

**Searching for Answers:
Sierra Leone's Truth & Reconciliation Commission**

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Abstract: This article examines the creation and operation of the Sierra Leone Truth and Reconciliation Commission and offers an assessment of its work to date. Despite the brutal atrocities committed during the decade-long conflict, the 1999 Lome Peace Agreement granted a full amnesty to all sides. The TRC was established as an accountability mechanism, and tasked with investigating and reporting on the causes, context and conduct of the war and with offering both victims and perpetrators a public forum in which to relate their experiences. During a multi-phase process in 2002-2003, the TRC collected over 9,000 statements and conducted reconciliation activities. However, the TRC lacked adequate funding and suffered from serious mismanagement and staff recruitment problems. Its relationship with the contemporaneous Special Court for Sierra Leone ran into difficulties at the end of 2003 that bruised both institutions. The TRC successfully gained the participation of major stakeholder groups—women and girls, children, amputees and ex-combatants—but its larger impact on society remains to be seen. The TRC's contribution to peace and reconciliation in Sierra Leone rests on its final report, which is months overdue.

Sierra Leoneans suffered through a brutal ten-year war marked by the commission of appalling atrocities. The rebel Revolutionary United Front (RUF) and the military junta Armed Forces Revolutionary Council (AFRC) committed the most egregious abuses, including the widespread use of purposeful amputation, but the pro-government forces—the Civil Defense Forces (CDFs) and the peacekeeping troops of the Economic Community of West African States Cease-fire Monitoring Group (ECOMOG)—also perpetrated violations of humanitarian law. Indiscriminate killing, rape and sexual slavery, the use of children as combatants, and arson were widespread tactics in a war of terror mainly directed at civilians. By the war's end in January 2000, an estimated 50-75,000 people were dead, two million had been displaced, tens of thousands of women and girls had been raped or forced into sexual slavery, thousands of children had participated in the fighting, and some 4,000 people had been the victims of purposeful amputation. The scars of the war are evident. Sierra Leone ranks last (177/177) on the Human Development Index, the result of high infant, child and maternal mortality rates, an illiteracy rate estimated at 80%, extremely low enrollments in school at all levels, and extreme poverty, with

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75% of the population living on two dollars a day or less. Most starkly, the average life expectancy at birth in Sierra Leone is 34.3 years.¹

Sierra Leoneans are still struggling to come to terms with the calamity that befell them, asking two simple, yet momentous questions: Why Sierra Leone? What went wrong?² One facet of the effort to get at the answers is a truth and reconciliation commission, which has been given the enormous task of not only allowing victims and perpetrators to tell what happened, but to uncover *why* it happened. It is hoped such a process can promote societal reconciliation and offer recommendations to prevent violence from occurring again.

This article offers an assessment of the work of the Sierra Leone Truth and Reconciliation Commission (SLTRC) to date. First, it examines critical elements of the establishment of the SLTRC, including its mandate, the role of civil society and international actors, staffing and management, funding, and relationship with a contemporaneous transitional justice institution, the Special Court for Sierra Leone (SCSL). It then assesses the success of the SLTRC, using the criteria established by Priscilla Hayner in her groundbreaking comparative study of truth commissions: process, product and impact.³ Process encompasses engaging the public, gaining the full participation of stakeholders, and how supportive the work is to victims and survivors. The product of the SLTRC is its public hearings and its written report, and these can be evaluated according to the quality and nature of the product, the extent of truth revealed, proposals and recommendations for reform, and the establishment of individual and institutional accountability. Finally, the impact of the SLTRC's work is considered, focusing on the commission's contributions to long-term healing, reconciliation and reform. Because the SLTRC's report has yet to be published, this evaluation will focus on the establishment and process, while highlighting important factors that will affect the SLTRC's report and legacy.

THE ESTABLISHMENT OF THE SLTRC

The SLTRC has its origins in the Lome Peace Agreement, signed on 7 July 1999. The agreement provided for a cessation of hostilities, the disarmament, demobilization and reintegration (DDR) of combatants, and the conversion of the UN observer force in Sierra Leone to the United Nations Mission in Sierra Leone (UNAMSIL), a 6,000 troop peacekeeping force. Its most controversial provision extended a blanket amnesty, included at the insistence of the RUF and with little discussion of the issue.⁴ Article IX granted an "absolute and free pardon" to RUF leader Foday Sankoh specifically and to "all combatants and collaborators" for "anything done by them in pursuit of their objectives, up to the time of the signing of the present agreement."

