



SPECIAL COURT OUTREACH REPORT

2003-2005





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SPECIAL COURT **OUTREACH REPORT**

2003-2005

OUTREACH MISSION STATEMENT

The Special Court for Sierra Leone was created to bring to justice those who bear the greatest responsibility for crimes committed in the territory of Sierra Leone during the war. The Special Court's Outreach Section was established to link the people of Sierra Leone with the Special Court. Outreach's mission is to promote understanding of the Special Court and respect for human rights and the rule of law in Sierra Leone. Through diverse programs that disseminate information and encourage dialogue, Outreach fosters an environment of two-way communication between the people of Sierra Leone and the Special Court. Outreach facilitates the participation of all Sierra Leoneans in the judicial processes of the Special Court based on equality and mutual respect. Outreach works with all branches of the Special Court. Its relations with the Office of the Prosecutor and the Defence Office are based on the fundamental principles of impartiality and independence.

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FOREWORD **BY REGISTRAR**

This report aims to describe the plans and activities of the Special Court's Outreach Section. The Section plays an important role in maintaining and improving the Court's relationship with Sierra Leoneans. The wide range of programs sponsored by Outreach - including community town hall meetings, radio broadcasts and other events - ensure that all Sierra Leoneans have access to basic information about the Court. In addition, the Section provides Court officials with insights into the thoughts and concerns of Sierra Leone's people.

Future transitional justice organisations are one of the primary audiences for this report. I heartily recommend that they carefully consider this report in deciding when and how to create their own Outreach units. The experiences of the Section in Sierra Leone are an excellent starting point to crafting tailored Outreach programs for other communities. Sierra Leonean readers should also be heartened to read about the extensive efforts that Outreach makes to ensure that they understand the Special Court and that their voices are heard by its decision makers.

I look forward to hearing about the continued efforts of Outreach in 2006, as it builds on its accomplishments over the last three years.

A handwritten signature in black ink, which appears to read "Lovemore G. Munlo". The signature is stylized and cursive, with a large initial "L" and "M".

Lovemore G. Munlo, SC
Registrar, Special Court for Sierra Leone
March 2006



FOREWORD BY OUTREACH SECTION COORDINATOR

My personal experience working with war-affected communities, including internally displaced persons, refugees, survivors of sexual and gender-based violence and ex-combatants who were women and youths informed and influenced my vision of Outreach. Prior to working with the Special Court, I was an advocate for the rights and welfare of these groups. I learned that contrary to society's dualistic categorisation of these groups as victims or ex-combatants, all of these individuals shared a general sense of victimisation, social injustice and exclusion. After listening to these individuals' experiences, I came away with an appreciation of the power of listening and engagement. At first it was difficult to communicate with these groups because of war trauma and mistrust. But with time and empathy our interactions became easier, leading to mutual trust and understanding.

I consider my job of Outreach Coordinator an opportunity to expand and build upon my experiences of talking, listening and engaging with victims and ex-combatants. My role as Outreach Coordinator requires me to work with every segment of Sierra Leone society. Outreach is a new phenomenon in the development of international criminal justice. This provides an opportunity to contribute to Outreach's framework and definition. As implemented at the Special Court, Outreach involves two-way communication that fosters the same type of listening and engagement I found effective in my previous experience.

The Special Court for Sierra Leone is meant to contribute to the development of international criminal law and serve the people of Sierra Leone. This makes it crucial that all Sierra Leoneans have the opportunity to make their voices heard and contribute to the work of the Special Court. Outreach is the civil society arm of the Special Court. While other organisations, like NGOs, can undertake outreach activities, in my view, the Court has a responsibility not only to hold people accountable for human rights abuses but also to be directly accountable to Sierra Leoneans. Outreach does this by fostering dialogue within Sierra Leonean communities, between the Court and Sierra Leoneans and within the Court itself. In this way, Outreach allows all groups, regardless of their role in the war, to participate in the work of the Special Court. We derive our motivation from the views of proponents and opponents of the Court alike.

The achievements of Outreach would not have been possible without the contributions of many individuals - foremost among these the talented and passionate team of national and international staff, interns and volunteers who serve the Section. I believe that our work with the people of Sierra Leone has helped contribute to peace and stability in my country. It is my hope that our experience encourages national and international decision makers to make Outreach a core component of future transitional justice mechanisms.

Binta Mansaray
Outreach Coordinator

FORMER SPECIAL COURT OFFICIALS' PERSPECTIVES

"The Special Court's Outreach Section fulfils many roles. It is, at the same time, frequently the mouth, always the eyes and ears and, forever, the heart of the institution. Without its presence, I dare suggest that it would render the institution lifeless in the eyes of the people of Sierra Leone."

As the first, and former, Registrar of the Special Court, it is both a pleasure and a privilege to have the opportunity to contribute to this report and I do so with a mixed sense of wonderment and pride. Wonderment, because whatever role I was able to play in the creation of, and support to, the Outreach Section, I have never ceased to be amazed by the ambition of its program and the significance of its achievements. Frequently those achievements have been in the face of the most testing of circumstances. All this has squarely been down to the leadership of the Section and to the total commitment and professionalism of all those associated within that Section.

It is no coincidence that, throughout the period of this report, the Section has been staffed almost entirely by Sierra Leoneans. My feeling of pride, frankly, is solely by virtue of my association with the Outreach Section and I count myself fortunate to have been in a position to both help to gradually influence the views of the international donors as to the crucial importance of outreach and also to have been able to have some small input into the shape and focus of the outreach program.

In my view this is an excellent and comprehensive report which all those anxious to learn about how an effective outreach capability should function (and indeed perhaps those who, sadly, hitherto have required convincing) should not miss the opportunity to read and digest.

I congratulate Binta Mansaray and all her colleagues for not only producing this report but also for their continued determination and innovation in setting a benchmark in the field of outreach.

Robin Vincent

Mr. Vincent was the Special Court's first Registrar from July 2002 - October 2005

"The Special Court for Sierra Leone is a court for and about the people of Salone. They will have to live with the results, whatever that may be. This can only be done by education and understanding. The world famous Outreach program of the Special Court has allowed this to happen."

This report captures the essence of the Outreach program from its infancy in August of 2002, to a fully operational program shortly after, in the Winter of 2003. It should be studied carefully and used! as a template for future programs.

I commend this report with great pride and satisfaction that in the end the Special Court for Sierra Leone will be identified by the citizens of this beautiful country as one where the rule of law will be considered, forever, more powerful than the rule of the gun."

David M. Crane

Mr. Crane was the Special Court's first Chief Prosecutor from July 2002 - July 2005

"The Special Court's Outreach Section has been a remarkable innovation in the third wave of war crimes tribunals, serving two noble purposes: i) Initially assisting in making the work of the court relevant to the people on ground; and, ii) Later on explaining the right to a fair trial, the presumption of innocence, and the work of defence counsel to the people of Sierra Leone."

Having worked as both a prosecutor and defender in war crimes tribunals, I know all too well the particular need of such outreach for the defence, and hope that in next wave of such courts the defence (as well as the prosecution) is adequately represented in outreach endeavours, from the outset.

I am grateful to the Outreach Section for being afforded the opportunity to have learned so much from the people of Sierra Leone during Outreach events."

Simone Monasebian

Ms. Monasebian was the Special Court's first Principal Defender, heading the Court's Defence Office from March 2004 - May 2005.

ACKNOWLEDGMENTS

A number of individuals from the Special Court very generously took the time to comment on this report. They included the Registrar, the Principal Defender and the Chief Prosecutor. In addition, we are particularly grateful to the former principals of the Court - Former Chief Prosecutor David Crane, Former Principal Defender Simone Monasebian, and Former Registrar Robin Vincent - who also took the time to give us feedback. Last but not least, we are grateful to Alison Smith, of No Peace Without Justice, and Sylvia Fletcher of the United Nations Development Program, who contributed a valuable "outside perspective". The final contents of the report remain the sole responsibility of the Outreach Section.

The Outreach initiatives described in this report would not have been possible without the contributions of many individuals and organisations. These include former and current Section staff members, interns and volunteers; Outreach donors, especially the European Union (EU) and Open Society Institute for West Africa (OSIWA); individuals from all organs of the Special Court; Outreach Network Partners; and most importantly the people of Sierra Leone whose diverse experiences provide the framework for Outreach activities.

EXECUTIVE SUMMARY AND RECOMMENDATIONS

The report is intended to serve multiple purposes: to review the activities of the Outreach Section of the Special Court for Sierra Leone; to share with national and international interlocutors Outreach's experiences, gained through interaction with diverse segments of the Sierra Leonean population; and to provide a framework that may be helpful for creating Outreach Sections in other institutions. This report is divided into four sections.

Section I provides background on the history of Sierra Leone and the Special Court, as well as the rationale for an Outreach Section. Following the Lomé Peace Accord in 1999, numerous Sierra Leone civil society organisations continued to lobby for the establishment of a criminal justice mechanism to address war-related human rights abuses. In 2000 President Kabbah wrote to the United Nations Security Council requesting assistance in creating an international criminal tribunal to try perpetrators of human rights abuses during the Sierra Leone civil war. Soon after the Special Court's establishment, the Outreach Section was created to foster two-way communication between the people of Sierra Leone and the Court.

Section II reviews the goals, operational structure and priorities of the Special Court Outreach Section. The Outreach Section is guided by a mission statement and the values of Accountability, Engagement, Neutrality and Independence. Its objectives include creating a comprehensive understanding of the Court and of the rule of law. Outreach employs Freetown and up-country based staff, while maintaining an extensive network of civil society partners.

Outreach's strategic plan includes both general and targeted programming. Communication tools deployed include community town hall meetings, radio programs, training programs, distribution of printed materials, consultation meetings, cultural programming, and establishing networks and/or partnerships with civil society groups. Targeted populations include socially disempowered groups (e.g. women); potentially destabilising groups (e.g. ex-combatants) and influential society and justice sector leaders (e.g. customary law practitioners). The specific focus of Outreach activities changes depending on the phase of the Special Court's work: the Pre-Indictment period, the Pre-trial period and the on-going Trial period. Outreach activities are also a core part of the Special Court's legacy programming.

Section III analyses the types of activities undertaken by Outreach and the perspectives thus gained on Sierra Leonean public opinion. The broad scope of activities undertaken in 2004 illustrates the breadth of the Outreach Section's activities. Among other programs, 780 community town hall meetings were held, 654 radio programs were broadcast and 397 video screenings took place. All these events included both information distribution and interactive question and answer sessions. Through analysis of questions asked at question and

answer sessions, Outreach has identified major topics of interest to Sierra Leoneans. Some of the most significant include basic legal questions about the Court's operations, the fate of indictees at large and in custody and the treatment of victims and witnesses.

Section IV outlines Outreach's achievements, key lessons learned and best practices Outreach's work has greatly contributed to Sierra Leone, and constitutes an important example of the impact that international justice institutions can have. Some of the Section's most significant contributions include: Promoting civil society participation in the Special Court's activities; Institution building in Sierra Leone; Public education about key legal issues; Reaching out to socially marginalised groups and linking the people of Sierra Leone to the Special Court. Outreach also faces certain challenges. Some of these are: Complicated public perceptions of the Court; Inadequate funding; Suggestions of bias by the Office of the Prosecutor (OTP) and Office of the Principal Defender (OPD); Activities of some external organisations; and poor infrastructure.

Based on its work, Outreach has identified a number of best practices and lessons learned. Best practices include clearly defining the mission of an Outreach Section through a mission statement and a set of core values. Lessons learned include the need to work more closely with diaspora and neighbouring countries to promote greater understanding of the operations of the Court.

Recommendations

Drawing on its experiences, Outreach makes the following recommendations:

To the International Community

- Support the inclusion of an Outreach Section in future transitional justice institutions' founding charters and support the early commencement of their operations.
- Explicitly pledge financial and other support for effective Outreach Sections in transitional justice institutions.
- Encourage national governments and international organisations to delineate and differentiate separate transitional justice institutions' roles, especially when these operate simultaneously in the same geographic area.

To Future Transitional Justice Institutions

- Task the Outreach Section to operate before the formal commencement of other activities. If this is not possible, ensure that Outreach begins activities as soon as possible, and consider recruiting and training civil society partners to undertake Outreach-type activities in the period before the Outreach Section begins formal operations.
- Ensure that funding for Outreach activities is formally established and guaranteed in order that the Section's effectiveness is not reduced due to interruption of its activities.

- Ensure that Outreach and Public Affairs are amalgated under one umbrella (an External Relations Unit) to coordinate their approaches, but also allow for flexibility, autonomy and diversity of programming where appropriate.

To Outreach Departments in Future Transitional Justice Institutions

- Develop a structured communications program that targets its means and messages to specific audiences taking into account both the goal of disseminating key information widely and the special needs of smaller groups.
 - Take into account local preferences and traditions in structuring outreach events instead of simply using formats that have worked successfully in other geographic locations.
 - Ensure that the communications program facilitates dialogue instead of simply supporting the position of the parent transitional justice institution. This will both increase the Section's credibility and provide valuable insights into key concerns of targeted populations.
 - Consult with civil society partners on the overall structure of the communications program, including the identification of smaller target groups.
 - Make communications programming flexible and targeted to reflect altered circumstances on either institutional or national levels.
 - Use creative methods of communication in order to assure continued public interest in the activities of a parent institution.
 - Ensure good relations and open communications with other departments in the parent institution. This should involve frequent briefings to key stakeholders about the work and findings of Outreach. It will also involve impartiality in relations with other departments.
- Begin planning early for projects that cement a positive legacy for the parent transitional justice institution.
- Establish networks and partnerships with national and international organisations, particularly those working on transitional justice and rule-of-law issues for purposes of both coordination and quality control.

SECTION I BACKGROUND

CHAPTER 1 OVERVIEW

The three-year Outreach Report is intended to serve multiple purposes: to review the activities of the Outreach Section of the Special Court for Sierra Leone; to share with national and international interlocutors Outreach's experiences, gained through interaction with diverse segments of the Sierra Leonean population; and to provide a framework that may be helpful for creating Outreach Sections in other institutions. These goals mean that the intended audience for this report is broad. It includes Sierra Leoneans and interested nationals of other states; practitioners and scholars of transitional justice; and all individuals concerned with making accountability mechanisms as relevant as possible to the countries directly involved in their process.

This report is divided into four sections - some parts will be more relevant than others to particular groups. The section and chapter headings should make it easy for individuals to find the areas most related to their interests. Section I provides background on the history of Sierra Leone and the Special Court, as well as the rationale for an Outreach Section. Section II reviews the goals, operational structure and priorities of the Special Court Outreach Section. This section is particularly relevant for those seeking a case study about the organisation of an Outreach program. Section III analyses the types of activities undertaken by Outreach and the perspectives thus gained on Sierra Leonean public opinion about these activities. Finally, Section IV outlines key lessons learned and best practices. This report reflects the experiences of the Special Court Outreach Section, but not necessarily the views and opinions of the Prosecution, Defence or any other organ of the Court.

CHAPTER 2 HISTORY OF THE CONFLICT

Introduction

This chapter will briefly outline the history of Sierra Leone and its civil war, focusing on how this led to the creation of the Special Court. Its primary purpose is to place the Special Court's activities in context.

History and Civil War

Sierra Leone was a British colony, achieving independence in 1961. For most of the colonial period, Freetown was a colony and the rest of the country was a protectorate governed under a system that accorded them unequal treatment, with the Freetown area enjoying much greater access to resources and power. After independence, power alternated between two major political groups - the Sierra Leone Peoples Party (SLPP) and the All Peoples Congress (APC). A series of violent power struggles in the 1960's culminated in the election of President Siaka Stevens, who transformed Sierra Leone into a one-party state with few or no democratic accountability mechanisms. Despite some efforts at reform by President Joseph Momoh (President Stevens' successor), most notably the drafting of a new constitution in 1991, that same year a group calling itself the Revolutionary United Front (RUF) began to wage war against the government of Sierra Leone.

The rebellion continued in one form or another for the next 11 years, until the conflict officially concluded in 2002. This period was marked by different phases of fighting conducted by multiple actors with mixed regional allegiances. All groups, however, allegedly committed human rights abuses throughout the entire period. These abuses included the chopping off of limbs, a practice that became one of the signature acts of the conflict.

Major events during the war included a military coup in 1992 that installed the National Provisional Ruling Council (NPRC); elections in 1996 that brought to power the Sierra Leone Peoples Party (SLPP) and its candidate Ahmad Tejan Kabbah; the signing of the failed Abidjan Peace Accord on November 30, 1996; the 1996 creation of the Civil Defence Forces (CDF) as a paramilitary

government group; a military coup in 1997 that ousted the democratically elected government and installed Major Johnny Paul Koroma as head of the Armed Forces Revolutionary Council (AFRC); the intervention of West African Peacekeeping troops (ECOMOG) in 1998, which restored President Kabbah to power; and the signing of the Lomé Peace Agreement of July 7, 1999, which marked the beginning of a gradual peace process.¹

The Lomé Agreement did not, however, immediately lead to peace. All parties to the Agreement apparently violated it - among other actions, disarmament was stalled, civilians and United Nations Mission in Sierra Leone (UNAMSIL) personnel were abducted, killings and maimings continued and over two thirds of the country was rendered inaccessible. Frustration with this state of affairs led the Women's Forum, a coalition of women's groups, to stage a demonstration on May 6, 2000 calling for Foday Sankoh, leader of the RUF, to lay down his arms. This was followed by a massive Peace March led by both civil society members and Parliamentarians on May 8, 2000. The latter march became violent, with 16 people killed and Sankoh dislodged from his residence. After this incident, President Kabbah wrote to the UN Security Council in June 2000, requesting the creation of a Court that would try those responsible for serious human rights abuses. Though the Lomé Agreement guaranteed amnesty to its parties for all crimes committed prior to the date of the signing of the agreement, the Sierra Leone government stated that the breach of the accord by the RUF was justification for its request.²

CHAPTER 3 TRANSITIONAL JUSTICE IN SIERRA LEONE

President Kabbah's formal request that a Court be created to hold perpetrators of atrocities accountable was a culmination of a series of similar requests made informally by civil society members. In the 1990s, as the war raged, civil society and human rights organisations increasingly agitated for justice and peace. The National Forum for Human Rights (NFHR), the Campaign for Good Governance (CGG), the National Commission for Democracy and Human Rights (NCDHR), the Sierra Leone Market Women's Association, the Women's Forum, as well as traditional leaders and youth organisations were among groups advocating for a criminal justice mechanism to address war-related human rights abuses. Such advocacy was manifested through informal avenues including peace marches, peace movements and peace rallies. International organisations such as Amnesty International and Human Rights Watch also called upon the international community to bring perpetrators of human rights violations to justice.

