all about power and the benefits it conferred. Tragically these characteristics persist today in Sierra Leone.

14. All in all, it became difficult for Sierra Leoneans to distinguish the differences between the political parties. While the government changed hands from one political party to another, many of the faces remained the same. The popular adage about government in Sierra Leone was that Sierra Leoneans board 'a different bus, but with the same driver.' Ordinary people in Sierra Leone lost faith in government and the political process. The deep sense of despair about the political elites led to a massive brain drain from Sierra Leone which deepened the political and economic crisis even further.

## GOVERNANCE

15. It has been argued by both national and international observers that the civil war in Sierra Leone was largely the result of dysfunctional governance and institutional processes in the country. Political actors failed to sustain the state's capacity to meet such critical challenges as the security, livelihood and participation in decision making of the overwhelming majority of Sierra Leoneans. The Commission shares the view that the failure of governance provided a context conducive for the interplay of poverty, marginalisation, greed and grievance that caused and sustained the civil war. The Commission hopes its examination of issues of governance - by identifying past distortions in governance, evaluating the sufficiency or adequacy of current remedies, and making recommendations to fill the gaps - will enhance efforts towards national recovery, stability, and reconciliation.

16. Proper governance include laws, institutions, due process and humane practices that lead to such desired ends as security, justice, enhanced livelihoods, and participation. The perception of citizens adduced during the Commission's hearings show Sierra Leoneans yearn for a system of governance that upholds the rule of law over the rule of

strong patrons; one that protects the people from the abuse of rulers through a system of checks and balances made possible by the effective operation of such institutions of horizontal and vertical accountability as the judiciary, the auditor general's office, the electoral commission, the media and civil society.

17. The Commission's analysis looked at the post-colonial governments' records on separation of powers, decentralization, political participation, independence of the judiciary, the rule of law and the existence and effective operation of oversight bodies and institutions of horizontal and vertical accountability. It analysed approximations or deviations from good governance at two levels. First, the Commission reviewed fundamental country documents (such as the Constitution, laws and regulations) to assess whether they guaranteed 'indicators' of proper governance, such as separation of powers, decentralization, and political processes. Second, it assessed these indicators in the actual operations of government institutions.

18. The Commission concluded that all the post-colonial regimes contributed in creating the structural and proximate contexts that led to the conflict in 1991. The duality of the country's administrative and judicial structures created manipulative possibilities utilized by the various regimes of Sir Milton Margai, Sir Albert Margai, and Dr Siaka Stevens. The provincial areas were the first to fall victim to practices that undermined the rule of law and participatory governance. For instance, institutions and other processes in the provinces were manipulated to entrench the authority of the traditional elites (chiefs) allied to the party in power and to stall opposition activities. The continual assault on the rule of law weakened the capacities of state institutions to perform: the judiciary could not deliver justice, Parliament could not ensure accountability, the civil service could not deliver services, and the army and police became vectors of violence against the people they were established to protect. Non-state bodies that ensure accountability - the media and civil society - were undermined. Opposition political parties were suppressed and then banned by the One Party Constitution of 1978.

19. Against this backdrop, Sierra Leoneans became increasingly convinced that the structures of governance could only be changed through violence. Although President Momoh's regime tried to decelerate the decline through the promulgation of the economic state of emergency and a multi-party constitution, the measures were dictatorially managed and abused. The measures were 'too little, too late' and failed to arrest the economic and political decline or to avert the armed conflict that began in 1991.

20. Today, proper governance still remains an urgent challenge in Sierra Leone. Corruption remains rampant and there is still no culture of tolerance in political discourse. Many ex combatants testified that the conditions giving rise to the conflict persist in the country and, if given the opportunity, they would fight again. Yet, distressingly, the Commission did not perceive any sense of urgency among public officials to respond to the myriad challenges facing the country. Indeed, the perception within civil society and the donor community is that all efforts at designing and implementing meaningful intervention programmes such as the National Recovery Strategy, the Poverty

Reduction Strategy Paper or the Vision 2025 programme are donor driven. This is lamentable.

21. Government must be accountable and the institutions that monitor and oversee government activity need to be strengthened and capacitated. The Government needs to promote a culture of tolerance to encourage Sierra Leoneans that indeed the war is behind them and the country is laying the building blocks for a strong democratic order. The executive needs to demonstrate ownership, leadership and determination in developing and implementing goals, indicators and effective programmatic interventions. Only then will the boundless energies of Sierra Leoneans be released for economic and social transformation and Sierra Leone freed from the tragedy unleashed in March 1991.