The amnesty provision provoked immediate controversy. At the last minute, the UN representative attached a reservation to his signature, stating that amnesty shall not apply to those who had committed international crimes of genocide, crimes against humanity or war crimes and other serious violations of international humanitarian law.⁵ Human rights advocates deplored the free pass, angrily pointing to the horrific abuses committed by all sides. But the amnesty provision had been approved by some 200 representatives of civil society at a national conference in March held in order to achieve a consensus on terms for an agreement. The signatories defended the amnesty on practical grounds, arguing that they had no choice but to agree to the amnesty because otherwise the RUF would not have signed the deal.⁶

The human rights community, which had actively promoted a truth commission in the run-up to the Lome negotiations, did succeed in ensuring some measure of accountability. Article XXVI

established a Truth and Reconciliation Commission, to commence operations within 90 days of the signing of the agreement, and to submit its report and recommendations within a year. The mandate of the TRC was “to address impunity, break the cycle of violence, provide a forum for both the victims and the perpetrators of human rights violations to tell their story, and to get a clear picture of the past in order to facilitate genuine healing and reconciliation.” Beyond this, the Agreement provided no details, leading one commentator to note “It appears as if it [the TRC] were added as an afterthought in the hopes that its mere presence would compensate for the amnesty.”⁷

Within weeks of Lome, and with the blessings of President Ahmad Tejan Kabbah, the UN Office of the High Commissioner for Human Rights (OHCHR) started the process of establishing the SLTRC. Recognizing the importance of transparency and consultation in ensuring Sierra Leonean ownership of the commission, it widely circulated a draft statute in Sierra Leone and among international experts for recommendations and comments, before submitting the draft statute to the Sierra Leonean government in December 2000.⁸

The parliament passed the implementing legislation for the TRC in February 2000. In order to fulfill the objectives laid out in Lome, the commission was tasked:

To investigate and report on the causes, nature and extent of the violations and abuses [related to the armed conflict in Sierra Leone] to the fullest degree possible, including their antecedents, the context in which those violations and abuses were the result of deliberate planning, policy or authorization by any government, group or individual, and the role of both internal and external factors in the conflict:

To work to help restore the human dignity of victims and promote reconciliation by providing an opportunity for victims to give an account of the violations and abuses suffered and for perpetrators to relate their experiences, and by creating a climate which fosters constructive interchange between victims and perpetrators, giving special attention to the subject of sexual abuses and to the experiences of children within the armed conflict.⁹

The collapse of the Lome Agreement in May 2000 delayed the establishment of the SLTRC for two years. An interim secretariat was finally named in March 2002, and the commission's official inauguration took place in July.

The SLTRC's statute reflected lessons learned from earlier truth commissions.¹⁰ It was given a three-month preparatory period for logistical and administrative matters so that these would not eat into its official life-span, a deadline of one year, with the possibility of a six-month extension, broad investigatory powers including subpoena and search and seizure, and the government was required to implement its reforms. It explicitly recognized the need to hear women's voices and to explore the role of children as both victims and perpetrators.

The involvement of civil society is generally seen as critical to the success of a truth commission.¹¹ In Sierra Leone, local nongovernmental organizations (NGOs) and human rights activists not only pushed for the SLTRC's creation, but also maintained interest during the delay in setting it up and helped with important tasks such as sensitization. The international community likewise was deeply involved and brought to bear resources the commission otherwise would not have had. OHCHR played an unprecedented role, involving itself in “every

phase of the development” of the commission.¹² Among other activities, OHCHR helped write the statute, directed funding appeals and controlled 95% of the SLTRC’s budget, carried out a public information campaign, conducted a preliminary identification of the commission’s staffing and logistical requirements, and provided technical and administrative support for the interim secretariat.¹³ It also funded several important background and sensitization activities, including a mapping of the conflict by the local NGO Campaign for Good Governance, research by another local NGO Manifesto 99 identifying traditional methods of conflict resolution and reconciliation, and follow-up activities designed to foster reconciliation and disseminate the SLTRC’s report.¹⁴ This represented OHCHR’s “first substantial undertaking in support of a transitional justice mechanism anywhere in the world.”¹⁵

Two other UN groups were deeply involved in the workings of the SLTRC. Because OHCHR is based in Geneva, the United Nations Development Program (UNDP) and UNAMSIL acted as its in-country implementing arms. UNAMSIL also provided logistical assistance to the SLTRC, and its human rights and public information sections played particularly valuable roles in supporting and promoting the commission’s work.