At the pre-Lomé nationwide consultative conference held on the Sierra Leone peace process in April 1999, delegates from all walks of life renewed their call for truth, justice and reconciliation. After much debate on these issues, delegates reached a consensus, in the interests of peace, to make recommendations that a truth and reconciliation framework, and not a criminal justice one, be included in the peace negotiations. The Lomé Peace Accord provided for the creation of a truth and reconciliation commission. But the latent pre-Lomé sentiments about the need for a justice mechanism were again expressed by civil society to the international community with an even greater sense of frustration and urgency following the May 8 incident that left 16 people dead.

The Truth and Reconciliation Commission (TRC) was established in February 2000 through an Act of Parliament. The mandate of the TRC included establishing an accurate historical record of the war; addressing impunity; addressing needs of victims; and promoting healing and reconciliation.

On August 14, 2000, Security Council Resolution 1315 called for the Secretary General to negotiate an agreement with the Government of Sierra Leone to create an independent Special Court. The Special Court for Sierra Leone was officially established through a treaty between the Sierra Leone government and the United Nations in January 2002, a few days after the symbolic burning of arms that marked the official end of the war. The Court's mandate is to try those alleged to bear the greatest responsibility for serious crimes committed since 30 November 1996 (signing date of the failed Abidjan peace accords). Sierra Leone is the first country where an International Criminal Tribunal and a Truth Commission operated simultaneously. Relations between the two institutions were at times tense. Their missions focused on different aspects of transitional justice, though they shared a common goal of helping Sierra Leone re-establish the rule of law and promote accountability, justice and reconciliation.

The Special Court is unique in many ways. Unlike previous International Criminal Tribunals, it is located in the country where the crimes took place and has a hybrid structure, with judges appointed by both the international community and the Government of Sierra Leone. It is funded on a voluntary basis and its mandate is limited.

As of February 2006, the Court has indicted thirteen individuals and has custody over nine. Two indictees - former RUF leaders Sam Bockarie and Foday Sankoh - died, and had their indictments withdrawn. Two other indictees - Charles Taylor, former President of Liberia and Johnny Paul Koroma, former leader of the AFRC - remain at large. The nine indictees in custody were eventually divided into three groups for the purposes of trial on charges of war crimes, crimes against humanity and other serious violations of international law. One group is composed of individuals belonging to the AFRC faction; a second group is composed of individuals belonging to the RUF faction and the third group is composed of individuals belonging to the CDF faction.³

¹ See Sierra Leone Truth and Reconciliation Commission, WITNESS TO TRUTH: REPORT OF THE SIERRA LEONE TRUTH AND RECONCILIATION COMMISSION, Vol. 3A, 122-33 (2005), available at <http://www.trcsierraleone.org/drwebsite/publish/index.shtml>

² For more information on decisions rendered on the Jurisdiction and Constitutionality of the Special Court in relation to the Lomé Amnesty refer to Special Court website www.sc-sl.org

³ See Appendix B for more details.

The Special Court is made up of three organs: the Office of the Prosecutor, the Chambers (of the judges) and the Registry. Chambers is made up of two Trial Chambers and a specialised Appeals Chamber (one of whose early decisions was that the promise of amnesty in the Lomé accords did not prevent the prosecution of those indicted by the Special Court).⁴ The Registry is made up of diverse court sections⁵ like the Witness and Victims Support Unit (WVS) that was established in accordance with the Special Court Statute. Among its various functions, WVS provides support to and ensures the safety of both defence and prosecution witnesses. Another part of the Registry is the Office of the Principal Defender. It is the first time an international criminal court has included this type of high level representative for defendants. Finally, the Registry includes the Outreach Section, created to serve the outreach needs of all parts of the Court.

CHAPTER 4 THE CREATION OF THE OUTREACH SECTION

Neither the Special Court founding agreement nor its Statute provided for the creation of an Outreach Section. The Section was created by the Registrar as one of the support and substantive sections of the Registry. It was set up to assist the Registrar in performing his functions as stipulated in Rule 33A of the Rules of Procedure and Evidence.⁶ The Outreach Section was created six months after the commencement of the Special Court's operations. This distinguished the unit from the Outreach programs of the International Criminal Tribunal for Rwanda (ICTR) and the International Criminal Tribunal for the former Yugoslavia (ICTY), which were created after the parent institutions had operated for a number of years.⁷

Awareness-raising about the Special Court started before the official establishment of the Court and the Outreach Section. Civil Society organisations involved in awareness raising included the Special Court Working Group (now known as Coalition for Justice and Accountability - COJA), the National Forum for Human Rights (NFHR) as well as international organisations such as No Peace Without Justice (NPWJ). These organisations and broader civil society support for criminal justice mechanisms were instrumental in the Special Court's creation. They also conducted initial outreach activities after the Court began operations. These included the publication of *Sierra Leone's Truth & Reconciliation Commission And Special Court: A Citizen's Handbook* by

NFHR and informational materials concerning the Agreement establishing the Special Court and its mandate distributed by NPWJ.⁸

Between September and December 2002, Court officials, namely the former Registrar, Robin Vincent, and the former Chief Prosecutor, David Crane, embarked on a nationwide tour in order to establish rapport with the people of Sierra Leone. In December 2002 a decision was made to centralise all Special Court outreach activities in the Registry and a dedicated office was set up - the Outreach Section. Subsequently, in February 2003, a Coordinator was recruited. The Outreach Section's structure was developed, staff were recruited and a network of partners for cooperation and collaboration created. A mission statement was also developed and the scope of Outreach's mission elaborated upon in a strategic plan that outlined the Section's policies and planned activities.

Context of operations of the Outreach Section

The distinctive context of Sierra Leone significantly influenced the approach taken by the Special Court Outreach Section. Some of the most significant factors include:

- **Sierra Leoneans' perceptions of justice:** The collapse of the judicial system in Sierra Leone was one of the fundamental causes of the civil war. Sierra Leoneans have little confidence in the judicial system which is perceived as biased, rife with corruption, and beholden to the rich and powerful.
- **War trauma:** Hundreds of thousands of Sierra Leoneans suffered a wide range of atrocities including sexual violence, amputation and internal displacement. Public opinion is emotionally charged concerning who should or should not be indicted by the Special Court. The personal trauma and societal dislocation associated with the war increases suspicions about judicial systems in general.
- **Poverty:** Despite possessing substantial mineral resources, Sierra Leone is an extremely impoverished agrarian society and suffers from serious income inequality. This situation was exacerbated by the war. Two thirds of the working age population engages in subsistence agriculture, and a large portion of the country's budget is derived from foreign donors. Less than 10% of roads are paved, and travel from one area to another is often arduous.⁹ The telecommunication infrastructure is poorly developed. Telephone service is marginal, and though the cellular phone system has been expanding rapidly, it is still costly and does not cover the entire country, leaving some areas reliant on the national microwave radio relay trunk system. These challenges make communicating with and visiting upcountry areas costly and complicated.

⁴ For more information on the decisions rendered on Lomé amnesty refer to Special Court website www.sc-sl.org

⁵ See Appendix C for an Organisation chart listing all sections of the Registry.

⁶ Rule 33A, Rules of Procedure and Evidence: "Registrar shall assist the Chambers, the Plenary Meetings of the Special Court, the Council of Judges, the Judges and the Prosecutor, the Principal Defender and the Defence in the performance of their functions. Under the authority of the President, he shall be responsible for the administration and servicing of the Special Court and shall serve as its channel of communication."

⁷ The ICTY's Outreach Program was created in 1999 (6 years after the tribunal's creation), while the ICTR opened its Kigali Information Centre in 2000 (5 years after the tribunal's creation). See ICTY ANNUAL REPORT 1999, 37-38 (1999); ICTR ANNUAL REPORT 2001, 21 (2001).

⁸ For more information on these activities, refer to www.specialcourt.org, a web site that contains numerous documents describing civil society and NGO Outreach activities related to the Special Court.

⁹ Sierra Leone in 2004 CIA WORLD FACT BOOK available at <http://www.odci.gov/cia/publications/factbook/geos/sl.html>

• **Low literacy levels:** Sierra Leone society suffers from extremely low levels of literacy - 31% of adults can read English (males - 35.2%; females - 17.8%).¹⁰ These low literacy levels make radio and other accessible communications means especially important.

• **Cultural Modes of Communication:** Information sharing and dissemination is mostly carried out through social networks rather than through electronic and print media. The strongest elements of civil society include an informal network of religious communities, women's groups, employment associations, youth groups, and traditional authorities. The most common information dissemination technique in rural areas is through community meetings presided over by traditional leaders or their representatives. Seventeen languages are spoken in Sierra Leone including Mende and Temne, making it necessary for Outreach team members to include individuals from different parts of Sierra Leone who speak the primary languages of those regions. Krio is the lingua franca, and most Sierra Leoneans can communicate in Krio.

• **Age distribution:** Approximately 45% of the population is under 15 years of age.¹¹ Children and youth consequently constitute a massive proportion of the population, making it critical that they be included in Outreach efforts.

¹⁰ World Bank, SIERRA LEONE: POVERTY REDUCTION STRATEGY PAPER 2005, 42 (2005), available at <http://www.imf.org/external/pubs/ft/scr/2005/cr05191.pdf>

¹¹ Sierra Leone in 2004 CIA WORLD FACT BOOK available at <http://www.odci.gov/cia/publications/factbook/geos/sl.html>

SECTION II

OUTREACH MISSION AND ACTIVITIES

CHAPTER 5

OUTREACH MISSION AND OBJECTIVES

Introduction

This chapter describes the Outreach Section's mission, objectives, values and structure. These link to and reinforce each other. Proposed Outreach Section activities need to operate within the parameters described below.

Mission

The Outreach Section is guided by a clear mission to engage in two-way communication with the people of Sierra Leone. This communication includes two different levels of interaction. Most obviously, the Outreach Section provides factual and complete information about the actions of, and basis for, the Special Court. But the core aim of the Outreach Section is to serve as a catalyst for informed and reasoned dialogue about the Special Court and transitional justice. This dialogue operates on a number of levels - within Sierra Leone society, within the Special Court, and between representatives of both. For Outreach, receiving feedback from Sierra Leonean communities is an essential element of two-way communication, and is as important as distributing information.

The Outreach Section's commitment to dialogue is evident in the structure of all its programs, which heavily stress interaction and almost always provide for public discussion, whether through radio call-ins, question and answer sessions at town hall meetings or advice on contacting the Special Court in written publications. This dialogue, in conjunction with the range of other Outreach efforts, forms an important contribution of the Section to the broader transitional justice project in Sierra Leone - fostering an atmosphere of equality and respect for the rule of law.

Objectives

The Outreach Section's activities are based on a number of strategic objectives:

- To create a comprehensive understanding of the activities of the Court in Sierra Leonean society and of the people's views and opinions concerning the Court;
- To ensure accurate and timely information dissemination about the Court;
- To facilitate dialogue and discussion about the Court and its impact on Sierra Leone;
- To facilitate greater understanding and acceptance of the rule of law and outcomes of the accountability process;
- To promote the people's participation in the judicial processes and activities of the Special Court;
- To promote an understanding of the principles of Impartiality, Independence and Equality before the law, that in turn will promote a better relationship between the people and the Court.

As enunciated in the mission statement and the strategic objectives, Outreach impartially works with all groups within and outside the Court, including the Offices of the Prosecutor and the Principal Defender,¹² the government and the opposition. In its activities, Outreach defines success as meeting its aim of stimulating discussion and debate about the Court as opposed to simply arguing on its behalf. By maintaining a role as an unbiased conduit for information and dialogue, the Outreach Section aims to both maintain credibility and gather accurate impressions about Sierra Leoneans' views of the Special Court.

In addition to serving as an information conduit between the Special Court and the population of Sierra Leone, the Outreach Section also helps bring different groups together, both within the Special Court and within broader Sierra Leonean society. Within the Court, the

¹² The Office of the Principal Defender is also referred to as the Defence Office in other Court publications including the Outreach Mission Statement.

Outreach Section's activities in conjunction with representatives of both the Office of the Prosecutor (OTP) and the Office of the Principal Defender (OPD) allow them to appreciate the broader context of their work. For example, representatives of the OTP or the OPD are able to hear directly from members of the public specific concerns like about the pace of trials or the rationale for particular indictments. At the same time, the travelling Special Court Outreach Teams are able to inform individuals from particular regions of Sierra Leone about the opinions expressed by communities in other parts of the country. For example staunch supporters of the CDF inditees in the group's strongholds in the Southern province were surprised to be told that their indignation was not shared in other parts of the South and the rest of the country. On the other hand, victims groups were surprised to hear about the interest, in certain areas of Sierra Leone, in compensation for inditees who may be found not guilty.

Values

In crafting and implementing its mission, the Outreach Section is guided by its core values. All Outreach staff are required to adhere to these values at all times, even if doing so makes work more time-consuming and/or challenging. The values of the Outreach Section ensure that internal and external pressures to achieve specific targets do not compromise the overall position of Outreach or the Special Court. The four principal outreach values are:

- **Accountability:** The Outreach Section is committed to explaining the work of the Special Court to the people of Sierra Leone in an open and honest fashion, and facilitating the involvement of Court officials in doing the same. Its mission is to provide accurate information and stimulate discussion rather than promote the Court. In addition, the Outreach Section is committed to measuring and improving its performance.
- **Engagement:** The Outreach Section is committed to two-way communication with the people of Sierra Leone. This includes an emphasis on listening to feedback as well as providing information about the Special Court. The Outreach Section is also committed to communicating with all sectors of society, in particular socially disempowered groups like women, children and the disabled.
- **Neutrality:** The Outreach Section is committed to working with all parties in Sierra Leone and the Special Court. These include both the government and the opposition, victims as well as ex-combatants. Within the Court, this means maintaining absolute impartiality when presenting the activities of the OPD or OTP.
- **Independence:** The Outreach Section is committed both to remaining independent and cooperating as deemed necessary with all other units in the Court.

OUTREACH STRUCTURE

The Outreach Section's structure is designed to facilitate the implementation of its objectives in a way consonant with its values. The Outreach Section is headquartered in the Special Court buildings in Freetown, but its work takes place throughout Sierra Leone (see Appendix C for Section Organisation). The Outreach team comprises of individuals with strong civil society and human rights activism backgrounds.

Freetown-based team

The Freetown-based Outreach unit includes the Section Coordinator along with three associates and assorted national/international interns. All Freetown-based staff undertake frequent trips into the provinces to increase their familiarity with local communities and to assist with and monitor the work of District Outreach Officers. Freetown-based staff are responsible for guiding and coordinating all Outreach programs and partnerships in their assigned national region.

Upcountry team

The nineteen District Outreach Officers are permanently based throughout Sierra Leone in order to facilitate communication and receive accurate feedback from community members. They are individuals with community knowledge who speak local languages and have strong local ties. Their primary mission is to visit smaller communities and carry out individual outreach activities - e.g. community town halls, playing video clips of Court sessions and conducting group discussions about community reactions to these. These District Officers are able to provide information about public feelings towards the Special Court in specific areas of the country, suggesting particular types of outreach programs to meet the varied needs of diverse communities. District officers have autonomy within the overall framework of Outreach's strategic plan. While coordination with Freetown is necessary and frequent, their day-to-day activities are determined and adjusted depending on the situation they encounter in the field.

Upcountry Network and Partners

Individuals directly working and volunteering for the Outreach Section are supplemented by a much wider array of civil society organisations. These operate on multiple levels - regions, villages and traditional social structures - in order to engage as many Sierra Leoneans as possible. The two core Outreach networks are the Chiefdom Network and the Village/Town network. Each of these includes Special Court partners who are provided with training and funding. The partners have an understanding of local customs and concerns and help spread information about the Special Court's activities to their contacts in communities. For example, networks help Special Court representatives identify appropriate venues at which to distribute information and assist with organising and publicising specific events. The Chiefdom Network includes organisations and individuals primarily affiliated with the 149 area Chiefs and their officials who

exercise particular influence over rural dwellers. The Village/Town network includes civil society organisations not primarily affiliated with traditional chiefs. These are concentrated in more populous areas.

National Network and Partners

Within the Western Area (Freetown) the Outreach Section cooperates with existing structures including International Non-Governmental organisations (INGOs) and International organisations (IOs). These partner with Outreach on general projects and also provide feedback on its programs, but are less involved with organising specific events. Outreach also cooperates with a wide range of Sierra Leonean NGOs and government organisations to support the distribution of materials. Some of these also organise outreach events with specific groups (e.g. the military, civil defence forces and police) and sponsor other awareness raising activities.

CHAPTER 6 STRATEGIC PLAN

Introduction

The Outreach Section's strategic plan allows it to deploy programming that conforms to and advances its mission and values. Rather than relying on only one type of communication, Outreach has developed a range of techniques, varying approaches depending on the specifics of individual initiatives. Outreach has also identified specific groups that would benefit from targeted programs in addition to general communications

aimed at all Sierra Leoneans. By matching specific groups with appropriate communications techniques, Outreach is able to maximise the effectiveness of its message. The subsections below briefly describe the different communications techniques used by the Outreach Section and groups selected to receive targeted programs. On an overall level, the hallmark of the Outreach program is flexibility - communications techniques and approaches to target groups evolved based on feedback received by the Section and the different stages of the Special Court's operations. At all times, Outreach programs adopt a rights based approach, focusing especially on the right of Sierra Leoneans to know about the activities of the Court. This applies both to groups, like children, who are explicitly acknowledged in the Special Court Statute and to others which are not.

Communications Techniques

This section briefly outlines the different types of communications techniques employed by the Outreach Section. These were developed specifically for Sierra Leone, and take into account the context of the society and the groups being targeted.

Community Town Hall Meetings

Town hall meetings are large assemblies of people (usually between 50 and 400) sitting in town halls or other large meeting places located in individual communities. The aim is to provide basic information about the Special Court and its specific programs, and then to respond to questions that arise. Typically town hall meetings begin with a short (10-20 minutes) address by an Outreach or other Special Court official and then devote the majority of the time to questions and



Community town hall, Moyamba

comments from the audience. Invitations to town halls can be either general (open to all) or specific, with individual groups targeted. In order to provide additional legitimacy and promote local participation, local notables (e.g. Paramount Chiefs) are invited to open and close the meetings.¹³

Radio Programs

Radio programs about the Special Court are a core component of general Outreach efforts. Radio programming is particularly important because of the low literacy rate in Sierra Leone (~30% of the adult population), and is also very cost-effective. Outreach has



Radio program with ICTR & SCSL staff

arranged to broadcast at least one hour of programming a week on all major radio networks, reaching almost all areas of the country. These programs retain listener engagement and interest through mixed formats including dynamic panel discussions on varied subjects between diverse guests and radio call-ins from the public. Like all Outreach efforts, the programs feature a wide mix of views, and aim to provide basic facts and stimulate discussion.