## MILITARY AND POLITICAL HISTORY

22. The Commission recounts the story of the decade-long conflict by charting key events and dynamics in the military and political spheres. A description of the factors that led to the outbreak of hostilities is followed by a detailed accounting of the conflict itself, divided into three distinct 'phases': Phase I (Conventional 'Target' Warfare: 1991-93), covering the conventional warfare period of the conflict; Phase II ('Guerrilla' Warfare: 1994-97), reviewing the guerrilla warfare period until the 25 May 1997 coup; and, Phase III (Power Struggles and Peace Efforts: 1997-2000), describing the alliance between the AFRC and the RUF, the peace agreements, the resumption of hostilities and the final end of the conflict. Although each 'phase' had a slightly different character, each shared one devastating characteristic: gross violations of human rights and international humanitarian law by all warring factions.

23. In the pre-conflict stage, the innumerable failings in governance caused Sierra Leonean activists to seek alternative outlets for expression of their dissent and dissatisfaction with the one-party system. In the late 1980s, a small group of would-be revolutionaries formed a nascent programme for change, which included the idea of undertaking 'self-defence' training in Libya. The original 'revolutionary' programme never materialised in the form it was intended to take. It was supplanted by a deviant, militant agenda spearheaded by Foday Sankoh, who elicited support from foreign contacts, notably Charles Taylor, and conceived a plan to organise and lead an armed insurgency into Sierra Leone. Sankoh assembled and trained in Liberia a force comprising 385 commandos, who became the vanguards of the Revolutionary United Front (RUF). Taylor authorised nearly 2,000 of his own men from the National Patriotic Front of Liberia (NPFL) to become 'Special Forces' and operate jointly with the RUF in Sierra Leone. Shortly after dawn on 23 March 1991, a band of fighters from Taylor's NPFL attacked the town of Bomaru, Kailahun District. It sparked a conflict that was unprecedented in its intensity, nature and characteristics.

24. Phases I and II outlines the role of the Sierra Leone Army (SLA) and the APC Government's failure to properly supply it at the outset of the conflict; the April 1992 coup establishing the National Provisional Ruling Council (NPRC); the tactics of the various actors

(including the trademark RUF 'false flag' attacks in which they were dressed in full SLA military uniforms); the breakdown in trust between the civilian population and the SLA; the 'Palace Coup' and the role of Julius Maada Bio in securing the transition from NPRC military rule to democratic elections in 1996; the new Sierra Leone People's Party (SLPP) Government headed by President Ahmad Tejan Kabbah; the cease-fire, the Abidjan Peace Talks in 1996 and the miscalculations made therein; the SLPP Government endorsement of the Civil Defence Forces (CDF) as an arm of the state security apparatus; as well as the role in the CDF of the Kamajors (militiamen of the Mende tribe from the South and East of the country) and the impact of their psychological and physical torturous initiation ceremonies.

25. Phase III reviews the May 1997 coup and the appointment as Head of State of Major Johnny Paul Koroma; the large-scale shift in allegiance away from the SLA towards a 'new' fighting force known as the Armed Forces Revolutionary Council (AFRC); the military and political alliance between the AFRC and the RUF resulting in the 'People's Army' with its brutal and systematic violations of human rights; the efforts of President Kabbah's War Council in Exile in Guinea to mobilise a military force led by Deputy Minister of Defence Chief Samuel Hinga Norman to oppose the AFRC military junta; the February 1998 forceful intervention to restore the exiled SLPP Government led by West African 'peacekeeping' troops under the banner of ECOMOG; the four-year State of Public Emergency declared by the reinstated SLPP government and the illegal acts carried out by private and public actors on the premise of pursuing 'justice'; the impact on the ongoing conflict of the execution of the 24 SLA soldiers in contravention of international human rights standards; the January 1999 devastation of Freetown by the AFRC-led attackers; and the Lomé Peace Agreement of 7 July 1999, which was cast as a military (the disarmament of combatants) and political solution (the implementation of a political power-sharing arrangement) to the conflict; the AFRC's perceived marginalisation resulting from its inadequate representation at the Lomé talks; the failure of all parties to the Lomé Peace Agreement to fully comply with its terms; and, the particular role of the RUF combatant cadre in breaching the cease-fire, their outward contempt for the ethos of the peace process and their unjustifiable hostage taking of several hundred UNAMSIL peacekeepers.

26. Phase III and the chapter on military and political history closes with a description of the decisive enforcement actions by the state security apparatus against the RUF in May 2000 through the so-called 'Peace Task Force', a force of armed vigilantes tasked to raid, arrest and detain members of the RUF. As part of its analysis, the Commission notes that many of those arrested in May 2000 remain in detention today. In the Commission's view, this ongoing detention is tantamount to a continuation of the conflict itself, is corrosive to the prospect of national reconciliation and is evidence of the continuing struggle for justice in Sierra Leone.