Video Screenings

Video screenings aim to provide a sense of how the trials actually operate. This is particularly important for Sierra Leoneans who cannot attend the trials in person. Trial summary video clips are professionally edited to provide multiple perspectives in a relatively short period. In order to reach rural Sierra Leoneans without access to electric power, battery operated video equipment is used, and the videos are often combined with presentations that include question and answer sessions.¹⁴

Training Programs

Outreach training programs target members of specific groups. These include customary law practitioners, victims, ex-combatants, police, military, civil defence forces, disabled people, religious clerics, teachers,

women, children, youths and others. The specific goals and focus of the training sessions vary, but all include basic information dissemination and promote understanding of the rule of law. Some training programs prepare participants to teach individuals in their communities, while others simply emphasise concepts that will be useful in particular careers. All training programs are conducted in small group formats that emphasise discussion and participation. These provide an excellent opportunity to promote honest exchange of views about the Special Court, as well as contributing to its long-term legacy.¹⁵

Printed Material Production/Distribution

Printed material production and distribution is integral to both general and targeted Outreach efforts. These materials - illustrated booklets, posters and other public court records - play a variety of roles. Some emphasise particular concepts for wide general audiences (e.g. posters). Others provide targeted groups with specific information they require (e.g. illustrated booklets explaining basic court processes for groups with limited educational background). In some cases, Outreach simply distributes materials from other

sections of the Court - copies of Court decisions for example. In all cases, the content and design of any material, excluding court decisions, is carefully reviewed to ensure that they respect diverse local and Special Court sensitivities. These materials are distributed through a variety of channels - at Outreach events, through civil society networks and through local channels commissioned by District Officers.

Consultation Meetings

These allow consultation with specific groups of interest to the Special Court. For example, the Outreach Section created the Special Court Interactive Forum (SCIF) to allow civil society groups, international NGOs and others to channel their concerns directly to the Special Court. SCIF sessions include briefings about developments at the Special Court, open discussion that allows those attending to pose their questions and concerns directly to high-level Court officials, and the opportunity to put recommendations directly before Special Court decision makers. Key to SCIF success is ensuring that high level members of civil society attend regularly and that Special Court officials take note of feedback from meeting participants about societal reaction to the Special Court's work.

¹³ A more analytical breakdown of Community Town Hall Meetings is found in Appendix D.

¹⁴ Trial summary video clips are produced by the Public Affairs Office with contribution from other Sections including Outreach. Outreach has primary responsibility for organising the screenings throughout Sierra Leone.

¹⁵ A more analytical breakdown of a typical training session is found in Appendix D.

Conferences

Conferences are a high profile way of attracting attention to a specific issue, while bringing together diverse groups with similar interests. The Outreach Section organised four major regional conferences and a National Victims Commemoration Conference to allow victims and other groups from all parts of the country to express their concerns about Sierra Leone's direction in general and the Special Court's work in particular. These events need significant advance planning in order to ensure that discussions are fruitful. Conferences also need careful monitoring in order to ensure diverse representation of all groups - civil society, government and international organisations.

Special Programming

Special Programming is aimed at individual groups expressly mentioned in the Court Statute, including women and children, as well as other groups, like the disabled, that benefit from a targeted communications approach. Later parts of this chapter discuss facets of this Programming.

Cultural Programming

The Outreach Section deploys diverse cultural programming both in order to reach audiences not engaged by traditional outreach tools and in order to provide a new perspective on the facts it presents. Outreach efforts have included a drawing competition for children in elementary schools and theatre performances and training focusing on representation of both the Special Court and the atrocities that preceded its creation. Cultural Programming efforts must carefully balance the need for artistic integrity and accurate depictions of themes appropriate to the Special Court.

Networking/Partnership

Cooperation and collaboration with Sierra Leone civil society and other outside groups is central to Outreach's work. The Section partners with a wide range of supporting groups and individual volunteers who are organised to help support the Outreach Section's mission. One such group is the Civil Society Movement (CSM).¹⁶ After receiving training, they undertake outreach activities nationwide in all 149 chiefdoms.¹⁷ In arranging these activities, it is important to ensure that agendas outside the scope of the Outreach Section are not inappropriately mixed in with Outreach supportive activities. These groups also need careful monitoring in order to ensure that Special Court activities are presented accurately. Chapter 12 (Outreach Achievements) discusses the Outreach Section's successes in this effort.

Facilitating Other Group Programs

Where practical and appropriate, the Outreach Section helps facilitate programs run by other groups. For example, Outreach assisted college competitions sponsored by the International Committee for the Red Cross (ICRC) that aimed to teach international humanitarian law. Working with outside organisations on

complementary projects can broaden Outreach contacts and increase interest in the Special Court among civil society circles.



ANC students performing community outreach

Creating a Partnership/Legacy Structure

The Outreach Section has created organisations and networks that will continue to operate even after Court operations cease. An example of these are the Accountability Now Clubs (ANCs) which group students at tertiary educational institutions into units that educate communities about the Special Court and transitional justice.¹⁸

Targeted Groups

While some Outreach efforts are aimed at all segments of the population, others are targeted at specific categories of individuals who require additional efforts tailored to their needs. Targeted programming is aimed at three main categories: socially disempowered groups, potentially destabilising groups, law enforcement agencies and influential civil society leaders. Some groups arguably fit into multiple categories, but are placed according to the most significant concern affecting their group.

- Socially disempowered groups include children, the disabled and women. These groups are less likely to have access to mass communications for financial, educational, or other reasons. Individuals in these groups may also be unable to fully understand the content of general communications.
- Potentially destabilising groups include ex-combatants, the military and youth (including college students). In the context of Sierra Leone's history, these groups have the potential to be sources of instability. Efforts directed at these groups aim to calm unjustified fears about the Special Court as well as emphasise core transitional justice concepts like rule of law.
- Influential society and justice sector leaders include members of the judiciary, religious leaders, the police, prison officers and traditional leaders. Programming involving these groups aims to make them more effective at advocating for broader justice and transitional justice goals as well as understanding the importance of the

¹⁶ CSM is an umbrella Organisation of constituency-based groups such as labour unions and professional associations.

¹⁷ Local governance units based on local traditional governance structures centred on the authority of an individual chief or his/her representative.

¹⁸ A more analytical breakdown of ANC establishment is found in Appendix D.

Special Court. While individuals within each of the three categories share similar concerns, specific groups can face widely varying challenges. For this reason, programming is tailored to the particular needs of specific groupings.

Socially Disempowered Groups

Victims

Rationale for Targeting

By definition, this group suffered the most in the civil war. Their concerns and questions about what the Special Court will accomplish can be quite specific. In addition, their experiences may make it easier to discuss the Special Court with other victims rather than in a mixed audience.

Communications Approach

Outreach co-sponsors events with victims' associations to explain the work of the Special Court and what the Organisation can and cannot do for victims. In addition, Outreach sponsored a National Victims Commemoration Conference that examined the work of the Special Court and made recommendations on services needed by victims as well as identifying key institutions mandated to address such needs.

Special Challenges

Victims can be uniquely traumatised by their experiences. In addition, victims with disabilities resulting from the conflict may face additional difficulties accessing information about the Special Court. It is particularly challenging to explain to victims why individual perpetrators who may have harmed them can walk free while figures that may appear to be distant are charged with bearing "greatest responsibility" and prosecuted. More generally, many Sierra Leoneans have a sense of victimisation because of their suffering during the war. Operational and monetary constraints mean that Outreach's work is limited to easily identifiable groups such as amputees, the internally displaced and survivors of gender based crimes.

Children

Rationale for targeting

Children suffered significantly during the Sierra Leone civil war. UN organisations found that boys and girls of all ages were recruited into armed groups, abducted, sexually abused, enslaved, amputated and more generally were subject to attacks that may qualify as war crimes. But in addition to their status as victims, children recruited as soldiers also carried out brutal attacks on civilians.

The Special Court Statute attempts to balance special protections for youth with the seriousness of crimes committed by young people. The Statute allows the Special Court jurisdiction over only those children over the age of 15. It also specifies that any child between the ages of 15 and 18 brought before the Special Court will be treated with: "dignity and a sense of worth, taking into account his or her young age". Making the situation more complicated, the former Chief Prosecutor of the Special Court, David Crane, decided that he would not

indict any individual for acts committed when he or she was under the age of 18, as he did not feel that a child could bear "the greatest responsibility" for crimes committed in Sierra Leone. The nuanced approach taken by the Special Court towards children, and the controversy over the issue of prosecution of children among Sierra Leone's population, makes it vital that they understand the institution. The larger population also need to understand why children are not being prosecuted by the Court. In addition, children make up a large proportion of Sierra Leone society (~45% of the population is under 15) making it especially important that they understand the Court's mission and legacy.

Communication Approach

The Outreach Section developed a series of additional techniques that comprise its "children's program". This program includes special visits to schools by Outreach staff and Special Court officials; school based programs including quiz shows, arts competitions and planned future integration of Special Court printed materials into lesson plans; and visits to the Court by schools, where children are provided with guided tours and dedicated question and answer sessions. In addition to these school-based programs, the Outreach Section works with civil society partners to reach children who are not attending school. All these programs take into account childrens limited development by communicating age-appropriate lessons about the role of the Special Court.

Special Challenges

Traditional outreach approaches are not always appropriate for children, especially those in younger age ranges. Programs designed with adults in mind may be too complicated, inappropriate, boring or not focused on issues affecting children. Childrens limited development and position in society make it less likely that they are exposed to and understand general explanations about the Special Court. In response, the childrens program introduced formats specifically designed for children.

Disabled

Rationale for targeting

The civil conflict increased the number of Sierra Leoneans suffering mental and physical disabilities and weakened the existing infrastructure that provided for their care. The disabled community, including the blind, deaf, polio victims, amputees and other physically challenged individuals, face special difficulties accessing information about the Court. For example, hearing impaired individuals are often unable to follow general radio broadcasts or hear Court proceedings; the visually impaired are often unable to access printed materials easily. Disabled people also often fall into other priority categories - as children, victims and others. Finally, the Outreach Section recognised that a sensitive and focused communications program focusing on the disabled could serve as a model for future programs - and thus be a part of the Special Court's legacy in Sierra Leone.

Communication Approach

The Outreach Section launched a multi-pronged strategy focusing on core institutions where many disabled persons are housed. Initiatives included Outreach meetings specifically for disabled individuals; publication of core court documents in Braille; and the selection of appropriate existing communications techniques to interact with specific disabled groups (e.g. highlighting the existence of radio broadcasts to institutions for the blind). In addition, the Outreach Section hired a blind staff member to conduct disabled outreach and bring a personal perspective on the needs of disabled people to the planning of all outreach activities. Outreach also partners with Sierra Leone's Association for the Blind.

Special Challenges

In designing a program to support disabled individuals, the Outreach Section had to produce appropriate materials, whose costs are frequently prohibitive (e.g. booklets written in Braille). In addition, the war destroyed much of the infrastructure that supported the disabled community, meaning that there were few institutions bringing together significant numbers of disabled people. Disabled people not belonging to particular institutions or associations are especially difficult to target.

Women

Rationale for targeting

Women were disproportionately targeted during the civil war and suffer continuing social and legal handicaps in Sierra Leonean society. During the war, rape and other forms of sexual and gender based violence were committed against women on a massive scale, making the Special Court's work particularly relevant to them. Women were also allegedly treated as "bush wives", a practice which the OTP argues constitutes forced marriage. Women were particularly vulnerable to these crimes because of social and legal inequalities prevalent before the war. After the war, these inequalities continued to exist (women's literacy is 17.8% compared to 35.2% for men), making it harder for women to access information about the Special Court. Article 2 of the Special Court Statute takes into account the wide range of atrocities committed against women and therefore explicitly authorises the prosecution of gender based crimes.¹⁸

Communication Approach

Programs target women belonging to diverse groups including customary law practitioners, nurses, traditional birth attendants, local community elders and others. Womens associations and majority female professions are key partners in this effort. These include the market womens association; nurses groups; victims groups; certain ex-combatant groups; women tribal leaders and customary law practitioners of all genders (85% of Sierra Leone's population is covered by customary law, which often does not provide women with equal opportunities).¹⁹ Programs primarily focus on the



Outreach targeting women

groundbreaking work of the Special Court in prosecuting gender crimes like forced marriage. They also emphasise principles like equality before the law and seek to empower women to claim additional legal and social rights available to them. This information is provided through a mix of town hall type meetings, trainings and information provision to appropriate NGOs and other groups.

Special Challenges

Women's relatively low literacy rate makes it especially difficult to communicate complex concepts. In certain areas of the country, social pressures also make it harder for women to attend general information provision events like community town hall meetings.

Potentially Destabilising Groups

Ex-Combatants

Rationale for Targeting

Ex-combatants constitute a particularly volatile segment of Sierra Leone's population. Often traumatised by fighting and sometimes ostracised by families and communities, they have the potential to cause significant instability. They are particularly sensitive to the work of the Special Court, but may lack literacy and other skills that permit easy access to general information material about the Court.

Communications Approach

Work with ex-combatants focuses on partnerships with ex-combatant associations. In conjunction with these, the Section organises briefings on the Special Court, allowing open dialogue about what happened during the war and discussion of the Special Court's procedures,

¹⁸ Crimes listed in Article 2 include rape, sexual slavery, enforced prostitution, forced pregnancy and other acts of sexual violence.

¹⁹ Abdulai Sheikh Fofanah, CUSTOMARY LAW AND CUSTOMARY LAW COURTS IN THE SIERRA LEONE JURISDICTION, 16 (DFID: Law Development Project, Sierra Leone).

including a victim's justice approach delivered within the context of the rights of the accused. In addition, selected individuals are chosen for training programs that prepare them to discuss the Special Court with other ex-combatants.

Special Challenges

Social stigma makes some ex-combatants wary of identifying themselves and/or their specific concerns. Initially, there was widespread misunderstanding of the Special Court's mandate and fear that it would indict individual low-level combatants.

Military/Civil Defence Forces

Rationale for Targeting

The military outreach program is a crucial component of efforts to ensure that Sierra Leone remains stable. Its history of involvement in the politics of Sierra Leone makes the military's understanding and acceptance of rule of law particularly significant. Military concerns about potential indictments by the Special Court and the international community's resolve to end impunity makes it especially important to explain the Court's mandate and approach.



Outreach Coordinator presents to Sierra Leone army

Communications Approach

Military outreach events are primarily held in town hall meeting format, conducted at barracks and organised by both Outreach Officers and officials of the Special Court. These are supplemented by targeted training of both senior officers and enlisted personnel. These events all include significant scope for questions and discussions, and focus on general concepts such as rule of law in addition to providing specific information about the Special Court.

Youths

Rationale for targeting

Youths (including university students) have traditionally been actively involved in resisting authority in Sierra Leone, often forming a key component of extra-legal unrest. For example, key founding leaders of the RUF were disgruntled student political activists. Their approach to political issues is crucial to peace and stability in Sierra Leone.

Communications Approach

Outreach's approach to the youths of Sierra Leone is two-pronged: Firstly, university students are primarily targeted through Accountability Now Clubs (ANCs), which identify

student leaders and provide them with extensive training on law and justice issues. Secondly, youths who do not attend university are targeted through partnerships with local NGOs dealing with youth issues and through media designed to appeal to younger or less literate audiences like illustrated booklets and video screenings.

Special Challenges

Youth not attending university are sometimes difficult to reach, especially in the Freetown area where they are less subject to the control of community elders.

Influential Society and Justice Sector Leaders

Police/Law enforcement agencies

Rationale for Targeting

The police are key components of efforts to promote peace and stability in Sierra Leone. They are the first to come into contact with many victims and suspects of crime. Their understanding of and respect for the rule of law is directly linked to their effectiveness. But knowledge about the Special Court and its mandate is limited within the police force. The Special Court's respect for the rights of defendants and focus on accountability serves as an appropriate standard by which to measure police progress.

Communications Approach

Police events include all-police town hall meetings and training sessions for police officers. These focus on both the Special Court's mandate and actions but also on transitional justice, the rule of law and the responsibilities of those entrusted with maintaining public order.

Special Challenges

Police officers generally have limited literacy, making communication of complex concepts more challenging. In addition many police forces allegedly suffer from entrenched corruption.

Prison Officers

Rationale for Targeting

As an adjunct of the police force, prison officers are important in promoting peace and stability in Sierra Leone. Their frequent interaction with political and other prisoners also makes it important that they understand and respect the guarantees provided by law - mistreatment of prisoners can increase bitterness and desire for revenge among those incarcerated. Prison officers' knowledge of the Special Court is limited, but it could serve as an example of appropriate conduct towards detainees and prisoners.

Communications Approach

Training was conducted for prison officers focusing on the mandate and work of the Special Court. The training was designed and conducted in collaboration with the Detention Unit and the OPD. This included extensive discussion of treatment of detainees and rule of law issues. In addition to work targeted at prison officers, Outreach also partnered with Prison Watch, an NGO focusing on prisoners, providing them with materials and other support.

Special Challenges

Prison officers' perspectives on detainee treatment varied significantly from the international norms applied by the Special Court.

Customary Law Practitioners**Rationale for Targeting**

These leaders have customarily exercised significant influence over Sierra Leonean society, especially in rural areas. They are in a good position to distribute accurate information about the Special Court to individuals with less access to media/radio/Special Court publications. Traditional leaders are also significantly involved in dispensing justice in areas outside Freetown - 85% of the population is governed by customary law. Helping these leaders understand key concepts like equality before the law and due process of law will improve the administration of justice. In addition to customary law practitioners, this program also targeted other legal practitioners like Justices of the Peace (JPs) and Magistrates.

Communications Approach

Traditional leaders were provided with targeted small group training sessions, where basic facts about the Special Court, transitional justice and the rule of law were introduced. In addition, at major events like community town hall meetings, local traditional leaders are usually invited to chair the proceedings.²⁰

Special Challenges

Entrenched discriminatory traditional practices often vary from the rights-based rule of law concepts advanced by the Special Court.

Religious Leaders**Rationale for Targeting**

Religion is extremely important for large numbers of Sierra Leoneans and religious leaders often possess significant influence over their adherents. Making religious leaders aware of how the Special Court operates can increase their ability to provide accurate guidance on the issue when asked and increase their exposure to core transitional justice concepts such as rule of law. In addition many religious institutions (mosques, churches and others) were attacked during the war, breaking numerous cultural and religious taboos. It is important to make religious leaders aware that individuals are being held accountable for allegedly committing such attacks.

Communications Approach

Special training sessions were designed for religious leaders to provide key information about the Special Court and its mandate as well as discussion of the links between traditional religious views on justice and contemporary work on transitional justice. In addition, religious leaders receive special invitations to and recognition at Outreach events like town hall meetings. This increases their incentive to attend and actively engage with Outreach activities.

Special Challenges

Religious leaders' varying faiths make it important to maintain a balanced approach in outreach events by including both Christian and Muslim clerics.

Teachers**Rationale for Targeting**

Teachers have significant impact on large numbers of young people. The Special Court is not yet part of national curriculum materials, making it especially important that teachers are provided with the information they need to answer questions about the Special Court.

Communications Approach

Large scale teacher trainings were held in multiple areas of Sierra Leone. Teachers from schools throughout the surrounding areas were selected to attend these training sessions, which focused on both the Special Court and broader transitional justice issues. Specific information on the status of children at the Special Court was also provided. Teachers were encouraged to transmit the information they learned to their colleagues who did not attend.