## NATURE OF THE CONFLICT

27. In analysing the nature of the conflict, the Commission examined various factors including: the violations themselves; their characteristics and patterns; the victims of the conflict; evidence of



targeting; the profiles of the perpetrators; and, the general trends underlying the conflict. The Commission examined sixteen specific types or categories of violation, although the scope of analysis for each of these was broad. For example, acts of rape were considered in the context of abduction, sexual slavery, during attacks on villages, and as part of encounters at checkpoints or in the bush.

28. Some violations were discussed separately (such as amputations and forced displacement) while others were divided into three violation categories: 1) violations perpetrated in the context of abduction and outside abduction, 2) mistreatment violations and 3) economic violations. The violations discussed include: amputation; forced cannibalism; abduction; mistreatment violations (forced labour, assault, physical torture, and rape); arbitrary detention; economic violations (looting and extortion); forced displacement; killing; and, cannibalism among others.

29. From the Commission's review emerged the devastating impact of the nature of the conflict. Most notably, it had a destructive impact on families and communities, people's belief systems and cultural heritages. Faith and community meeting spaces and institutions were destroyed and desecrated as people were forced to commit sacrilege against religious and community symbols. Certain groups were targeted (such as property owners, chiefs, figures of traditional authority, representatives of government institutions, etc.) for revenge, economic appropriation, and because of their ethnicity.

30. The link between the conflict and ethnicity lies in the use of ethnicity by local leaders against perceived opponents or groups. Because of their ethnicity, people of Northern origin were targeted in the Southern and Eastern regions during the war. The Kamajors targeted victims from such ethnic groups as the Temne, Koranko, Loko, Limba, and Yalunka. There were other cases of targeting in the conflict as well, such as the RUF targeting the Lebanese, Fullahs, Mandigos, Nigerians and Marrakas.

31. Understanding the violations committed during the war requires understanding those who perpetrated them. The Revolutionary United Front (RUF) was behind the majority of violations and abuses committed during the conflict. The RUF pioneered the concept of forced recruitment in the conflict (including of child combatants) and bears overwhelming responsibility for the widespread use of drugs by its combatants.

32. While most of the violations were attributed to the RUF, other significant perpetrators include the AFRC and the CDF. They committed violations that included amputations, abduction, forced labour, assault, physical torture, and rape. The second highest perpetrator of violations and abuses was the AFRC, most notably committing atrocities on a massive scale in the Northern region and in Kailahun. The AFRC also demonstrated a specialization in amputations in the period from 1998 to 1999.

33. Of the various groups that comprised the CDF, the Kamajors received the most scrutiny by the Commission as they were responsible for largest number of violations committed by the CDF after 1996.

Forced cannibalism is attributed only to the Kamajors. A defining characteristic of the CDF is the initiation ceremony, described by many witnesses before the Commission as entailing gross abuses and violations of human rights.

34. Perhaps most notably, the Commission found certain characteristics and tendencies spanned across all factions in the conflict. There existed an astonishing factional fluidity among the different militias and armed groups. Overtly and covertly, gradually and suddenly, fighters switched sides or established new units on a scale unprecedented in any other conflict. Another common feature was the almost identical composition of the ground forces: impressionable, disgruntled young men eager for an opportunity to assert themselves, either to ensure that no harm was done to their own people, to fight against perceived injustice, or for personal and group aggrandizement.

#### MINERAL RESOURCES, THEIR USE AND IMPACT ON THE CONFLICT AND THE COUNTRY

35. The management of state resources is central to the quality of governance in any country. This is particularly the case in Sierra Leone. Despite its huge mineral resources (primarily, extensive alluvial and kimberlite diamond deposits, bauxite, rutile, iron and gold), Sierra Leone has remained one of the poorest countries in the world. Because Sierra Leone's economy depends essentially on revenues from its mineral resources, it was important to examine how the mineral resources were used by successive governments, how they may have contributed to the war and the extent to which combat groups exploited mineral resources to sustain and replenish their activities.

36. There is a widely held belief in the Western World that the conflict in Sierra Leone was initiated and perpetuated because of diamonds, the country's most important mineral resource. According to this version, the RUF (backed by Charles Taylor and the NPFL) initiated an armed rebellion in Sierra Leone to gain control of the diamond resources. In the years following the initial attack, the proceeds from the diamond trade enabled the RUF to finance its war effort through the purchase of weapons abroad.

37. In the Commission's view, this version of the conflict is simplistic. It fails to capture numerous complexities, the reasons for the failure of the state in Sierra Leone, and the role minerals played prior to and during the conflict. It also does not reflect what unfolded on the ground in Sierra Leone. There were many causes of the conflict and reasons for the involvement of Liberian and other foreign actors. Although it is true the RUF partly financed its war effort through diamond trafficking, diamonds did not represent significant revenues for the movement before 1997.

38. Simply put, diamonds were both indirect causes of the war in Sierra Leone and fuelling elements. As indirect causes, the misapplication of the diamond resources in a country with a single-product economy (diamonds) created huge disparities in the socio-economic conditions of people. While the elite and their business cohorts in the diamond industry lived in grandeur and affluence, poor people in the communities rued how the collective common wealth had been appropriated by a few in the name of the many.

39. From the outset of the post-colonial period, the state and its resources were for the plunder and aggrandisement of those in power, without any form of real development or accountability. Political power became a means to economic wealth and the predatory accumulation of the political elite led to the appropriation of state offices and resources for personal gain. This led to their functional contraction as they could no longer provide services to the people. In no time, questions began to be asked by the people as to the role and mission of the new political elite.

40. Successive post-colonial governments of Sierra Leone mismanaged the diamond industry and placed its effective control in the hands of outsiders in a way that has not benefited the Sierra Leone economy. An entrenched culture of diamond smuggling by key members of the political elite exists, as do appalling labour conditions in mining operations with children today still being used as miners.

41. In the conflict, diamonds were highly coveted because they yielded tremendous revenues, which enabled armed factions to procure arms and ammunition. Possession of arms conferred power as the parties could control large areas of the country, which could be further exploited for economic purposes. The desire to capture more territory for exploitation subsequently became the motivating factor for the armed groups and some of the local commanders, thus triggering further conflict in those parts of the country, and fuelling conflict in areas already engulfed by it.

42. The international diamond industry was largely indifferent to the origin of 'conflict diamonds', even when reports of atrocities relating to the conflict in Sierra Leone were widely disseminated in the global media. This indifference promoted the trade in illicit conflict diamonds and thereby encouraged the prolongation of the conflict.

43. Although the government of Sierra Leone has recently made progress at tackling diamond smuggling, largely due to the introduction of the new international Kimberley Certification Process (KCP), smuggling is far from eradicated. The KCP has two major weaknesses: there is no global monitoring of each country member's own certification system and countries with no diamond resources have been accepted as members.

#### EXTERNAL ACTORS

44. Although the armed conflict was not a war imposed from outside, it did receive substantial support from external actors. There were essentially two main parties to the conflict in Sierra Leone, the government and the Revolutionary United Front (RUF). All the factions that took part in the conflict were affiliated to one of these two entities, each of which received external support during the course of the war.

45. External support to either the government or to the RUF came from countries, non-state actors such as private security groups, regional organizations, and international organizations. Countries

that provided external support included Libya, Liberia, Guinea, Burkina Faso, Nigeria, Cote d'Ivoire, and the United Kingdom. Mercenary groups involved in the conflict included private security forces, such as the Ghurkas Security Group, Sandline, and Executive Outcomes. ULIMO (United Liberation Movement), a group of Liberians living in refugee camps and in other parts of Sierra Leone who were organized into a fighting force to fight alongside the government, was also involved. There were various international organizations lending humanitarian and other assistance throughout the war, including the International Committee of the Red Cross (ICRC) whose actions were not without controversy. Finally, international organizations also intervened in the conflict, primarily ECOWAS and the United Nations.

46. The involvement of the United Nations can be traced back to 1994, when it sent an exploratory mission to Sierra Leone in December 1994. However, the presence of a UN Special Envoy in Sierra Leone did not stop the RUF's terror campaign. In July 1998, the UN Security Council established the UN Observer Mission to Sierra Leone to monitor the security situation and to advise on the disarmament and demobilization of former combatants. The Mission never achieved full strength and is remembered more for its lack of impact. On 22 October 1999, the UN Security Council authorized the establishment of the UN Mission in Sierra Leone (UNAMSIL) whose robust mandate contributed significantly to the return of peace following the Lomé Peace Agreement.

## WOMEN

47. Women and girls became the targets in the brutal conflict in Sierra Leone. They suffered abductions and exploitation at the hands of their perpetrators. Their vulnerability was deliberately exploited in order to dehumanise them. Women and girls were raped, forced into sexual slavery and endured other acts of sexual violence, including mutilations, torture and a host of other cruel and inhumane acts. They were taken from their homes and villages by force. Refusal often met with death. For those fortunate enough to escape, displacement followed either in exile or camps inside or outside the country. They were not safe even in these camps as humanitarian workers meant to protect them also violated their rights. Women and girls were compelled to barter their bodies in order to survive and access aid to which they were rightfully entitled. Girls as young as 12 were forced to pay for aid with sex in order to gain assistance for their families.

48. The Commission was enjoined by statute to give special attention to the needs of women and girls particularly in regard to sexual violence. Why was so much violence perpetrated against women? Did the origins lie in the cultural and traditional history of Sierra Leone? Did the fact that women enjoyed such a lowly status in the socio-political life make them easy targets? Is it because men perceived women to be mere chattels symbolizing their honour that made them the deliberate target of an enemy determined to destroy the honour of the other?