Special Challenges

Teachers ability to spread information about the Special Court is hampered by the lack of relevant information in the National Curriculum.

CHAPTER 7 PHASES OF OUTREACH

Introduction

The activities of the Outreach Section have varied according to the different phases of the Special Court's work. These changes anticipated and responded to the evolving concerns of Sierra Leoneans. The three primary phases of Outreach consisted of the Pre-Indictment period, Pre-Trial period, and the Trial and Legacy period. While there is much continuity in its work, the changing nature of the Court's operations periodically requires a review of Outreach strategy. It is important throughout these phases to address expectations of what a Court can and cannot achieve. This chapter outlines the shifting emphases during the different periods of the Special Court's existence.

Pre-Indictment Period (August 14, 2000 to March 9, 2003)

Even before the formal creation of the Outreach Section, Court officials had undertaken outreach missions, as discussed in Chapter 4. These efforts paralleled the work of civil society organisations and international NGOs which diffused basic information about the Special Court across Sierra Leone. Basic information provision was particularly important because some local groups caused significant confusion by disseminating inaccurate information about

²⁰ Traditional leaders are the primary group from which customary law practitioners are drawn.

core issues - the Court's mandate (especially in terms of which perpetrators it would focus on prosecuting), how it differed from the Sierra Leone Truth and Reconciliation Commission (TRC) and other key concepts. Civil society organisations like the National Forum for Human Rights, Coalition for Justice and Accountability (COJA) and others produced helpful materials and held "sensitisation" events in major areas throughout Sierra Leone to explain the mandate and function of the Special Court. INGOs, notably No Peace Without Justice (NPWJ), supported these efforts and produced accurate information materials.

The Outreach Section Coordinator was appointed in February 2003. She immediately began work on internal Section Organisation and liaising with existing civil society groups engaged in outreach work - to assist with coordination and quality control.

Pre-Trial Period (March 10, 2003 to June 2, 2004)

The Pre-Trial Period consisted of two distinct phases. In the first phase, immediately after indictments were issued, Outreach focused on providing basic, factual information about the Special Court's operations to a wide audience, and completing its internal organisation (hiring staff etc.). This was especially necessary as civil society and other organisations involved in human rights education reported that Sierra Leoneans were demanding that official Court representatives explain the indictments, mission and operations of the Special Court. During the second phase, Outreach began to disseminate increasingly advanced information about Special Court processes, focusing on the procedure of the Court, as well as its temporal and subject matter jurisdiction.

One major activity of Outreach during the Pre-Trial period was building Section capacity in areas like staffing and equipment. This was interrupted by the issuance of indictments on March 10, 2003. Widespread confusion about what these indictments meant obliged the Outreach Section to respond - providing information about basic Special Court operations and clarifying legal terms. Nonetheless, the Section grew rapidly. A countrywide process selected three Freetown based and twenty-four District Officers,²¹ who were stationed throughout Sierra Leone in key provincial locations.

During the first phase, the Outreach Section established networks and partnerships with existing civil society organisations, government and international NGOs. In addition to its work with other organisations, Outreach assembled a general information program of its own. These efforts were mostly unstructured and reactive mass communication - reflecting both the lack of time to prepare a strategic plan and the sudden issue of indictments. Radio programs were rapidly arranged throughout Sierra Leone, providing basic information about the Court and its mandate. Outreach staff also launched a program of visits to all provinces and Chiefdoms in Sierra Leone, with a focus on those where there was mass mobilisation by supporters of particular indictees.

Several specific issues initially dominated a significant proportion of the Outreach Section's interactions. An early challenge was explaining the

continued relevance of the Court after the deaths of Foday Sankoh (former leader of the RUF) and Sam Bockarie. Broader questions included why certain individuals were indicted and not others, and whether those forces, like the CDF, fighting against the rebels should have been indicted at all. The Outreach Section attempted to address both these issues and keep discussion focused on broader rule of law and procedural questions.

In the second phase of the period, the focus of the Outreach Section began to change. Initial confusion about the Special Court was replaced by more advanced questions focusing on the legal aspects of specific indictments and the judicial processes the Court would employ. The most obvious change was that the questions asked by Sierra Leoneans at general outreach events like town-hall meetings became much more sophisticated than they had initially been, increasingly focusing on specific issues affecting the indictees and their trials. For example, initial questions about the rights of the accused focused on whether they had rights at all; later questions asked about the importance of specific rights. Basic questions continued to be asked, but many more questions and comments concerned individual indictees as well as specific programs like the Witness and Victims Support Unit. The increasing complexity of these legal questions at general outreach events underscored the fact that different groups of Sierra Leoneans required different types of information - in terms of both subject matter and sophistication. This encouraged the Outreach Section to significantly expand its targeted programs.

The Outreach Section occasionally conducted targeted programs during the early Pre-Trial period, but these efforts expanded significantly. As discussed in detail in Chapter 6, tailored communications efforts were deployed to address the needs of individual groups classified as socially disempowered, potentially destabilising and/or particularly influential.

Trial and Legacy Period (June 3, 2004 to Present)

While continuing its emphasis on targeted programming and answering more advanced questions, the Section significantly increased efforts to provide direct access to Court proceedings and increased its focus on legacy projects.

During the trial period Sierra Leoneans were particularly concerned with the possibility of the transfer of Charles Taylor to the Special Court and indicting "second tier" individuals, who were not part of the top command structure of any armed group. Outreach continued to produce more advanced information programs and also strengthened network links with civil society organisations. In addition, it organised the National Victims Commemoration Conference, where delegates were able to debate broader issues like victim compensation, the impact of the Special Court on national institutions and the strengthening of the rule of law.

The most significant new Outreach effort was expanding access to historic trial testimony. In order to achieve this, Outreach purchased battery operated



Peter Cowe - CITS Explains Court Layout and proceedings

televisions, videos and movie projectors for use in the provinces. Outreach collaborated with the Press and Public Affairs Office to create video summaries of Court proceedings, ensuring that their content and length both represented the proceedings accurately and were appropriate to their intended audience.



Video screening of Court trials in the Eastern Province

In addition to facilitating access to video and audio versions of court proceedings, Outreach worked with civil society organisations to set up a Special Court monitoring system. The monitoring system involves specific civil society group members attending each trial session and writing reports which are then distributed across major civil society organisations. These reports keep the organisations updated about the work of the Special Court and allow them to quickly highlight issues which they feel need to be discussed through monthly SCIF meetings.²² Linked to this initiative were workshops provided to multiple groups that focused on the trial process - explaining key legal concepts like legal joinder.

These workshops were accompanied by the distribution of key court decisions to civil society organisations and updating Sierra Leoneans on the status of the trials through radio discussion and community town hall meetings by Special Court officials.

As a final segment of its trial access efforts, the Outreach Section also sponsored court visits by representatives from across Sierra Leone and by Freetown school children. In addition, the Outreach Section began a series of weekly school visits, allowing large groups of children from Freetown schools to visit the Special Court and attend specific trial sessions. This program will expand to schools outside Freetown if the Section acquires additional funding.

The beginning of the trials also spurred an increase in efforts to support legacy activities at the Special Court, as its mandate ends after Appeals are concluded. The Outreach Section has been deeply involved in planning potential legacy activities, many of which are based on currently existing programs. In particular, the Outreach Section's radio and civil society and judiciary training are core programs that support current legacy planning.

CHAPTER 8 OUTREACH LEGACY

Introduction

The Outreach Section's activities are a key part of the Special Court's legacy planning. The Section already has significantly more interaction with civil society and other organisations than any other part of the Special Court. In addition to these efforts, the Outreach Section has also

²² See Chapter 6 *Consultation Meetings*.



Outreach training-police

set up a number of programs whose aim is even more explicitly focused on legacy. All of this planning is part of a long-term completion strategy, which will involve enabling other organisations to continue Outreach activities for some time after the Special Court ceases operations.

Outreach and Special Court Legacy Planning

The individual themes that define the parameters of the Court's legacy planning are: promoting rule of law; promoting human rights; developing the local legal profession; and building legal capacity among civil society organisations in Sierra Leone. They relate to programs that Outreach had already launched, and will rely on the expertise and contacts that Outreach has acquired. Outreach is also involved in planning additional Court legacy projects.

The Special Court's legacy commitments to promote human rights and respect for the rule of law are interlinked. One of the major projects planned in this category is the launch of a program to strengthen existing radio stations' coverage of justice and rule-of-law issues. This program is linked to Outreach's successful radio program - which in 2004 included 654 individual radio programs featuring discussion about the Special Court and transitional justice.

A second set of Special Court legacy commitments focuses on promoting civil society participation in the justice sector. This will include a series of training programs to aid civil society organisations and activists in effectively communicating with and influencing the judiciary. This parallels existing programs set up by the Outreach Section that provide civil society activists with information on the Special Court, rule of law and transitional justice.

The third part of Special Court legacy commitments focuses on developing the capacity of Sierra Leone's legal profession. Training programs would extend and parallel the current training programs Outreach organises for customary legal practitioners.

Other Special Court legacy projects - like the use of the existing Court site and the creation of a Legal Resource Center - are less directly linked to existing Outreach projects. But all of them will build on the

Outreach Section's extensive civil society contacts in order to consult about both planning and implementation of the projects. Outreach will be taking a lead role in facilitating these discussions and ensuring that the voices of Sierra Leone's people contribute to the Court's legacy planning.

Special Outreach Legacy Projects

In addition to its general activities, the Outreach Section has also sponsored a number of projects that explicitly reflect legacy considerations. One explicit legacy program begun by the Outreach Section was the creation of specialised briefing booklets on key aspects of both international humanitarian law and international human rights law. Using the atrocities committed during the Sierra Leone civil war as a background, the booklets explain through simple language and illustrations core precepts of international law. Tens of thousands of copies of these booklets are distributed throughout Sierra Leone by the Special Court and multiple civil society partners. They are meant to be read aloud and to encourage discussion. By contributing to increased civic understanding about the rules of war and human rights, the Special Court has



Outreach booklet explaining International Humanitarian Law

both explained the basis for the Special Court's jurisprudence and made a lasting impact on the Sierra Leone public's appreciation of international law. This effort may contribute to avoiding future conflict and/or make anyone that does occur less likely to be the excuse for widespread abuses of international law.

Completion Strategy

After all trials and appeals are finished, the Special Court's mandate will end. But the need for Outreach will continue for some time after that. This reflects the Outreach Section's broader mission of creating a comprehensive understanding of the Court among the people of Sierra Leone. Outreach's work with key civil society organisations is meant to help address this need, even after the Section ceases to operate.

SECTION III

FAQs AND ANALYSIS

CHAPTER 9 ACTIVITIES IN 2004

Introduction

This chapter outlines specific Outreach-sponsored activities in 2004.²³ The data is divided by region - Northern, Eastern and Southern, along with the Western Area (Freetown). This information helps illustrate the differing frequency with which alternative Outreach approaches were used - for example, town hall meetings were much more frequent than drama performances. This raw data does not wholly represent Outreach's efforts. It does not take into account numerous informal conversations engaged in by Outreach Staff, as well as considerable programming undertaken by partners in civil society. Given the wide geographic spread of events, it is also possible that some activities were not recorded. Nonetheless, the data presented below provides a rough perspective on the activities of Freetown-based and District Outreach Officers.

The disparity in the number of events organised in the different regions is due to several factors. In the first place, each region does not contain the same number of districts. The Northern region includes five (Bombali, Kambia, Koinadugu, Port Loko and Tonkolili); the Eastern region includes three (Kailahun, Kenema and Kono); the Southern region includes four (Bo, Bonthe, Moyamba and Pujehun) while the Western Area basically encompasses Freetown and its outskirts. In addition to these differences, the geography, infrastructure, literacy, culture and other characteristics of the various regions vary significantly - making it appropriate to vary the mixes of activities undertaken. Finally, District Officers are given considerable autonomy in designing their local outreach programs - as a result, the mix of approaches will vary depending on the officer in charge of a particular area.

Data

The chart below summarises the number of activities directly organised by the Outreach Section's representatives in 2004.

2004 Outreach Activities

Activity	Area North	South	East	Western Area	Total
Town Hall Meetings	440	172	148	20	780
Radio Programs	144	78	216	216	654
Video Screenings	143	100	107	47	397
Distribution of Posters and Booklets	2	71	7	250	330
Assorted Coordination Meetings	69	138	30	40	277
Training Workshops	74	56	42	36	208
School/Institutional Meetings	57	17	71	20	165
Targeted Group Meetings	18	8	28	65	119
ANC Meetings	6	11	5	40	62
Human Rights Meetings	7	4	20	30	61
Other Meetings	23	9	18	0	50
Drama performances	1	1	1	5	8

²³In 2003, the Management Committee of the Court cut funding for Outreach Programs. It was only in 2004 that Outreach received full funding for all its activities, most of which was provided by the European Union (EU) and the Open Society Institute for West Africa (OSIWA).

Most of the activity descriptions should be self-explanatory. The assorted coordination meetings cover a number of different activities, including consultative meetings with local partner NGOs, courtesy calls and other events aimed at coordinating broader events. Training workshops were held with a wide variety of groups, including women, customary law practitioners and others. Targeted group meetings involved consultations with women, children, religious leaders and other groups. ANC meetings were organising events held on individual campuses. Human Rights meetings involved human rights and victim association groups.

Activity Analysis

The 2004 activities data illustrates the ways that Outreach activities followed the contours set by the Section's strategic plan. General information programs like town hall meetings, radio programs, video screenings and printed information distribution were the most frequent. Targeted information programs, like training workshops and consultations with specific groups were less frequent, reflecting the smaller populations targeted and extra preparation required for these meetings.

As discussed earlier, community town hall meetings and radio programs constitute the core of Outreach's general information program. The community town hall meetings are a traditional part of Sierra Leonean culture and provide a sense of direct access to key decision makers. Radio broadcasts are able to reach a very large number of people, providing them with basic information, panel discussions and call-ins. Distribution of materials like posters and booklets was concentrated in Freetown, where both literacy rates and population density are higher - making the messages communicated by written materials more effective.

Targeted information distribution was primarily achieved through training workshops, targeted group meetings and coordination meetings. These focused on core civil society groups within individual communities in order to maximise the impact of Outreach Section work. Members of targeted civil society groups are encouraged to inform other community members about the Special Court and provide perspectives from their communities to representatives of Outreach.

Certain types of activities - ANC meetings, 'other meetings' and drama performances are relatively unclassifiable. They included elements of both general and targeted information provision. Drama performances in particular differ depending on the particular play and the themes it addresses.

Regional Analysis

The most notable differences among the four areas that make up the data set is between the Western Area and upcountry. This reflects Freetown's unique status within Sierra Leone. In addition to this, factors both internal to Outreach and external to it meant that more events were

held in the Northern region than in the South and East in some categories of activity.

The Western area is unique in its relative economic prosperity, high literacy and population density. It is also much less traditional than rural areas, with fewer tight community bonds governing the behaviour of all residents. Outreach's program in the area reflected these facts. Town hall meetings were not used very often because they are less effective in areas like Freetown. The high population density meant that most community members could not attend individual events, and the lower social cohesion makes face-to-face interactions between court officials and community elders less valuable. Instead, Outreach focused on radio programs and distribution of written materials - the latter is especially effective because of Freetown's relatively high literacy rate. Outreach also put emphasis on meetings with key community groups and cooperation with the numerous tertiary educational institutions located in Freetown.

A second noticeable trend in the data is a relatively large number of events scheduled in the Northern region, especially community town halls. This is mainly due to the difference in the number of District Outreach Officers assigned to each region. Because of the larger number of districts located in the region, the North was initially allocated a larger number of officers. This disparity was exacerbated by various factors including resignations among officers in other regions. This mix of factors explains the relatively high number of town hall meetings in the North compared to the South or East. The East by contrast focused on radio programs, reflecting the difficult transportation conditions there. The South sponsored a relatively high number of document distribution and community coordination events, reflecting the relatively higher literacy rates and the strength of District Officers' links to local civil society groups.

CHAPTER 10 QUESTIONS ANALYSIS

Introduction

One important activity undertaken by the Outreach Section has been to document Sierra Leoneans' views of the Special Court as part of its commitment to two-way communications. One way of achieving this is by analysing the questions asked at events it sponsored. While not the equivalent of a representative public opinion poll or a structured quantitative study, this data provides information about issues that are important to the Sierra Leone public. This chapter analyses the subjects of questions asked at Outreach events in the period between Spring 2003 and Fall 2005. The specific data on which this analysis is based is included in Appendix E.

General Approach and Data Limitations

In order to analyse questions asked at Outreach events, they were classified into a number of sub-categories in five major areas: Court Facts and Procedures; Indictments; Political-

Legal Issues; Witnesses-Victims Issues and Other Issues. These were further divided into two periods: before the start of trials at the Special Court and after the start of trials on June 3, 2004.

Generally, the percentage of questions in the major categories and sub-categories was broadly similar between the two time periods. The most noticeable change was that the number of questions relating to basic facts about the Court perceptibly declined, while the proportion of questions relating to courtroom procedures doubled. This change validated Outreach’s strategy of gradually increasing focus on more advanced facets of Court procedure as opposed to basic facts.

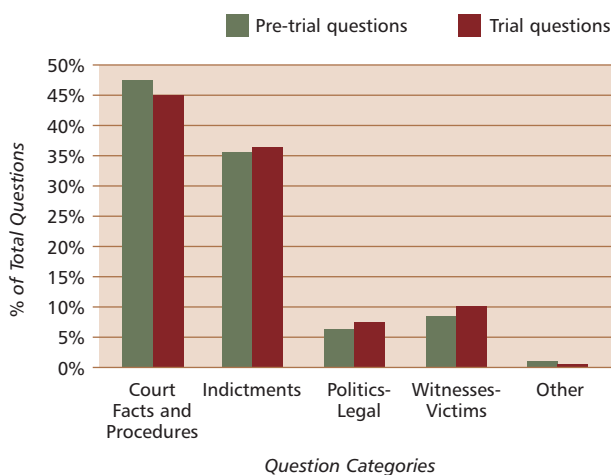
A number of variables could affect the validity of this data. It is not possible to guarantee that all questions were recorded at every Outreach event, or that their categorisations were in all cases correct, but it does represent questions asked by all target groups. In addition it is possible that some questions may have been inconsistently categorised. Finally, it should be noted that the distribution of these questions was influenced by the formats of the events they were asked at and the composition of individuals attending - an eclectic mix including students, civil society leaders and ordinary members of the public. While linked to the opinions of the general public, the views and concerns of this group may not be wholly representative of Sierra Leone public opinion.

It is important to fully understand the limitations on the question data. But despite these limitations, the results of the categorisation should be helpful in identifying areas of particular concern for Sierra Leoneans, and changes over time in these concerns.

Review by Category

This sub-section outlines the results of the question analysis, focusing on both absolute percentages and changes over time. The 2,598 questions in the data set were divided into two chronological periods: before trial commencement (1,001 questions) and after trial commencement (1,597 questions).