49. In seeking answers, the Commission reviewed the role of women in the armed conflict, recognizing that women often took on the role of perpetrator and/ or collaborator usually out of conviction and/ or the

need to survive. It also assessed the impact of the conflict on women, notions of honour and the breakdown of the traditional extended African family structures and social fabric; the extent to which women's issues were addressed by disarmament, demobilization and reintegration efforts; their access to education and the impact of the practice of early and forced marriages on the education of girls; and, areas in which women suffer discrimination (both under common and customary laws), including marriage, divorce, inheritance, property rights, domestic violence and political participation. Overall, it captures the gendered experiences of women and girls at a political, legal, health and social welfare level. The significant role women played in peacemaking was noted as well as the fact they are beginning to play a bigger role in the public life of Sierra Leone.

50. The main armed groups accused of perpetrating sexual violence against women and girls during the conflict were the Revolutionary United Front (RUF), the Civil Defense Forces (CDF), the Armed Forces Ruling Council (AFRC), the Westside boys and the Sierra Leone Army (SLA).

51. While peace has returned to Sierra Leone, many of the wounds still remain open. Women and girls bear the scars of their horrible experiences. Many have borne children as a result of rape and sexual slavery. These women are shunned and punished by society for giving birth to children of 'rebels'.

52. The Commission believes that it is only when the legal and social political system treats women as equals with men, giving them full access to economic opportunities so as to enable them to participate freely in both public and private life that they will realize their full potential. Developing accountability mechanisms for those who perpetrate gender crimes is a necessary part of this evolution in order to ensure that women are not dehumanised. The Commission is of the view that an opportunity exists in the post-conflict period to address the plight of women and girls and to give effect to the provisions of the Convention on the Elimination of All forms of Discrimination Against Women (CEDAW) and of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa in order to improve the quality of life for women and children.

## CHILDREN

53. Like women, children were violated by all of the armed factions involved in the Sierra Leonean conflict. They suffered abductions, forced recruitment, sexual slavery and rape, amputations, mutilations, displacement, drugging and torture. Children were also forced to become perpetrators and were compelled to violate the rights of others. Thousands of children were killed during the conflict in Sierra Leone. In addition, the Ministry of Social Welfare, Gender and Children Affairs (MSWGCA) has estimated that more than 15,000 children suffered separation from their families and communities during the ten-year war. This resulted in them becoming refugees in countries such as Liberia, Guinea, Gambia, Ivory Coast and Nigeria. Many became internally displaced persons within the country. Many children were used as soldiers and forced labour by the armed groups. Although the

RUF was the first to abduct and forcibly recruit children as soldiers and forced labour, all the armed factions recruited children and deployed them to such ends.

54. The Lomé Peace Agreement provides that the government of Sierra Leone shall accord particular attention to the issues of child soldiers and that the special needs of children should be addressed in the disarmament, demobilization and reintegration process. In addition, the Truth and Reconciliation Commission Act directed the Commission to give special attention to the experiences of children in the armed conflict.

55. The Commission examined the experiences of children prior to the conflict in the economic, social and political spheres. It dealt with issues of education, health, law, tradition and customs and how they impact on the rights of children. It also examined the impact of the armed conflict on children and their experiences at the hands of different armed groups. The status of children following the conflict was considered together with measures taken by state and non-state actors in responding to their needs.

56. While the full impact of the conflict has yet to be measured, children have been affected at all levels of their development, in particular their education and health. During the conflict, children in Sierra Leone were denied their childhood. A major area of concern is the child-headed household, a direct result of children having lost parents or guardians in the war. The breakdown in family and community structures and the loss of social values have affected children materially and psychosocially and their effects are far reaching. A number of ex-combatant children are still bearing the brunt of their forced participation in the war as their families and communities have rejected them because of their former armed affiliations. Girls particularly have experienced both derision and rejection because they were forced to become 'bush wives' or sexual slaves.

57. The Commission has found that the abduction of children and their forcible recruitment as child soldiers constitutes a grave violation of international law for which the leadership must be held accountable. In addition, The Commission is of the view that the Child Rights Bill needs to be passed into law as a matter of urgency.

## YOUTH

58. Forty-five percent of Sierra Leone's 4.5 million estimated population in 2002 are youths, falling within the age bracket of 18-35 years. Members of this age group were major perpetrators and victims of abuses and violations during the civil war. The Commission examined the nature, causes, and extent of the abuses and violations perpetrated and/or suffered by youths; the impact of these violations on them; and, the current interventions geared towards addressing the youth question in Sierra Leone.