Questions Asked at Outreach Events



1) Court Facts and Procedures: The percentage of questions in this major category is larger than in any other. But it dropped from 47.6% of total questions asked pre-trial to 45.1% during the trial period with a decrease in the number of General Facts questions.

a) General Facts: This category covers questions about the Court’s origins, mandate, staff and basic policies. It is the largest sub-category of all but shrunk from 35.7% of total pre-trial questions to 30.2% of questions after the commencement of trials. This decrease suggests that understanding of basic facts about the Court has been increasing, allowing a greater focus on more complex issues.

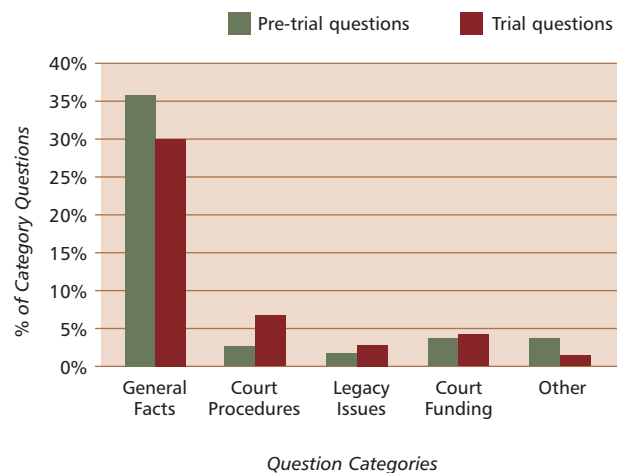
b) Court Procedures: This category covers questions about procedures and rules governing the actual trials as opposed to the Court. The percentage of questions devoted to court procedures more than doubled from 2.7% of pre-trial questions to 6.4% of questions post trial commencement. The beginning of actual trials, with procedural and other rulings, correlates with this increase in interest.

c) Legacy Issues: This category covers questions about the legacy of the Special Court and its contribution to the long-term future of Sierra Leone. This category increased from 1.8% of pre-trial to 2.8% of trial period questions - reflecting growing interest in the impact of the Special Court on national institutions and Sierra Leone in general.

d) Court Funding: This category includes questions about the source and means of funding of the Special Court. This category increased from 3.5% of pre-trial to 4.0% of trial period questions. This increase correlates with increased debate about sources of Special Court funds within Sierra Leone media and society.

e) Other: Questions about Court Facts and Procedures that do not fit into the other sub-categories. The percentage of these questions fell from 3.9% of pre-trial to 1.8% of trial period questions.

Breakdown of Court Facts and Procedures Questions



2) Indictments: This is the second largest category of questions. Questions in this category increased slightly from 36.1% to 36.8% of the total. The increase is actually difficult to fully interpret, given the diverse events surrounding particular trials and indicted individuals.

a) Charles Taylor: There are more questions about Charles Taylor than any other specific indictee. But the percentage of questions decreased slightly between the pre-trial and trial periods, from 9.1% of pre-trial questions to 8.3% of trial period questions. This decrease may be due to his lower public profile after leaving the Liberian presidency and/or increased attention to other indictees. It is also worth noting that a high percentage of 'Multiple Individual' questions refer to Taylor.

b) Hinga Norman: Interest in Hinga Norman decreased slightly, with 5.4% of pre-trial questions relating directly to him and 4.7% of post-trial commencement questions doing so. It is also worth noting that a high percentage of 'Multiple Individual' questions refer to Norman.

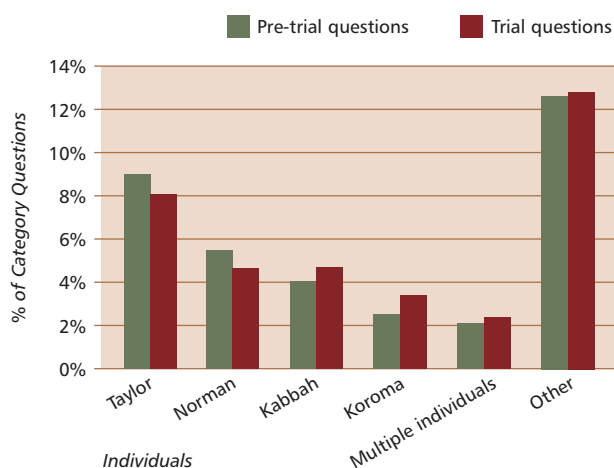
c) President Ahmad Tejan Kabbah: There is increased interest in the possibility of an indictment for President Kabbah. 4.1% of questions referred specifically to him in the pre-trial period; 4.9% after the commencement of trials. It is also worth noting that a high percentage of 'Multiple Individual' questions directly compare Kabbah and Norman's respective responsibilities during the war.

d) Johnny Paul Koroma: There is increased interest in the indictment of Johnny Paul Koroma. 2.7% of questions referred specifically to him in the pre-trial period; 3.5% after the commencement of trials. It is also worth noting that a high percentage of 'Multiple Individual' questions refer to Johnny Paul.

e) Multiple Individuals: Questions referring to more than one individual increased from 2.1% of pre-trial questions to 2.5% of trial period questions.

f) Other: This is the largest Indictments sub-category. 12.7% of questions pre-trial and 12.8% trial period questions are classified here. They include questions about individuals and groups not specifically broken down, including ECOMOG, Foday Sankoh, and others focusing on the possibility or timing of future indictments.

Breakdown of Indictments Questions



3) Political-Legal: This category encompasses a broad array of questions not specifically focused on the Special Court and its actions, but instead on general political issues around its existence. The total percentage of these questions increased slightly from 6.4% pre-trial to 7.7% post-trial commencement. The diversity of questions in this category makes generalisations about the change difficult.

a) National Issues/Politics: This category includes questions about national political issues and specific questions about actions taken in relation to the Court. Some generally worded inquiries are actually challenges about the conduct of specific national figures like President Kabbah (e.g. 'Who appointed Hinga Norman?'). These were placed in national issues rather than in specific indictments because the text of the questions was not sufficiently specific. This category constituted 2.2% of questions asked in the pre-trial period and 2.7% of those in the post-trial period.

b) International Issues/Politics: These questions focus on the conduct of the international community. The largest number of them concern Nigeria and Charles Taylor. This category increased from 0.6% of pre-trial questions to 2.3% of post-trial commencement questions, reflecting increased concern about Nigeria's sheltering of Charles Taylor.

c) General law: These questions generally ask for definitions of key concepts like 'international humanitarian law' and 'greatest responsibility'. They are about 1.1% of pre-trial and 0.8% of trial period commencement questions.

d) Timing issues for the Court: These questions focus on whether the Special Court is appropriate for Sierra Leone at this time. They constitute about 0.5% of pre-trial and 0.9% of trial period questions.

e) Conduct of the War: These questions focus on events during the war. There were almost no such questions pre-trial and only about 0.7% of trial period questions fit this category.

f) Other: This category includes political questions that do not fit into other categories. They decreased from about 2.0% of total questions pre-trial to 0.4% of trial period questions.

4) Witnesses-Victims: These questions focus on the rights, roles and responsibilities of both witnesses and victims. They increased slightly from 8.9% to 9.6% of total questions, reflecting the start of trials.

a) Witnesses: Interest in witnesses increased from 6.5% of pre-trial to 6.8% of trial period questions. This correlated with the beginning of trials featuring prosecution witnesses. Given that some witnesses were also victims, some of the questions categorised here could also refer to victims.

b) Victims: Interest in victims increased from 2.4% of pre-trial questions to 2.8% of trial period questions.

5) Other: This is a group of questions that did not fit into any of the major categories or sub-categories. They are very diverse. Overall, the category constituted 1.1% of pre-trial questions and 0.8% of trial period questions.²⁴



Former Chief Prosecutor David Crane



Former Principal Defender, Simone Monasebien

CHAPTER 11 FREQUENTLY ASKED QUESTIONS AND ANSWERS

Introduction

The questions in this chapter are drawn from those most frequently asked at Outreach events like Community Town Hall Meetings and Training Workshops. They include questions Pre and Post-trial covering a wide variety of topics. These representative questions and the sample answers that accompany them give a sense of Sierra Leoneans' interests and concerns and the information that the Outreach Section provides them.

Court Facts and Procedures

General Facts

1. Can the Court issue the death penalty to those who will be convicted?

Ans: The Special Court cannot order the death penalty. The International community would not have endorsed the creation of the Special Court if the death penalty was allowed as punishment for those who may be convicted.

2. When will the Court's mandate end?

Ans: When the Court was set up, it was given an initial three year mandate with the possibility of extension if required. However, the Court has to ensure free and fair trials, by giving to both the Prosecution and the Defence enough time to prepare for trials.

3. The President of Sierra Leone and the Secretary General of the United Nations, who controls the Special Court?

Ans: The Special Court was created by an agreement between the Government of Sierra Leone and the United Nations. However, the Court is not controlled by either of these institutions in its judicial functions. It is independent and impartial in its administration of justice, with highly acclaimed national and international judges presiding and making independent decisions on the cases before the Court.

a) There are two Trial Chambers. Three judges serve in a Trial Chamber, of whom one is appointed by the Government of Sierra Leone, and two by the Secretary-General of the United Nations (hereinafter 'the Secretary-General').

b) Five judges serve in the Appeals Chamber, of whom two are appointed by the Government of Sierra Leone, and three by the Secretary-General.

4. If the indictees are not found guilty will they be compensated?

Ans: No provisions were made under the Rules of Procedure and Evidence for compensation of indictees who may be found not guilty and acquitted. These issues will be dealt with in the courtroom by the judges when they arise. It is also important to note that anyone who is acquitted will walk away free and will not face further charges for the crimes for which he or she was acquitted.

5. Will the court try cases like Arson?

Ans: Yes. The Special Court is trying indictees on charges that include war crimes and crimes against humanity. Arson can fall under any of these categories if it is a war crime or it was found to be widespread or systematic.

6. Why is it that only the leaders are going to be tried?

Ans: The Court can try anybody against whom there is sufficient evidence to allege they bear greatest responsibility for crimes during the war. They could be civilians, military leaders, or combatants.

7. Who requested the Court?

Ans: The government of Sierra Leone requested United Nations assistance in creating a Court that could try persons for serious human rights violations during the ten-year civil war in Sierra Leone. Considering the time frame and financial implications, the United Nations agreed with the government of Sierra Leone to create a Court that would try only those alleged to bear the greatest responsibility for serious crimes committed in the territory of Sierra Leone from 30 November, 1996.

8. Why did the court not decentralise its trials to other parts of the country?

Ans: The seat of the Court is in Freetown. However, initial appearances for the first set of indictees took place in Bonthe in the Southern Province. The permanent seat in Freetown was decided on for practical financial and security reasons.

9. The President has the prerogative of Mercy. Does that apply to the court?

Ans: The president of a country in which an indictee is serving a jail sentence may make a request for the pardon or commutation of that sentence by applying to the President of the Special Court as provided for in Art. 23 of the Statute. Contrary to the practice of previous Sierra Leonean presidents, who arbitrarily used their powers to pardon prisoners, in accordance with the Special Court Statute there shall only be pardon or commutation of sentence if the President of the Special Court, in consultation with the judges, so decides on the basis of the interests of justice and the general principles of law.

10. Why did the Court choose 30 November, 1996 as the date after which crimes committed could fall under the mandate of the Court?

Ans: During the negotiations leading to the Agreement and following consultation with civil society groups and others in Sierra Leone, the Government of Sierra Leone requested that the Special Court be granted jurisdiction from the beginning of the conflict to ensure that there be no perception of bias. Their argument was that by prosecuting only those who bear the greatest responsibility, the Court could limit the time and expense of investigations on the basis of the evidence, rather than artificially through an arbitrary date. However, the UN Secretary General referred to three considerations:

- (i) the time period the Court examined should be reasonably limited so as not to overburden the Prosecutor and overload the Special Court;*
- (ii) the time period should correspond to a new phase of the conflict without any political considerations influencing the choice;*
- (iii) the time period should encompass the most serious crimes committed by all sides in all areas of the country.*

Any limitation to any of these three considerations would be perceived as selective justice. It should be reiterated that International Humanitarian Law (IHL) applies from the moment armed conflict starts. In the case of the Sierra Leonean conflict, the point at which IHL applies would be from the beginning of the conflict in March 1991. However, this date was rejected by the United Nations on the grounds that it would overburden the Prosecutor.

Three alternate dates were considered:

- (i) 30 November 1996, with the signing of the Abidjan Peace Agreement;*
- (ii) 25 May 1997, the date of the coup d'état orchestrated by the Armed Forces Revolutionary Council;*
- (iii) 6 January 1999, the date on which forces including the RUF/AFRC launched a military operation to take control of Freetown.*

Of these three possibilities as starting dates for the temporal jurisdiction of the Special Court, only 30 November 1996 was deemed to meet the Secretary General's three conditions.

11. Why did the Chief Prosecutor resign?

Ans: Former Prosecutor David Crane did not ask for renewal of his contract due to family reasons. After serving the Court for three years, he thought it fit to go home and join his family.

12. What is the difference between the Special Court and the Truth and Reconciliation Commission?

Ans: The Special Court and the TRC differ in their origins and function. The Special Court was created by an agreement between the government of Sierra Leone and the United Nations and ratified by an Act of Parliament. The TRC was mandated by the Lomé Peace Agreement and was subsequently created by an Act of Parliament. As a result of their different origins the Special Court qualifies as an international criminal tribunal and the TRC is classified as a national commission.

The functions of the two institutions differ as well. The Special Court was created to try those alleged to bear the greatest responsibility for crimes committed since 30th November 1996 and punish them if found guilty. The Truth and Reconciliation Commission on the other hand was established to, among other tasks, 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 1991 to 1999.

13. What specific crimes the court has jurisdiction over?

Ans: The Court has jurisdiction over four categories of crimes, which are:

- War crimes
- Crimes against Humanity
- Violations of International Humanitarian Law under Article 3 Common to the Geneva Conventions
- Serious Violations of some Sierra Leonean Laws

14. Is there an Appeals process?

Ans: Yes. Indictees are entitled to an Appeals hearing after judgments have been passed by the judges at the Trial chambers. As provided for in the Court's Rules of Procedure and Evidence, "the Appeals Chamber shall hear appeals from persons convicted by the Trial Chamber or from the Prosecutor on the following grounds: a procedural error; an error on a question of law invalidating the decision; an error of fact which has occasioned a miscarriage of justice. The Appeals Chamber may affirm, reverse or revise the decisions taken by the Trial Chamber."

15. Are indictees allowed to communicate with their families?

Ans: Yes. Indictees are allowed to communicate with their families. In fact their relatives are allowed to visit them at

appointed times at the Detention centre where they are being held. There are also telephones at the detention centre where the indictees' relatives can call and talk to them directly, although of course such conversations are monitored.

16. Has the President of Sierra Leone any influence over the Court?

Ans: No, the President of Sierra Leone does not have influence over the Court. Although it was created by an agreement between the government and the United Nations, no one state, group or individual can influence its operations or decisions.

17. Will children be prosecuted by the court?

Ans: No. The Prosecutor, David Crane, using his discretion, has decided that no one under the age of 18 at the time they committed the alleged crimes will be prosecuted. However, the Statute gives the Court powers over any person who was over the age of 15 at the time of the alleged commission of the crime. Theoretically, should any indictee between 15 and 18 years of age come before the Court, he or she shall be treated with dignity and a sense of worth, taking into account his or her young age and the desirability of promoting his or her rehabilitation, reintegration into and assumption of a constructive role in society, and in accordance with international human rights standards, in particular the rights of the child.

18. Can indictees be granted bail?

Ans: Indictees have the right to apply for provisional release or bail in accordance with the Rules of Procedure and Evidence. All requests for bail have been rejected by the judges so far on the grounds of security implications and lack of sufficient surveillance mechanisms by the Sierra Leone Police to ensure that the indictees will be available for trials as and when needed.

19. The Lomé agreement provided for amnesty, why the Special Court?

Ans: Even though the Lomé Peace Accord provided for amnesty, International Law does not allow amnesty to serve as a bar to prosecution for violations of war crimes, crimes against humanity and violations of international law, particularly article 3 common to the Geneva Conventions.

20. Can the Court try indictees in absentia?

Ans: Generally no, but yes in certain cases. The Rules of Procedure and Evidence provide that an accused person may not be tried in absentia unless the accused has made his initial appearance, has been afforded the right to appear at his own trials but refuses to do so or the accused after making his initial appearance refuses to make an appearance at his own trials.

In any case, if trials in absentia are granted at all by a judge or trial chamber on the basis that they are satisfied that the accused person has expressly or impliedly waived his right to be present at his trials, the accused may be represented by counsel of his choice or as directed by the Trial Chamber.

Court Procedures

21. What will the court do with the cases of those who are dead?

Ans: The Special Court has already withdrawn the indictments of accused persons such as Foday Sankoh and Sam Bockarie alias Maskita who have been confirmed dead by forensic/medical reports. As the chief Prosecutor has stated, the history of their roles in the conflict will be heard through the testimonies of other indictees.

22. What will happen if the indictees refuse to attend court trials?

Ans: As long as indictees have made initial or subsequent appearances, the trials will continue even if they eventually refuse to attend trials. They will however be represented by counsel of their choice or a court appointed counsel.

23. Can an individual start a case against a perpetrator in the Court?

Ans: No. The Special Court can only try those investigated and indicted by the Prosecutor of the Court for allegedly bearing the greatest responsibility for serious crimes committed in the territory of Sierra Leone since 30th November 1996. The Prosecutor issues indictments based on testimonies and evidence collected from many sources, not just one individual.

Legacy Issues

24. What Legacy will Sierra Leone be left with at the end of the Court?

Ans: Sierra Leone will be left with numerous legacies; including respect for the rule of law, the fight against impunity and the physical structure of the Court. Additionally, many Sierra Leoneans have had the opportunity to work at the Court in various capacities and expand their skills base.

25. What will happen to the Court structures after the mandate of the Court?

Ans: Obviously the Court Structures will remain in Sierra Leone. The Court building along with all structures on the site will be donated to the Government of Sierra Leone when the Court completes its mandate. The Court, after consulting with Sierra Leoneans, will propose potential uses for the site to the Government.

Court Funding

26. Who pays the defence lawyers of the accused?

Ans: The Special Court pays all lawyers defending indigent accused persons; i.e. accused persons who do not have the means to pay counsel. All lawyers are independent and cannot be influenced in the performance of their duties by the Court.

27. Is Special Court budget a loan on Sierra Leone?

Ans: No. The financial and in-kind contributions for the establishment and running of the Special Court are voluntary contributions made by governments interested

in the Special Court. The contribution of the Government of Sierra Leone is limited to in-kind contributions. It does not provide financial contribution to the court. The government made available the 11.5 acres of land on which the court facilities are constructed, and provides services requested by the Court.