59. During the years of the APC dictatorship, youths constituted the only viable opposition to the government. The 1980s saw an emergence of radical groups and study clubs on university campuses that carried out demonstrations against the APC. Student demonstrations in

1984 and 1985 led to the dismissal of students who later sought asylum in Ghana. There, contacts and ties were eventually developed with the Revolutionary Council of Libya and the nascent movement geared towards revolutionary warfare in Sierra Leone took root.

60. When the Pan African Movement (the coordinating body for the youth resolved to change the government by revolutionary warfare) became engulfed in internal ideological and strategic differences, Foday Sankoh exploited the vacuum in the leadership of the revolutionary project. While in Libya, Sankoh met Charles Taylor. They struck a deal: Sankoh and his group would help Taylor liberate Liberia after which he would be provided with a base to launch his revolution in Sierra Leone.

61. Sierra Leonean youths were recruited (either by force or by persuasion) from Liberia, Ivory Coast, and parts of Sierra Leone for the rebellion in 1991. At the launch of the rebellion, the RUF was essentially dominated by youths less educated and less ideologically conscious than those who had in the mid 1980s toyed with the idea of an armed struggle. Sunk in the abyss of unemployment and despair, the war was a viable alternative to many youths; for others, it was not a choice as they were forcibly abducted into the conflict. In both cases, the rebellion was a marginalizing process as youths were alienated from their communities when forced to commit atrocities against their own people. The ten-year conflict further compounded their problems and has had negative consequences on their overall development, particular vis-à-vis educational opportunities. Simply put, they lost their childhood and youth and many have become bereft of stabilizing ties of emotional support through the loss of, or rejection by, family.

62. In an effort to address the problems facing youth in Sierra Leone, the Ministry of Youth and Sports was established in 2002. One of the initiatives taken by the ministry is the publishing of the Sierra Leone National Youth Policy, approved and launched by the government in July 2003. The policy will be translated into projects, which can be undertaken by NGOs and youth agencies. This initiative, however, is constrained by a lack of financial resources and of well-trained people experienced in working with youth.

63. Another programme to assist the youths of Sierra Leone is the National Commission for Disarmament, Demobilization, and Reintegration (NCDDR) Programme established in July 1998 to disarm and demobilize combatants and to support their reintegration into society through the learning of trade skills. Unfortunately, the poor state of the country's economy is hindering the translations of these skills into livelihood sustaining ones. In addition, many ex combatants leave these programmes inadequately trained.

TRC and the Special Court for Sierra Leone

64. The Commission worked alongside an international criminal tribunal, the Special Court for Sierra Leone. The Special Court was tasked with prosecuting those persons who bore 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. The Special Court impacted upon the work of the Commission. The simultaneous operation of the two bodies brought into sharp focus their different roles, as well as the need for harmonisation and an operational model designed to mitigate inherent tensions and avoid potential pitfalls in future instances where both a TRC and criminal court work in tandem.

65. Most truth commissions have operated as an alternative to criminal prosecution. Given the pardon and amnesty provisions of the Lomé Peace Agreement, the Sierra Leone TRC was proposed as a substitute for criminal justice in order to establish accountability for the atrocities that had been committed during the conflict. The creation of the Special Court stemmed from President Kabbah's request to the UN Security Council to establish a special court to bring prosecutions against members of the RUF, following the taking hostage of hundreds of UN peacekeepers and the outbreak of violence in 2000.

66. The Special Court was created, however, by abandoning certain amnesty provisions reached at Lomé due to breaches by certain elements within the RUF of the Lomé Peace Agreement. In the Commission's view, the international community has signalled to combatants in future wars that peace agreements containing amnesty clauses ought not to be trusted and, in so doing, has undermined the legitimacy of such national and regional peace initiatives.

67. Although the relationship between the Commission and the Special Court was mostly cordial, tensions arose following the refusal of the Special Court to permit the Commission to hold public hearings with the detainees held in its custody. The President of the Appeals Chamber denied the hearings because of their public character and because it would appear to mete out justice by reaching findings of fact, which was, according to Judge Robertson, the 'special duty' of the Special Court. The decision rejected the right of the detainees to testify in an open and transparent manner before the TRC and denied the right of the Sierra Leonean people to see the process of truth and reconciliation done in relation to the detainees. The Commission disagrees with Judge Robertson's conclusion, and considers that it does not sufficiently take into account the special role and contribution of truth commissions in building accountability and in the search for peace and reconciliation.

68. The operational difficulties that arose stem from the different approaches to addressing impunity each mechanism represents and because they also share many objectives: both seek truth about a conflict, although in different forms; both attempt to assign responsibilities for atrocities; both work with similar bodies of law; both are aimed at establishing peace and preventing future conflict. Where there is no harmonisation of objectives, a criminal justice body will have largely punitive and retributive aims, whereas a truth and reconciliation body will have largely restorative and healing objectives. Where the two bodies operate simultaneously in an ad hoc fashion, conflict between such objectives is likely and public confusion is inevitable.

69. Harmonisation of objectives means that the two transitional institutions should not operate in a manner incompatible with the aims and objectives of the other. It requires the development of a



framework which would allow the pursuit by both bodies of their objectives in a manner that is respectful of the other's mandate and which ultimately leads to the same goals of achieving justice and peace.

70. The Commission holds that the right to the truth is inalienable. This right should be upheld in terms of national and international law. It is the reaching of the wider truth through broad-based participation that permits a nation to examine itself honestly and to take effective measures to prevent a repetition of the past.

## RECONCILIATION

71. The Commission recognizes that the term reconciliation evolves from a notion of restorative justice. A system based on restorative justice focuses on restoring relations, as far as possible, between victims and perpetrators and between perpetrators and the community to which they belong. Helping to restore relations between these various actors is a long-term process that entails a number of measures. These measures include accountability, acknowledgment, truth-telling, and reparations. To be effective, reconciliation must occur at the national, community, and individual level.

72. National reconciliation begins with creating the conditions for an immediate cessation of the armed conflict and the return of the country to peace. Then, the state and other stakeholders must work towards the prevention of new conflict, which is dependent on a number of factors: the improvement of the socio-economic living conditions of the people; good governance; strong and functional oversight institutions; and the implementation of a reparations programme. The Commission believes the leadership of Sierra Leone must make more of an effort to promote reconciliation at the national level, particularly as national reconciliation is a long-term project. The government must commit itself to the process of reconciliation and it can do this by ensuring that the recommendations made by the Commission are carried out.

73. Community reconciliation entails restoring relations between the community and the perpetrator. It is fostered by understanding and sharing experiences and by creating the conditions for community acceptance of the wrong done. Like national reconciliation, community reconciliation is a long-term project. The Commission noted some chiefs have been discredited for perpetrating violations and many did not appear before the Commission. In order for community reconciliation to foster, it is essential that chiefs commit themselves to the process.

74. Individual reconciliation entails that the victim and perpetrator meet. It is neither imperative for the victim to forgive the perpetrator nor for the perpetrator to express remorse.

75. In attempting to restore relations between victims and perpetrators as well as perpetrators with their communities, the Commission is guided by the mandate of the TRC. The mandate calls upon the Commission to base reconciliation activities on the country's own culture, tradition, and values. For this reason, religious and other traditional leaders are to be used as much as possible in the process.

The TRC is also mandated to use existing structures as much as possible so as not to reinvent the wheel. Recognizing the short life-span of the Commission, provisions were made for the continuation of reconciliation activities. District Reconciliation Committees were established in partnership with the Inter-Religious Council of Sierra Leone in order to continue the Commission's long-term activities on reconciliation.

76. The Commission's activities on reconciliation have been varied. They include: sensitisation activities (targeted at specific groups of victims and perpetrators so they partake in reconciliation activities); reconciliation ceremonies (bringing together victims and perpetrators and perpetrators with their communities); memorial ceremonies (the naming of victims who died during the conflict and the establishment of monuments and memorials where the hearing was held or at the site of a mass grave); national activities (the National Reconciliation March, with participants from the various political parties, the police, army, and victim organizations); and, workshops and consultations with civil society (with various stakeholders discussing factors that help and impede reconciliation).

## REPARATIONS

77. Section 15(2) of the TRC Act mandates the Commission to make recommendations to help: 1) prevent the repetition of the violations or abuses suffered; 2) respond to the needs of the victims; and to 3) promote healing and reconciliation. To achieve these objectives, the Commission recommended the implementation of a reparations programme for Sierra Leone. The specific purpose of a reparations programme is to provide redress to the victims of human rights violations and the needs of the victims can be used to determine what benefits to accord them in a programme.

78. Reparations are the primary responsibility of the government and it must ensure the implementation of a reparations programme. It is an accepted principle in international law that states may be held liable for human rights violations either committed by them or their agents. A violation of international human rights law or international humanitarian law imposes on a state to afford adequate reparations. The state may also be responsible in certain circumstances for providing reparations for violations by non-state actors. In addition, the 1991 Constitution of Sierra Leone mandates the provision of redress for the violation of fundamental human rights.

79. In devising its recommendations on reparations, the Commission considered the feasibility of implementing these recommendations based on the state's available resources. This determination proved problematic given the inability to determine the potential universe of victims eligible for specific benefits of this programme.

80. For a victim to be eligible for reparations, the Commission determined that the event or injury had to have occurred between 23 March 1991 and 1 March 2002.