Other

28. Why is this Court Special?

Ans: The Special Court is special for the following reasons:

- 1. It is the first international tribunal to be established by a treaty, in this case between the government of Sierra Leone and the United Nations.*
- 2. Unlike other international tribunals it is situated in the country where the crimes under investigation were committed.*
- 3. It operates on the basis of a mixed subject matter jurisdiction of international law and Sierra Leonean domestic law.*
- 4. Unlike the ICTY and ICTR the Special Court is funded from voluntary contributions of governments interested in the Court rather than assessed contributions of UN member states.*
- 5. While other International Tribunals have administrative bodies to deal with the Defence, the Special Court has a dedicated office, headed by the Principal Defender, entrusted with "ensuring the rights of suspects and accused" as set out in Rule 45 of the Special Court's Rules of Evidence and Procedure.*

Indictments

Taylor

29. Will Taylor be tried separately from the other indicted persons?

Ans: If Taylor is brought to the Special Court he will be tried separately.

30. When will Charles Taylor be arrested?

Ans: We do not know. All efforts are being made by the Special Court to make sure he is handed over to the Special Court by Nigeria.

31. Why is the Nigerian government refusing to hand over Charles Taylor?

Ans: President Obasanjo contends that Charles Taylor was sent to Nigeria in exile under an international agreement to end Liberia's civil war in 2003. Nigeria therefore feels obliged to uphold that agreement. Under pressure from the international community President Obasanjo has qualified his position. He now maintains that Taylor can stand trial in Sierra Leone if an elected government of Liberia requests his extradition or if he violates the terms of his asylum.

32. Why has Charles Taylor not yet been surrendered to the Court?

Ans: Because the government of Nigeria refuses to hand him over to the Special Court while he has asylum in

Nigeria under a sub-regional agreement brokered by heads of state of the Economic Community of West African States (ECOWAS).

Norman

33. Why was Hinga Norman Arrested?

Ans: Following investigation and collection of evidence by the Prosecutor's Office, Hinga Norman was arrested on an 8-count indictment issued by the Prosecutor of the Special Court for allegedly bearing the greatest responsibility for serious crimes committed by the Civil Defence Forces during the war. These include unlawful killings, physical violence, looting and burning.

34. I want to know whether it was Hinga Norman who brought the war to Sierra Leone.

Ans: No, Hinga Norman did not bring the war to Sierra Leone. The civil war began in March 1991, when armed individuals attacked Eastern Sierra Leone. It is claimed that these individuals belonged to Corporal Foday Sankoh's RUF.

35. If the Court allows Hinga Norman to stand as presidential candidate and he happens to win, will the court allow him to rule this nation?

Ans: Hinga Norman stands accused at the Special Court for bearing greatest responsibility for crimes committed by the CDF. Since no verdict has yet been given, he is presumed innocent until proved guilty. He is not barred by the Constitution of Sierra Leone from participating in the political process; therefore he is entitled to his political rights. He and any other inditees in custody will be allowed to leave the Court's detention facility if the judges so decide at the completion of trials. In the meantime the Court's judicial processes follow their course.

36. Why was Hinga Norman handcuffed and ill-treated during the course of his arrest?

Ans: The Prosecutor's office has maintained that at the time of the arrests all suspects and inditees, including Mr. Norman, were treated in a manner consistent with international standards and that neither Mr. Norman nor any other inditees before the Special Court were ill-treated.

Kabbah

37. Will the President of Sierra Leone (Ahmad Tejan Kabbah) be indicted after his term of office?

Ans: Only the Court's Prosecutor knows whom he will indict. Nevertheless in accordance with the Statute, being a head of state or government, or a responsible government official is not a bar to prosecution.

38. Will there be peace in Sierra Leone if President Kabbah is not indicted?

Ans: Peace in Sierra Leone depends on adherence to the rule of law, and resolving differences in a democratic fashion; not necessarily on whether someone is indicted or not before the Special Court.

Koroma

39. When will Johnny Paul Koroma be arrested?

Ans: We do not know, but there is an on-going search for him.

40. What will happen to Johnny Paul Koroma if he is not arrested after three years?

Ans: His indictment will not be withdrawn and his arrest warrant will never expire making it possible for him to be tried anytime he is arrested. The issue of bringing indictees at large to justice will be addressed by the Completion Strategy of the Special Court.

Multiple individuals

41. Do you think Johnny Paul Koroma and Charles Taylor will appear before the Court?

Ans: It all depends on their being apprehended by the Court. The Special Court is doing all it can to ensure that all those eluding justice have their day in court.

42. President Kabbah and Hinga Norman, who bears the greater responsibility?

Ans: President Kabbah is not an indictee. The Prosecutor has alleged that Hinga Norman is one of those who bear the greatest responsibility for crimes committed during the war. Judges will determine whether any of the indictees facing trial truly bear greatest responsibility.

Other

43. Are there more people to be indicted?

Ans: Investigations are ongoing; only the Prosecutor's office knows if more people will be indicted or not.

44. Will ECOMOG troops who served in Sierra Leone be brought before the Special Court?

Ans: According to the Special Court Statute if peacekeepers are alleged to bear greatest responsibility they shall be under the jurisdiction of the country that sent them, which shall have primary responsibility for trying them.

In the event the responsible State is unwilling or unable to carry out an investigation or prosecution, the Court may, if authorised by the Security Council on the proposal of any State, exercise jurisdiction over such persons.

45. Why did the court not indict former RUF commander Eldred Collins?

Ans: We do not know. The Prosecutor said he will only indict those who bear the greatest responsibility for crimes when he has sufficient evidence to bring forward charges against them.

46. Why are women not indicted?

Ans: The Prosecutor has always maintained that he will follow the evidence where it leads. Those that have been indicted allegedly bear greatest responsibility. We do not know whether women or other men will be indicted.

47. Why not indict Muammar Gadhafi of Libya?

Ans: We do not know. The Prosecutor said he will only indict those who bear greatest responsibility for crimes, when he has sufficient evidence.

48. What has happened in the case of Foday Sankoh?

Ans: Foday Sankoh's indictment was withdrawn by the Prosecutor after he had been medically confirmed dead.

Political Legal

National issues/politics

49. Did the President ask the consent of the people of this nation before inviting Special Court to Sierra Leone?

Ans: The President has a Constitutional right to enter into agreements without going into a referendum. However for such Agreements to become law in Sierra Leone they must be approved by the people's representatives in Parliament. In any case long before the President's letter to the Secretary General, the people of Sierra Leone, civil society, and NGOs advocated for justice for victims of crimes committed during the war.

50. What actions can the community take against a non-law-abiding ex-combatant?

Ans: The community can bring such persons to the attention of law enforcement authorities. Such persons can also be prosecuted in a national court of law for breaking the law.

International issues/politics

51. What is the current political situation in Liberia?

Ans: Liberia is just emerging from war and is in a transitional phase.

General Law

52. What is the main difference between war crimes and crimes against humanity?

Ans: War crimes are violations of the law and customs of war. They are committed in times of war. Crimes against Humanity can be committed during war or in times of peace.

Witnesses-Victims

Witnesses

53. How will witnesses be protected?

Ans: There is a Witness and Victims Support Unit (WVS) at the Special Court that is responsible for the protection of witnesses. They use various protective measures such as pseudonyms, safe houses, voice and face distortion, hearings through TV screens with faces of witnesses distorted and evidence behind screens so that only the judges, indictees and the lawyers on both sides can see the witness.

54. Are witnesses paid?

Ans: No, witnesses are not paid. All necessary costs involved in facilitating their movement, lodging, food, health and other necessary miscellaneous expenses while in the service of the Court are paid by the Court. This applies to both Prosecution and Defence witnesses.

55. Why are witness identities hidden from the public?

Ans: Witness identity is hidden from the public if the witness expresses fear for his/her security and safety, or if the Court determines that the witness' security will be compromised as a result of giving evidence in court.

56. How does the Court get its witnesses?

Ans: The court gets witnesses in the following ways:

- a) *Witnesses come forward and offer to relate what they know that is relevant to the alleged crime(s) in the indictment*
- b) *Witnesses are identified by investigators in the field*
- c) *Victims can be witnesses or can identify individuals who can serve as witnesses*
- d) *Accused persons identify witnesses they believe have information that is relevant to the allegations*
- e) *Accused persons can also choose to serve as witnesses in their own defence.*

Victims

57. When will the Court look into the compensation of victims?

Ans: We do not know. Such issues shall be addressed in Court as and when they arise.

58. I am a victim of Kamajor torture. How can I pursue my case in the Special Court?

Ans: Only the Prosecutor can bring indictments against accused persons. Victims' roles are limited to serving as witnesses. You can contact the Prosecutor's Office at the Special Court. We can also ask for the Office to get in contact with you.

Other

59. Why are detainees allowed to smoke and not to drink beer?

Ans: The rules governing detention at the Special Court set out what is or is not allowed on the detention premises. The rules governing indictees on trial (i.e. not convicted) are different to those governing indictees if convicted.

60. What is the Court going to do for school-children?

Ans: The Court does not provide any material assistance to children but through its Outreach Section it has undertaken several nationwide educational and informative programs for children such as trainings, debates and quiz competitions and radio discussions.

The legacy the Court will leave for children is respect for human rights, the rule of law, and non-violent communication. The long-term legacy of the Court for children will be the additional protection it provides through increased stability in Sierra Leone and specific prosecution of crimes against children.

SECTION IV

OUTREACH EXPERIENCES

This section includes chapters describing Outreach's achievements; best practices and lessons learned; challenges and opportunities drawn from these experiences

CHAPTER 12

OUTREACH ACHIEVEMENTS

Introduction

The Outreach Section's achievements have been significant in terms of both Sierra Leone and the broader cause of international justice. National and international recognition of the Section's success has motivated other institutions to create their own outreach programs. In Sierra Leone, these included the National Electoral Commission (NEC), and Enhancing Interaction and Interface Between Civil Society and the State (ENCISS) - an office created by the UK's Department For International Development. In addition to the sum of individual events and programs, the Section's efforts have a significant impact on multiple facets of Sierra Leone society. Most obviously, Outreach efforts contributed to institution building in a number of targeted groups. More generally, the Section facilitates necessary dialogue within and between societal groups, and helps increase mutual understanding between Sierra Leoneans and the Court.

Some of the most significant contributions of the Outreach Section include:

Promoting civil society participation in the Special Court's activities

The Outreach Section facilitates broad societal dialogue about the Special Court and transitional justice within Sierra Leone. This dialogue occurs both within individual societal groups and between them, and is mediated through Outreach events like panel discussions, community town hall meetings and training sessions. Outreach's efforts to spark dialogue rather than simply provide the Special Court's point of view on specific issues encourage this societal dialogue and reflection. An example of these efforts is the National Victims Commemoration Conference and the associated preparatory meetings. Participants included all major Sierra Leone civil society organisations.²⁵ The conference dealt with fundamental issues affected by the limited mandate of the Court, identifying and addressing civil society expectations and criteria for evaluation of the Court. Among the most important discussions was dialogue between delegates and individuals who drafted

the Special Court Statute, which was agreed to without Sierra Leone civil society input. Delegates also discussed their criteria for assessing the Special Court's performance.²⁶

A related Outreach achievement was the extent it was able to cooperate with Sierra Leonean civil society partners to spread accurate information and encourage discussion about the Special Court. One example of this cooperation was a program of video screenings and accompanying sensitisation run by organisations including the Centre for the Coordination of Youth Activities' (CCYA), the Coalition for Justice and Accountability (COJA) and the Coalition of Civil Society and Human Rights Activists.

Linking the people to the Court

The Outreach Section has facilitated direct interaction between members of Sierra Leone civil society and Special Court officials in the Office of the Prosecutor (OTP), Office of the Principal Defender (OPD) and Registry. These efforts allow Sierra Leone civil society to enter into direct dialogue with the leadership of the Court. While there are often disagreements over specific issues, the existence of this dialogue makes the Court seem less isolated from the concerns of Sierra Leone's people. These efforts are particularly important because the physical isolation of the Court (it is located behind a large wall protected by barbed wire and armed guards) combined with the high level legal analysis that constitutes its primary function, makes the Court's actions difficult to understand for many Sierra Leoneans.

Public education

The Outreach Section's activities have contributed to an increase in Sierra Leoneans' understanding of key legal issues. This educational effort is conducted through print publications, radio programs, training and other Outreach programs. Key issues in the education campaign include human rights and international humanitarian law; fundamental principles of impartiality, independence and equality before the law; and due process of law concepts like victim's right to justice and the rights of the accused.

²⁵ More than one hundred civil society organisations collaborated in organising the event.

²⁶ See Appendix F for more information on civil society criteria for evaluating the Special Court.

Reaching out to socially marginalised groups

Outreach has sponsored significant dialogue with marginalised groups like women, children and the disabled. Outreach efforts in these sectors are sometimes groundbreaking, especially in its work with disabled people. Outreach provides these groups with an opportunity to make their voices heard in Sierra Leone's transitional justice process. In recognition of its work with disabled people, the Law Reform Commission requested that Outreach contribute to discussions that may lead to passage of laws providing significant additional rights to the disabled.

Encouraging societal debate on transitional justice

Outreach continuously attempts to encourage constructive societal debate about the Special Court and transitional justice activities more generally. One example of this effort is its sponsorship of school debates through the Childrens' Program.

Institution building

Outreach is contributing to institution building within diverse groups in Sierra Leonean society. This impact is most evident through Outreach's targeted information provision work. The specialised briefing and training sessions it organised provided empowerment and access to core rule of law concepts for a number of important groups. Notably, disabled organisations and religious leaders received training on rule of law issues for the first time-empowering them to comment more knowledgeably on judicial matters and to advocate for their rights under law. A priority for the Outreach Section was engaging potentially destabilising groups like ex-combatants, the army and youth. Military enlisted personnel, for example, received training and support on core rule of law and international humanitarian law concepts. These training efforts assisted with capacity building within the military and contributed to constructive discourse about the war and justice within Sierra Leone.

Outreach's programs also strengthened the civil judiciary within Sierra Leone. Outreach's large-scale efforts to explain the way an adversarial trial works, through booklets, posters and oral presentations increased the general public's familiarity with the civil court system and their ability to use it. This increased awareness may also contribute to greater support for reform of the customary judiciary, which currently governs 85% of Sierra Leone's population.

CHAPTER 13 CHALLENGES AND OPPORTUNITIES

Introduction

Outreach faces a number of internal and external challenges, including funding problems, accusations of

bias, outside influences and complicated logistics. Some of these challenges, especially those related to outside influences and logistics-are linked to factors that also provide opportunities for the Outreach Section to maximise its impact. Nonetheless, they continue to serve as an impediment to the Section's activities.

Public perceptions of the Court

As discussed in preceding chapters, the goal of Outreach is to stimulate public discussion about the Special Court, not to garner support for it. In this regard, it is important to note that, gauging from public reactions, Outreach's efforts do not always translate into universal acceptance of either the Court or related messages. Many Sierra Leoneans continue to have serious reservations about certain aspects of the mandate and operations of the Court. The bases of these reservations include: a general sense among Sierra Leoneans that the mandate of the Court is too limited and that individuals who served as lower level commanders during the war should be indicted; frustration over the inability or perceived unwillingness of the Court and the international community to arrest indictees at large, Charles Taylor in particular; and disappointment following the deaths of key indictees Foday Sankoh and Sam Bockarie who allegedly belonged to the RUF. Opponents of the Court frequently argue that its funding should be used on direct aid programs to assist with social development instead. Further, certain groups of Sierra Leoneans feel very strongly that Chief Hinga Norman, the former Coordinator of the CDF was fighting a "just war" and should never have been indicted.

Major Internal Challenges

Funding

Difficulty in securing sufficient funding is the most serious problem facing the Outreach Section. In 2003, the Management Committee of the Court decided to eliminate support for the Outreach Section entirely. Fortunately, outside funding (primarily from the European Union (EU) and the Open Society Institute for West Africa (OSIWA)) allowed the Section to survive and continue its activities, but these efforts remain dependent on outside funding, as does the Special Court as a whole. Continued uncertainties over funding, combined with shortfalls during certain periods of its operations, have hampered the activities of Outreach. Many programs were delayed or have had to be scaled down due to funding shortfalls. The Section's leadership was obliged to spend considerable time on funding rather than concentrating solely on the design and implementation of Outreach policies and activities. This problematic state of affairs made the Section less effective than it might otherwise have been.

One of the problems facing the Outreach Section in obtaining funding is that its existence is not required by the Special Court's founding Statute. This status makes it easier to target the Section during funding cuts.

While legal units of the Court are allocated funds without extensive debate, Outreach is not considered a core function of the Court. The groundbreaking nature of the Section's establishment makes it harder to justify when set against long established departments like the OTP and Press and Public Affairs.

Accusations of bias

Despite the Section's policy of neutrality both the Office of the Principal Defender and the Office of the Prosecutor have at times accused Outreach of bias. However, no credible evidence has ever been produced to substantiate these accusations.

Major External Challenges

External organisation's activities

Other organisations, especially the Truth and Reconciliation Commission (TRC), have sometimes had negative relations with the Court. The TRC had problematic relations with the Special Court as a whole, and though Outreach continued to successfully carry out its work, the negative environment between the two leading Sierra Leonean transitional justice institutions at times distracted from central messages of reconciliation, peace and justice. The issues dividing the TRC and the Special Court (e.g. conditions under which Special Court detainees could testify to the TRC) did not rest in the Outreach Section, making it harder to immediately address the core bases of disagreement. Outreach responded to the division by emphasising the common principles that the two institutions stood for.

Poor infrastructure

The poor state of the roads, electricity provision and telecommunications makes organising events in certain areas outside Freetown costly and time consuming. These difficulties were especially challenging during the early days of Outreach's existence-and were compounded by the lack of key tools like battery operated audiovisual equipment. While this equipment was eventually obtained, the enormous expenses associated with this constitutes a limitation on other potential Outreach activities. Since Outreach began its activities, infrastructure quality has improved as road work was undertaken and cellular telephone coverage expanded. But even after recent improvements, road conditions still complicate and reduce the scope of Outreach events, and the continuing high cost of cellular calls makes extensive use impractical.

OPPORTUNITIES

The challenges faced by the Outreach Section in Sierra Leone are also linked to opportunities for greater impact. For example, while tensions with other organisations like the TRC made it harder to achieve constructive dialogue in all cases, the large number of organisations involved in this issue indicates the importance of transitional justice to Sierra Leone, and the great interest that Sierra Leoneans have in the work of the Special Court. This interest translates into very high attendance at almost all Outreach events, along with great receptivity to

Outreach attempts to encourage dialogue.

Even negative commentary about the Special Court by other institutions often serves to increase interest in the institution, and as an opportunity for the Outreach Section to distribute unbiased facts about the Court. In this sense, the challenges posed by other institutions' actions and rhetoric are less significant than the high levels of public interest in the Special Court that these challenges both underscore and generate.

Sierra Leone's poor communications infrastructure is another opportunity. In those cases where the poor road and communications networks are successfully negotiated, public interest and attendance at Outreach events is especially high as people are willing to travel a greater distance to seek information when it is not widely available. This allows the Outreach Section to engage in more substantive and extended dialogue with communities about their reactions to and ideas for the Special Court than is possible in more information rich areas.