81. In determining the categories of beneficiaries for the reparations programme, the Commission first considered those victims

who have become vulnerable after suffering human rights violations. Subject to practical limitations relating to state resources, the Commission recommends, the following list of victims be considered beneficiaries of the reparations programme: amputees and other war wounded, victims of sexual violence, children and war widows. Each category should be carefully defined to specific circumstances and conditions. For example, children beneficiaries should include those who, as a result of the conflict, suffered physical injuries or psychological harm, were abducted or forcibly conscripted, lost parents as a consequence of a violation as described in the Report or were born out of sexual violence and whose mother is single. In certain cases, various categories of indirect beneficiaries should also benefit from certain reparations measures, such as wives and children of the eligible victims.

82. In determining what reparations should be accorded victims, the Commission relied on the needs of the victims as expressed by them as well as on extensive research and consultations with a large number of international organisations and NGOs with relevant experience. The Commission's recommended measures deal with the needs of victims in the following areas: health; housing; pensions; education; skills training and micro-credit; community reparations; and symbolic reparations.

83. The Government of Sierra Leone should carry out symbolic measures of reparations that include the entire universe of victims of the conflict.

84. The Commission proposes that the reparations programme be co-ordinated by the National Commission for Social Action (NaCSA), which would also serve as the implementing body for the programme and be entrusted with governing the Special Fund for War Victims and ensuring the decentralization of programmes in conjunction with different ministries. The NaCSA should be assisted by an Advisory Committee.

85. The ability of reparations to foster reconciliation must not be underscored. A reparations programme has the potential to assist those victims whose lives have been most devastated to move beyond the position they are currently in as a consequence of the conflict. Providing victims with the assistance they urgently need also serves to restore their dignity which, in turn, helps foster conditions necessary for reconciliation.

#### National Vision for Sierra Leone

86. The Commission looked not only to the past but also to the future in order to describe the future society that its recommendations were designed to achieve. This strategy then required the Commission to get a sense of the expectations, hopes and aspirations of the people of Sierra Leone. Instituted by the Commission as a complementary project to reconciliation, the National Vision for Sierra Leone (National Vision) invited the public to supply individual 'visions' for a future 'roadmap' for Sierra Leone.

87. The collection of 'visions' began in September 2003 with a call for contributions. During the following two months hundreds of contributions poured in. Among the contributors were adults and

children of different backgrounds, religions and regions, artists and laymen, amputees, ex-combatants and prisoners. The contributions include written and recorded essays, slogans, plays and poems; paintings, etchings and drawings; sculptures, wood carvings, installations and even a sea-worthy boat. Common themes included references to the country's violent past, justice, peace, unity, and love. The contributions form part of the national heritage of Sierra Leone.

88. The contributions were displayed in the National Vision Exhibit launched in December 2003 and remained on display at the National Museum in Freetown until May 2004. Over 400 people attended the launch and many more have visited the Exhibit at the National Museum.

89. The National Vision has been praised and endorsed by the Government, receiving a personal endorsement by President Kabbah who also attended a nationally televised tour of the Exhibit. It has also been endorsed and praised by others, including Archbishop Desmond Tutu of South Africa.

90. Through the National Vision, Sierra Leoneans of all ages and backgrounds have claimed their own citizenship space in the new Sierra Leone and made their contributions to the country's cultural and national heritage. The National Vision for Sierra Leone uniquely and effectively complements the Vision 2025. Vision 2025 is a government policy document that outlines implementing strategies for the development of Sierra Leone over the next 21 years. As the National Vision for Sierra Leone serves as a non-partisan intergenerational forum for dialogue, it raises awareness around the existence of such dialogue, encourages individual Sierra Leoneans, especially the youth, to participate in this dialogue. The National Vision has great potential to serve as a vehicle for continuing popular input into Vision 2025.

91. The Commission decided that the momentum generated by the National Vision should be nurtured even after the closure of the Commission. The Commission accordingly recommended that the National Vision should become a permanent open, interactive civic space for all stakeholders in Sierra Leone to engage in dialogue through artistic and scholarly expression on political, moral and social issues of the past, present and future.

92. The National Vision for Sierra Leone must remain true to the founding principles underlying the Truth and Reconciliation Commission. As such all future National Vision activities must serve the preservation of peace, strive for unity and promote healing and reconciliation. In order to achieve these objectives the National Vision must remain independent and non-partisan.

93. The National Vision has emphasized the significance of each individual contributor to Sierra Leone. The work of building a new and better Sierra Leone belongs to every stakeholder in Sierra Leone. The individuals who have lent their hopes and dreams for Sierra Leone are vehicles for change.

Conclusion

94. Building a lasting peace in Sierra Leone can only begin with a comprehensive understanding of the country's past and the many lessons it holds for forging a politically and economically healthy Sierra Leone. The Commission hopes the adage 'history repeats itself' will never be able to be said in relation to Sierra Leone's decade-long tragedy unleashed in March 1991. In closing, therefore, the Commission reiterates its call to readers to take the time to read and widely discuss with others as many of the other volumes and chapters of the Report as possible.