CHAPTER 14 BEST PRACTICES AND LESSONS LEARNED



Deputy Prosecutor, Chris Staker

Introduction

This chapter highlights best practices developed within the Outreach Section and lessons learned from its experience with alternative approaches. It also provides a series of recommendations that may be useful for setting up an Outreach Section in other institutions. Finally, the chapter outlines some key lessons that a new Outreach Section may wish to consider.

Best Practices

Policy and Program Planning

Outreach's mission was clearly defined by a mission statement and a set of core values. The values of accountability, neutrality, engagement and independence provide a basis from which to make decisions and serve as justification for them when challenged. The Section developed a strategic plan outlining activities that implement its mission statement. Undertaking extensive planning ensured that the Section was more focused and effective at conducting relations with the general population and other parts of the Court.

Staff Role Definition

Outreach staff are required to identify themselves and their role in order that they not be taken as representatives of the OTP, OPD or Chambers. They are also instructed not to participate in judicial operations like investigations and witness identification or preparation. This is important because it is easy for the general public to confuse the roles of different Court representatives, and Outreach has to remain objective in its dual roles of disseminating information and promoting dialogue.

Policy and Program Implementation

Serving as neutral information conduit

The Outreach Section succeeded in becoming a neutral information conduit by not acting as a cheerleader or propagandist for its parent institution. Impressions of Outreach neutrality are drawn from the tone of materials and public representatives as well as reactions to public challenges. Question and answer sessions at Outreach programs are open-ended rather than pre-determined, and allow the expression of diverse views. By maintaining a factual tone and encouraging the expression of all views about the Court when facilitating discussions, Outreach is able to credibly claim the role of neutral bridge between the Court and Sierra Leoneans and between different segments of the public. Neutrality is important in fostering the expression of diverse views on the judicial process, in particular those of victims and ex-combatants.

Developing rapport with Sierra Leonean communities

Outreach adopts culturally appropriate information dissemination techniques. On a basic level, it uses both general and targeted outreach to create wide ranging networks and partnerships with national and local communities. More specifically, the Section also uses both traditional and modern communication tools. For example, the Section uses both community town hall meetings and radio broadcasts to communicate many of its messages. In addition, all Outreach publications are rigorously screened to ensure that cultural references are comprehensible and non-offensive. These actions are part of a broad effort to establish strong connections with Sierra Leone communities through frequent consultation and continuous contact.

Focusing on core issues

Outreach communications focus on a few core issues relating to the rule of law. Despite many opportunities to do so, the Section rigorously avoids any entanglement with national or local political disputes that are directly linked to the presence of the Special Court. This effort adds to the Section's reputation for neutrality and avoids distracting and time consuming dialogue about issues not germane to Outreach's work.

Promoting participation of Court staff

The Outreach Section continually involves all sections of the Court in its activities. In addition to sponsoring visits by OTP and OPD representatives to different parts of Sierra Leone (to address legal issues they are best placed to explain), the Section also arranges for Special Court staff from all departments to attend events like town hall meetings. These visits allow all departments to both appreciate the work that Outreach is doing and have a sense of the concerns held by ordinary Sierra Leoneans. It also gives a human face to the Court by allowing interaction between diverse segments of Sierra Leone's population and a broad range of Special Court staff.

Documenting views and opinions

Outreach tries hard to understand Sierra Leonean views. On a basic level, Outreach sponsors numerous events involving various parts of Sierra Leone civil society. In addition, Outreach collects data at its events. For example, questions asked at all outreach events are recorded and categorised (see Chapter 10 for a discussion of this data). These efforts helped Outreach tailor its program to the needs of Sierra Leone's people and convey their concerns to key officers of the Special Court.

LESSONS LEARNED

In addition to the best practices it adopted, the Outreach Section's experiences point to a number of major steps that should have been adopted by the international community, the Special Court and the Outreach Section but were not.

1. The international community should have made the Outreach Section part of the Special Court Statute. Not doing so led to crucial delays in the launching of coordinated outreach education and information programs and some of the constraints discussed in Chapter 13. Ideally this inclusion should have led to the formation of the Section before other departments in the institution, in order to appropriately prepare the affected general public for the upcoming tribunal. This would probably have addressed the concerns expressed by the OPD that initial Outreach activities by the Prosecutor disadvantaged the Defence Office. Inclusion in the Statute would also guarantee funding as part of the Court's overall budget and remove some of the uncertainty that Outreach faces as a result. This uncertainty weakens existing programs and undermines staff morale by suggesting that Outreach is less important than other programs. It also increases the amount of time spent by Outreach staff fundraising and responding to conflicting and complicated reporting obligations from different donors, as opposed to core Outreach activities.



Principal Defender, Vincent Nmehielle

2. The Special Court should have considered merging the Outreach and Public Affairs section into one overall department (“External Affairs”). Greater coordination and cooperation between the two sections could have been achieved if this proposed plan had been implemented. In particular, Outreach would have had earlier access and more time to prepare for scheduled releases of confidential information. An External Affairs department would maintain a policy of cooperation that guaranteed the independence and equality of both sections. This policy will also outline a common strategic plan that promotes coordination with all organs of the Court. While promoting coordination between the sections, this policy would ensure that their distinct and important missions were preserved. It would also address the issue of access to confidential information by individuals concerned with both Outreach and Press.²⁷

3. The Outreach Section should have undertaken a number of initiatives within the Court. The two most important were that policies and guidelines governing relations with other units should have been adopted much earlier than they were. Not doing so led to confusion and misunderstanding about Outreach activities and broader role. Secondly, written policies regarding relations with other units should be reviewed and approved by all parties concerned, and deal with issues like information release, control over jointly sponsored events etc.

4. The Outreach Section also failed to implement a number of worthwhile programs because of time and financial constraints. These included a diaspora project that would have engaged Sierra Leoneans overseas and a West African outreach project focusing on sub-regional dialogue. In retrospect, greater efforts should have been made to advocate for funding that would have supported these projects.

²⁷ Information access policies are context specific. In the case of the Outreach Section at the Special Court, the most appropriate information access policies would have been for the Section Coordinator to be informed as soon as a decision to publicise confidential information was made, and prior to its release.

APPENDICES

APPENDIX A

TIMELINE OF SIERRA LEONE AND SPECIAL COURT HISTORY

April 1961	Sierra Leone achieves independence from the United Kingdom
April 1968	Siaka Stevens becomes Prime Minister of Sierra Leone
May 1978	Sierra Leone's Parliament votes to make it a single-party state
November 1985	Joseph Momoh becomes President of Sierra Leone
August 1990	Sierra Leone returns to a multiparty system
March 1991	Sierra Leone civil war begins
April 1992	A coup deposes President Momoh and installs Captain Valentine Strasser as President
March 1996	President Ahmed Tejan Kabbah elected President
November 1996	Abidjan Peace Accords signed
May 1997	President Kabbah is deposed in coup by Armed Forces Revolutionary Council (AFRC) led by Major Johnny Paul Koroma
March 1998	President Kabbah returns to power with assistance from ECOMOG peacekeepers
July 1999	Lomé Peace Accords signed, calling for power-sharing and a general amnesty for all parties
May 2000	Demonstrations in Freetown calling for Foday Sankoh to lay down arms lead to shootings and his eventual arrest
June 2000	The Government of Sierra Leone writes to the United Nations Secretary General Kofi Annan requesting assistance in setting up a war crimes tribunal
August 2000	The United Nations Security Council passes Resolution 1315 authorising the Secretary General to begin the process of establishing the Special Court for Sierra Leone
January 2002	The UN and the Government of Sierra Leone sign the Agreement that establishes the Special Court
March 2002	Sierra Leone's Parliament passes the Special Court Agreement (Ratification) Act 2002, that makes the Special Court official under Sierra Leonean law
April 2002	The UN Secretary General appoints the Registrar, Robin Vincent (UK), and the Prosecutor, David Crane (USA)
July 2002	The United Nations and the Government announce the eight Judges appointed to the Trial and Appeals Chamber
July 2002	The Registrar and Prosecutor arrive in Freetown; investigations are launched, construction of the Court begins and administrative functions are established
December 2002	The eight original Judges of the Special Court are sworn in
March 2003	The judges amend the Rules of Procedure and Evidence for the Special Court, which regulate the conduct of a trial and the operations of the Court; first set of indictments are issued and the indictees are arrested and taken into detention
June 2004	The CDF trial begins (accused: Norman, Kondewa, and Fofana) before Trial Chamber I.
July 2004	The RUF trial begins (accused: Sesay, Kallon, and Gbao) before Trial Chamber I.
March 2005	The AFRC trial begins (accused: Brima, Kamara, and Kanu) before Trial Chamber II.

APPENDIX B

INFORMATION ON DETAINEES

Accused		Indictment Approved	Detention Status	Trial Start Date	Alleged Crimes
CDF	Norman	7 Mar 03	Detained since 10 Mar 03	3 June 04	<ul style="list-style-type: none"> • Unlawful killings • Physical violence and mental suffering • Looting and burning • Terrorising civilians and collective punishments • Use of child soldiers
	Kondewa	26 Jun 03	Detained since 29 May 03	3 June 04	
	Fofana	26 Jun 03	Detained since 29 May 03	3 June 04	
RUF	Sesay	7 Mar 03	Detained since 10 Mar 03	5 July 04	<ul style="list-style-type: none"> • Terrorising civilians and collective punishments • Unlawful killings • Sexual violence • Physical violence • Use of child soldiers • Abductions/forced labour • Looting and burning • Attacks on UNAMSIL
	Kallon	7 Mar 03	Detained since 10 Mar 03	5 July 04	
	Gbao	16 Apr 03	Detained since 19 Mar 03	5 July 04	
AFRC	Brima	7 Mar 03	Detained since 10 Mar 03	7 Mar 05	<ul style="list-style-type: none"> • Terrorising civilians and collective punishments • Unlawful killings • Sexual violence • Physical violence • Use of child soldiers • Abductions/forced labour • Looting and burning
	Kamara	28 May 03	Detained since 29 May 03	7 Mar 05	
	Kanu	16 Sep 03	Detained since 17 Sep 03	7 Mar 05	
	Taylor	7 Mar 03	Granted Asylum in Nigeria	Not Yet Determined (Not in Custody)	<ul style="list-style-type: none"> • Terrorising civilians and collective punishments • Unlawful killings • Sexual violence • Physical violence • Use of child soldiers • Abductions/forced labour • Looting and burning • Attacks on UNAMSIL
	Koroma	7 Mar 03	At Large	Not Yet Determined (Not in Custody)	<ul style="list-style-type: none"> • Terrorising civilians and collective punishments • Unlawful killings • Sexual violence • Physical violence • Use of child soldiers • Abductions/forced labour • Looting and burning
	Bockarie	7 Mar 03	Dead, Indictment Withdrawn 8 Dec 03		
	Sankoh	7 Mar 03	Dead, Indictment Withdrawn 8 Dec 03		

All accused are presumed innocent in accordance with Article 17, dealing with the Rights of the Accused (overleaf)

Article 17

Rights of the accused

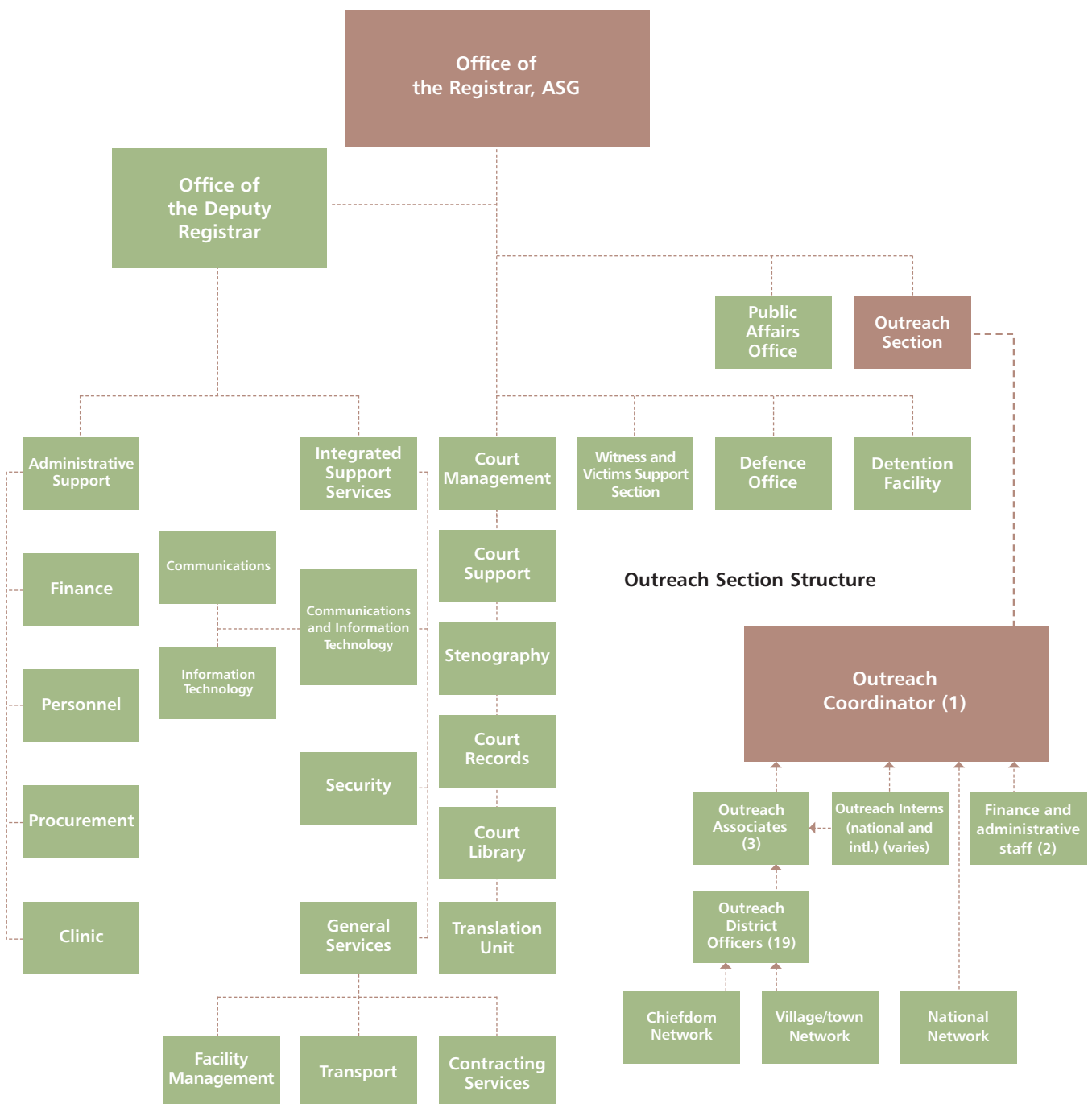
1. All accused shall be equal before the Special Court.
2. The accused shall be entitled to a fair and public hearing, subject to measures ordered by the Special Court for the protection of victims and witnesses.
3. The accused shall be presumed innocent until proved guilty according to the provisions of the present Statute.
4. In the determination of any charge against the accused pursuant to the present Statute, he or she shall be entitled to the following minimum guarantees, in full equality:
 - a. To be informed promptly and in detail in a language which he or she understands of the nature and cause of the charge against him or her;
 - b. To have adequate time and facilities for the preparation of his or her defence and to communicate with counsel of his or her own choosing;
 - c. To be tried without undue delay;
 - d. To be tried in his or her presence, and to defend himself or herself in person or through legal assistance of his or her own choosing; to be informed, if he or she does not have legal assistance, of this right; and to have legal assistance assigned to him or her, in any case where the interests of justice so require, and without payment by him or her in any such case if he or she does not have sufficient means to pay for it;
 - e. To examine, or have examined, the witnesses against him or her and to obtain the attendance and examination of witnesses on his or her behalf under the same conditions as witnesses against him or her;
 - f. To have the free assistance of an interpreter if he or she cannot understand or speak the language used in the Special Court;
 - g. Not to be compelled to testify against himself or herself or to confess guilt.

APPENDIX C SPECIAL COURT AND OUTREACH ORGANISATION CHART

Special Court for Sierra Leone: Organisation



Special Court for Sierra Leone: Registry



APPENDIX D

CASE STUDIES: ORGANISING OUTREACH EVENTS

Introduction

This chapter provides a detailed case study of events representative of Outreach activities including community town hall meetings, attendance at trials by community members from all over Sierra Leone and by school children, training of target group (in this case of military personnel) and the establishment of the Accountability Now Clubs (ANCs). These case studies should provide some idea of the required levels of preparation for different types of events and their time-scale, while also serving as a helpful guide for other organisations planning similar outreach efforts. General descriptions of the various events can be found in chapter 6 of this report.

1. Case study of community town hall meeting with the Principal Defender aimed at the general public in Kambia

Court Officials/Outreach Team

Pre-event arrangements

- *First week of September, 2005:* Scheduled program of Defence visits with Office of the Principal Defender-communicated these to District Officers. Kambia visit set for November 17, 2005. Meeting for general public is at 10:00am, meeting with police is at 2:00pm. All events held in Kambia Town Hall;
- *Mid-September 2005:* Arranged pre-consultations with traditional leaders/community elders in Kambia;
- *22 September, 2005:* Sent follow-up letter informing traditional leaders in Kambia of event date and time;
- *Throughout October, 2005:* Consulted and made plans with Security, Transport, General Services and other Units;
- *Early November, 2005:* Planned and deployed publicity campaign in Kambia involving radio discussions/announcements. Advertising means include megaphones used in announcing the event;
- *12 November, 2005:* Materials for distribution at the meeting prepared;
- *14 November, 2005:* Logistical problems involving a landing location for the helicopter surfaced. Outreach in coordination with the Security Section communicated with contacts in Kambia to arrange for a school to allow the UN helicopter to land on its playing fields;
- *16 November 2005:* Advance team left by car to begin logistics, security, transport and briefing arrangements.

Event Day - November 17, 2005

- *9:00am:* The Helicopter carrying the Principal Defender and observers from the Special Court left Freetown;
- *9:30am:* helicopter landed in Kambia, was met by a representative of the advance team along with vehicles, which transported the Special Court representatives to Kambia Town Hall;

- *9:30am:* As the helicopter was landing Outreach representatives in Kambia Town Hall ensured that all arrangements are in place, including PA system and generator;
- *10:00am:* Outreach staff distributed agendas and other required informational material;
- *10:00am:* No chairperson was appointed (in order to allow more direct communication with the Principal Defender) but the local Paramount Chief made an opening statement and an Imam was asked to say a prayer;
- *10:15am:* An Outreach officer gave a brief explanation of Outreach working guidelines to the audience (e.g. strict neutrality and independence from prosecution/defence);
- *10:20am:* Principal Defender gave a short talk (these are usually between 10 and 20 minutes). He discussed the role of the Defence team using examples from sports to illustrate his point, emphasising the importance of a fair trial and the rights of the accused;
- *10:40am:* Question and answer session with audience (these usually last between 1 and 1.5 hours). In a typical exchange, one audience member asked how the Principal Defender could justify representing people who had done terrible things. The Principal Defender reminded the questioner of the presumption of innocence, and explained the importance of the rights of the accused;
- *11:55am:* Closing remarks by the Paramount Chief;
- No payment, no transport, no refreshment was provided to attendees as per Outreach policy;
- Special Court staff had two hours to rest before the next meeting began at 2:00pm;
- *2:00pm:* The Police meeting followed the same format as the morning session;
- *4:00pm:* Principal Defender and Special Court staff were transported to the helicopter; The advance team packed equipment in cars and returned to Freetown.²⁸

2. Case study of attendance at trials by up-country representatives from Koinadugu

Pre-Event - Consultation

- *Early September, 2005:* October 2005 was identified as a good time to encourage provincial visits;
- *Late September, 2005:* On their monthly visit to Freetown, District Outreach Officers were asked to identify individuals who would be invited to attend through consultation with the relevant local stakeholders and community elders in their areas. Guidelines for the visit were decided;
- *Early October, 2005:* The Koinadugu District Outreach Officer held consultations with local community leaders to choose representatives who would have their visit to attend the trials sponsored;
- *Early October, 2005:* Individuals identified in Koinadugu were sent a letter of invitation with dates and information on financial arrangements (a lump sum payment on arrival at the Court) after which they are free to remain as long as they wish in Freetown. Most remained between three days and one week;

- *October 15, 2005*: Individuals travelled to Freetown to attend the trials.

Event Days - October 16-19, 2005

- *8:30am*: Invitees from Koinadugu came to the Court with a note from their District Outreach Officer;
- *8:45am*: Freetown-based Outreach staff facilitated the invitees passage through security to the Court, and gave them a short tour;
- *9:15am*: Invitees sat in courtroom 2 to attend the AFRC trial;
- *Afternoon*: Invitees were provided with the promised lump sum payment to reimburse for their transportation and accommodation expenses;
- *October 19, 2005*: Invitees returned to Koinadugu, after three days of attending trials, able to relate first-hand their experience of the Special Court.

3. Case Study of a Tour of the Court by Secondary School Students

Pre-event

- *Early October, 2005*: Outreach consulted with Court Management and Security to assess the feasibility of the preliminary schedule of Court visits by schools;
- *Mid-October, 2005*: Letter was sent to Director of the JFK School, inviting a visit to the Court on 7 December, 2005. Acceptance was received soon after invitation was sent;
- *Last week of November, 2005*: The Chief of Security and other Court officials concerned (such as Court Management and CITS) were informed about the specifics of the next week's visit (Court visits are scheduled for every Wednesday during school term, so it is not a surprise). Outreach staff also confirmed that the OTP and OPD would send a representative to brief the students as usual and checked that the JFK School was still coming.

December 7, 2005

- *1:45pm*: Students (about 60) arrived at the Court front gate;
- *2:00pm*: Outreach staff and a security officer met the JFK students at the gate. The students were divided into smaller groups to enhance easy movement through the Court premises on tours led by Outreach staff. The Court tour started at the main gate, making stops at every section/office, briefing the students on their various functions and activities;
- *3:00pm*: Students went to the public gallery of Courtroom 2 for a briefing by the OTP and OPD, including a question and answer session and distribution of informational materials;
- *3:30pm*: Students left the Court.

4. Case Study - Military training in Kailahun

Pre-event (Consultations and Preparations)

- *Early August 2004*: Two day training session proposed by Outreach. The Section produced a concept paper on training outlining aims, objectives and methodology;
- *Late August 2004*: Consulted with Ministry of Defence to seek cooperation and approval of training objectives;
- Section developed a budget for the training session;
- *Early September 2004*: In consultation with Ministry of Defence officials Outreach team identified areas where training would take place, the number of military personnel to be targeted and other details. Kailahun was chosen as one training location;
- *Mid-September 2004*: Outreach staff wrote to the Ministry of Defence, confirming the training sessions and proposing a time and date. November 2 and 3, 2004 were proposed. The Ministry of Defence coordinated the program and logistical details with the units concerned;
- *Late September 2004*: Outreach team members followed up with senior military officials and finalise agreements on the dates and times of training, including that in Kailahun;
- *Late September 2004*: Reading and other informational and educational material was prepared for distribution in training sessions;
- *Early October 2004*: The Kailahun District Officer arranged for catering and other logistical services;
- *Early October 2004*: Outreach team began national tour of military training sites. In addition to Kailahun, training was planned for Kono, Kamakwie, Kabala, Kambia, Freetown, Moyamba, Pujehun, Daru and Yele;
- *31 October, 2004*: Outreach team travelled from Pujehun to Kailahun;
- *1 November, 2004*: Outreach team made final preparations for training and rested.

Training Days (Nov. 2/3)

- *9:00am*: Just before training started the military Chaplain and Imam offered opening prayers;
- *9:10am (only November 2)*: The military officer-in-charge gave a welcome address and explained the purpose of training;
- *9:30am*: The Outreach team (with facilitators) conducted training, with breaks for tea, lunch etc, in between. Training subjects included: Background to the establishment of the Special Court, the Special Court statute and International Humanitarian Law;
- *3:30pm*: All trainees were divided into groups for discussions, after which they reported back to a plenary session;
- *5:00pm*: Outreach team prepared to travel to Daru the next day for the next session of military training.

5. Creating Partnership Structure - Accountability Now Club (ANC)

Accountability Now Club Creation

ANC clubs initially consist of a core of about 20 “frontline members” chosen by application, who constitute the leadership of each club. They are supported by a larger regular membership that is enrolled without specific screening. As individual clubs evolve, specific procedures for becoming a frontline member or remaining a regular member are created on a campus level.

Campus Organisation Case Study-Njala University College (NUC)

- *2 June 2003*: Outreach staff wrote to the Principal of NUC and key academic departments (e.g. International Relations) in order to schedule a meeting where the ANC program could be introduced;
- *June 18-19 2003*: Meetings held with the Principal of NUC and key professors. In addition to supporting the effort, Court staff received advice about the right times to hold organisational meetings, and special facts to consider when working with NUC students;
- *20 June 2003*: A teaser poster campaign was launched at NUC to increase interest in ANC clubs (posters told those interested in human rights/the Special Court to watch for more information about the ANC program);
- *Mid-late June 2003*: Preparation for the organisational meeting included the creation of a descriptive pamphlet in appropriate languages and a membership application form;
- *20 June, 2003*: Posters giving the date of an organisational meeting were placed around the NUC campus;
- *July 2, 2003*: organisational meeting for ANC clubs was held: This included an introduction by a senior faculty member, brief description of ANC and its aims, and careful emphasis on what the program is not (e.g. it is not a fellowship or employment program);
 - organisational meeting included some time for questions and answers, as well as distribution of descriptive leaflets;
 - organisational meeting included distribution of membership applications and applications for “frontline” membership. These could either be submitted at the meeting or at a specified drop-off point by July 5;
- *July 6, 2003*: “Frontline membership” applications were screened. Those determined to be most promising were invited to an interview, after which the initial group of frontline members was selected. Special attention was given to gender diversity;
- *July 15, 2003*: “Frontline members” were invited to national training days, after which they were provided with membership lists and instructed to begin ANC activities at the NUC campus.

National Organisation-General Points

- On a national level, standard support and requirements for all ANC clubs is decided before individual campus Organisation started. These decisions include the leadership structure for individual ANC clubs, setting standard requirements to remain or become a “frontline member”, and creation of training modules for “frontline members”;
- After guidelines are drafted and “frontline members” selected from multiple institutions, these individuals are invited to national training. The exact focus of this will vary, but includes information about the Special Court and transitional justice, accounting, leadership, fundraising, club administration requirements and ideas for events (e.g. drama, community meetings etc.);
- After training, “frontline members” are provided with broader membership lists and sent back to their campuses to organise the club structures and begin holding events;
- “Frontline members” are encouraged to hold their own training sessions for regular members of local ANC clubs, in addition to sponsoring particular outreach events that discuss the Special Court, transitional justice and good governance;
- Clubs continue to benefit from moderate financial support for individual projects and general supervision by Outreach staff.

APPENDIX E

DATA FOR QUESTION ANALYSIS WITH INTERPRETATION GUIDANCE

Raw Breakdown of Questions Asked at Outreach Events

Major Category	Subcategory	Pre Trial Numbers	Post Trial Numbers	Total Numbers
Court Facts and Procedures	General Facts	357	482	839
	Court Procedures	27	102	129
	Legacy Issues	18	45	63
	Court Funding	35	64	99
	Other	39	28	67
	Total	476	721	1,197
Indictments	Taylor	91	132	223
	Norman	54	75	129
	Kabbah	41	79	120
	Koroma	27	56	83
	Multiple individuals	21	40	61
	Other	127	205	332
	Total	361	587	948
Political-Legal	National issues/politics	22	43	65
	International issues/politics	6	36	42
	General law	11	12	23
	Timing issues for Court	5	15	20
	Conduct of War	0	11	11
	Other	20	6	26
	Total	64	123	187
Witnesses-Victims	Witnesses	65	108	173
	Victims	24	45	69
	Total	89	153	242
Other	Total	11	13	24
All Categories	Total	1,001	1,597	2,598

Percentage Breakdown of Questions Asked at Outreach Events

Major Category	Subcategory	Pre-Trial %	Post-Trial %	Total %
Court Facts and Procedures	General Facts	35.7%	30.2%	32.3%
	Court Procedures	2.7%	6.4%	5.0%
	Legacy Issues	1.8%	2.8%	2.4%
	Court Funding	3.5%	4.0%	3.8%
	Other	3.9%	1.8%	2.6%
	Total	47.6%	45.1%	46.1%
Indictments	Taylor	9.1%	8.3%	8.6%
	Norman	5.4%	4.7%	5.0%
	Kabbah	4.1%	4.9%	4.6%
	Koroma	2.7%	3.5%	3.2%
	Multiple individuals	2.1%	2.5%	2.3%
	Other	12.7%	12.8%	12.8%
	Total	36.1%	36.8%	36.5%
Political-Legal	National issues/politics	2.2%	2.7%	2.5%
	International issues/politics	0.6%	2.3%	1.6%
	General law	1.1%	0.8%	0.9%
	Timing issues for Court	0.5%	0.9%	0.8%
	Conduct of War	0.0%	0.7%	0.4%
	Other	2.0%	0.4%	1.0%
	Total	6.4%	7.7%	7.2%
Witnesses-Victims	Witnesses	6.5%	6.8%	6.7%
	Victims	2.4%	2.8%	2.7%
	Total	8.9%	9.6%	9.3%
Other	Total	1.1%	0.8%	0.9%
All Categories	Total	100.0%	100.0%	100.0%

A: Methodology of Study

1) Compilation & Classification

The statistics on questions asked at Outreach events were created from a database of all questions asked at Outreach events in Sierra Leone. These were held across all 12 districts and in the Western (Freetown) area. Events included general town hall meetings, visits to schools, visits to military and police camps and other specialised programming. At these events, an Outreach staff member was supposed to note down all questions asked, even if they were repeated. Questions were then added by the staff member into a general database. These compiled questions were divided into two time periods - questions asked before the beginning of trials and after.

After reviewing the questions, a classification system for the questions was created. This involves five major categories, most with a number of sub-categories (see Chapter 10 for exact details on these). The questions were then divided into the five major categories and further subdivided into the sub-categories by two members of the Outreach staff. The two staff also checked each other's classification to ensure reasonable consistency.

2) Processing

Once corrected data was available for each category and sub-category, it was subject to statistical analysis. The percent that the questions in each category and sub-category constitute was calculated for the pre-trial, post-trial commencement and combined periods (e.g. the number of questions in each category or sub-category divided by the total number of questions in the pre-trial, post-trial commencement and combined periods respectively).

A second statistical analysis calculated the percent of each question sub-category within each major category for the pre-trial, post-trial commencement and overall periods (the number of questions in each sub-category divided by the number of questions in the category for the pre-trial, post-trial commencement and combined periods respectively).

B: Interpretation Guidance

A number of points/caveats should be considered when interpreting this data:

- 1.** The questions compiled are not from a representative survey of Sierra Leone's population. Rather they reflect the questions of those who attended Outreach events and were called on after volunteering to ask a question. The Outreach audiences were sometimes specialised and sometimes not, and there is no guarantee that those called on to ask questions were representative of the audiences' views.
- 2.** It is possible that at some Outreach events, no questions were recorded, or that only some questions were recorded.
- 3.** The classification adopted by the Outreach Section is not the only one possible. Many other classifications could also have been used to analyse the data.
- 4.** Many of the questions could have been classified in multiple categories but were assigned to one or another for consistency's sake.
- 5.** Some questions may not have been consistently classified, or may have occasionally been wrongly classified.

APPENDIX F CIVIL SOCIETY'S CRITERIA FOR EVALUATING THE SPECIAL COURT

These criteria were identified at four (Eastern, Northern and Southern Districts and Western Area) Regional Victims Commemoration Conferences in 2004.

In order for us, the representatives of civil society, to assess the contribution of the Special Court to the Rule of Law in Sierra Leone as part of its legacy, we will use the following criteria:

- The Special Court's ability to bring to justice Charles Taylor and all indictees;
- The effectiveness of its Outreach activities;
- Speedy trials;
- Whether the Special Court is endowed with Chapter VII powers;
- Whether the punishment of any accused person found guilty is commensurate with the crimes committed;
- The willingness of the witnesses to testify and the success of its witness protection program;
- The credibility of the personnel of the Special Court;
- The cordial relationship between the Special Court and the public;
- Whether the Special Court continues treating all indictees on the basis of equality before the law;
- Whether the Special Court continues to uphold the principles of the rule of law;
- Whether there is improvement in the national judicial sector;
- The ability of the Special Court to enforce prison sentences inside or outside of Sierra Leone of any accused person found guilty with no risk of presidential pardon or prerogative of mercy;
- The deterrent effect that manifests itself in the drop in crime rate in Sierra Leone;
- The ability of the Special Court to bring to justice lower level commanders;
- The production of a report of its activities;
- Child protection measures regarding the treatment of children;
- Whether measures are taken to restore the dignity of victims and witnesses.

APPENDIX G OUTREACH AND LEGAL GLOSSARY

Abidjan Accord: Failed Peace Accord signed in Abidjan, the Ivory Coast on November 30, 1996 between the government of Sierra Leone and the RUF.

AFRC: Armed Forces Revolutionary Council.

ANC: Accountability Now Clubs. A student club, based in post-secondary educational institutions, that was created by the Outreach Section.

APC: All Peoples Congress. One of the major Sierra Leone political parties.

CDF: Civil Defence Forces.

Chambers: The organ of the Court that handles the needs of the eleven judges and their offices.

Chieftdom: A governance sub-unit, ruled by a chief chosen by customary practice. There are 149 Chieftdoms in Sierra Leone.

Completion Strategy: The Special Court's plan for successfully concluding its work.

District: A governance sub-unit. There are 12 Districts in Sierra Leone.

ECOMOG: Economic Community of West African States Monitoring Group. This West African intervention force originally deployed in Liberia but operated in Sierra Leone starting in 1997.

Krio: Sierra Leone's lingua franca.

Lomé Accord: Peace Accord signed in Lomé, Togo, on July 7, 1999 between the government of Sierra Leone and the RUF.

Management Committee: Serves a variety of oversight functions, including the provision of advice and policy direction to the UN Secretary General on all non-judicial aspects of the Court's function.

OPD: Office of the Principal Defender.

OTP: Office of the Prosecutor.

Region: A governance sub-unit. Sierra Leone has three regions: Northern, Eastern and Southern along with the separate Western Area.

Registry: An organ responsible for overall administration and management of the Special Court. The Outreach Section is part of the Registry.

RUF: Revolutionary United Front.

SCIF: Special Court Interactive Forum. An inter-agency monthly meeting between representatives of Sierra Leone civil society, international bodies and senior Special Court officials created in order to promote the exchange of information and ideas.

SLPP: Sierra Leone People's Party. One of the major Sierra Leonean political parties.

TRC: Truth and Reconciliation Commission. The TRC in Sierra Leone operated between 2002 and 2004.

UNAMSIL: United Nations Mission in Sierra Leone.

Operated between 1999 and 2005. Replaced by UNIOSIL (United Nations Integrated Office for Sierra Leone).

APPENDIX H

LIST OF CURRENT AND FORMER OUTREACH STAFF

<i>Current staff</i>	<i>Current Interns (National/International)</i>	<i>Alumni Staff (National/International)</i>	<i>Alumni Interns (National/International)</i>	<i>Alumni Contractors</i>
Binta Mansaray - Outreach Coordinator	Alexandros Zervos	Desmond Kamara	Eleanor Thompson	Abdul Budu Bangura
Patrick Fatoma - Senior Outreach Associate	Christiana Jabbie	Hilda Birungi	Ethel Higonnet	Abdul Rahim Kamara
Isha Yema Wright - Outreach Associate	Finda Sata Komba	Jacinta Stephen Bockarie	Franklyn Mahayie	Andrew Simbo
Maria Mabinty Kamara - Outreach Associate	Philipp Meissner	Joseph Dumbuya	Gloria Yaskey	Simeon Sesay
Thomas Alieu - Outreach Assistant	Richard Sylvah	Patrick Tongu	Jill Cohen	
Abu Bakarr Kuyateh - District Outreach Officer (DOO) - Kabala (North)		Samuel Sisco Conteh (Deceased)	Joe Katta	
Alphan Kallon - DOO - Kenema (East)			Joseph Kaikai	
Dominic Seba - DOO - Pujehun (South)			Lisa Ehret	
Foday D.M. Sesay - DOO - Kambia (North)			Lynette Sesay	
Francis Nuni - DOO - Kenema (East)			Moses Fangawa	
Hector Fitha - DOO - Bonthe (South)			Patrick Kuebart	
Ishmael Kebbay - DOO - Port Loko (North)			Patrick Sahr Nyama	
Jeremiah Salia - DOO- Kailahun (East)			Phillip Bob Jusu	
Joseph Hazeley - DOO - Bonthe (South)			Shan Vahidy	
Maxwell Kemokai - DOO - Bo (South)			Theresa Hutsebaut	
Memunatu E. Kamara - DOO - Tonkolili (North)				
Mohamed Jalloh - DOO - Kambia (North)				
Mohamed Kargbo - DOO - Port Loko (North)				
Prince Mansaray - DOO - Kailahun (East)				
Raymond Kamara - DOO- Bombali (North)				
Rev. Bob Kandeh - DOO - Bo (South)				
Sahr Suluku - DOO - Kono (East)				
Salieu Conteh - DOO - Tonkolili (North)				
Wilfred Bangura - DOO - Moyamba (South)				

APPENDIX I

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Principal Defender, Vincent Nmehielle	Chapter 14, page 39



March 2006

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