Similar to the arrangements in Haiti and Guatemala, the SLTRC had a mix of international and national commissioners, which allows “national familiarity and international expertise to complement one another.”¹⁶ In keeping with a desire to ensure the broadest possible measure of participation, a public nomination process was used to identify possible national commissioners. A panel then selected the finalists, and the UN Special Representative to Sierra Leone forwarded four names to Kabbah for official appointment. OHCHR nominated the three international commissioners, two of whom had significant transitional justice experience. Bishop Joseph Humper was named the commission’s president, and Yasmin Jusu-Sheriff was appointed as Interim Executive Secretary.¹⁷

However, some questioned the transparency and fairness of the hiring process, the “strong and direct ties” of the national commissioners and of Jusu-Sheriff to the ruling Sierra Leone People’s Party raised concerns about the independence of the commission.¹⁸ Newspaper reports claimed that Kabbah had rammed through the appointment of Jusu-Sheriff, even though another candidate had been recommended by the nominating committee.¹⁹ Jusu-Sheriff would become a lightning rod, with critics charging her with incompetence, while supporters saw her a scapegoat for the commission’s failings.

The SLTRC was plagued by serious mismanagement and staff recruitment problems in its preparatory phase, which lasted from July-October 2002. In typically understated language, OHCHR reported that “the interim secretariat experienced difficulties in providing the necessary administrative and operational support to the SLTRC.”²⁰ The problems came into focus with a July 2002 review by the UNDP, which found that roughly one-third of the commission’s personnel were “unqualified or redundant” and that “the hiring process was seen as politically driven.”²¹ Although directed to remove those personnel, the commission did not. A full-fledged staffing crisis commenced on October 4, when the contracts of the commission’s staff expired without a permanent secretariat in place, leaving it with a two-person staff. Reviews of new applications came to a halt when two of the international commissioners raised questions about the fairness of the process.²²

Realizing that “the advertising and other related recruitment processes were flawed,” the commission asked for the assistance of OHCHR and UNDP.²³ After freezing the hiring process, the UN agencies helped rewrite the job descriptions and re-advertised the positions. They also provided interim staff and a caretaker secretariat was put in place for three months. Jusu-Sheriff

was not considered for the permanent secretariat, and Franklyn Kargbo was named as Executive Secretary in February 2003.

The staffing crisis had several consequences. It damaged the SLTRC's reputation with donors, who were unwilling to contribute to a dysfunctional institution. It delayed the beginning of statement-taking from October till December 2002, and forced the commission to cut back on some of its activities. A preparatory phase had been included precisely so the commission could get off to a quick start. Instead, the SLTRC lost the momentum of its sensitization campaign, squandered several months of its one-year mandate, and disappointed many Sierra Leoneans who had already waited two years for the commission to begin work. Statement takers were not hired and trained until late November, and a full complement of staff was not in place until early 2003. Moreover, research and investigations began as the public hearings started in April 2003, and consequently the integration of the information gained through statements and research was limited.²⁴ Some individuals who were engaged in research had to double up as hearings staff. The commission continued to do research on nine major themes such as the history and nature of the conflict well after the hearings were finished.²⁵ Not surprisingly, the SLTRC was unable to meet the original October 2003 deadline for its final report, and ran well over its statutory six-month extension.

As noted above, the SLTRC's management difficulties undercut its credibility with donors, exacerbating its financial worries. From the beginning, the SLTRC operated under a cloud of inadequate funding. OHCHR estimated the SLTRC would need close to \$10 million for 12 months of operation, with additional funds required for the start-up phase.²⁶ Although this is not out of line with the budgets of other TRCs, early donor response was very weak. The SLTRC inauguration ceremony was delayed for a month to July 2002 because a mere \$1.1 million had been pledged.²⁷ Over the summer of 2002 the budget was slashed to \$6.5 million, which necessitated cuts in staffing and program activity even as the sensitization campaign was getting under way. The SLTRC's troubled performance did much to harm donor willingness to contribute.

By May 2003, the funding situation was so grave OHCHR was again forced to trim the budget, down to \$4.5 million. Several weeks later only \$2.3 million had been received of the \$3.7 million pledged.²⁸ Once the hearings phase was well underway, and donors were satisfied that the commission was on track, funding increased significantly to cover costs for the rest of 2003.²⁹ Current estimates place the final cost at \$5 million, an increase necessitated by the extension of the report writing phase into summer 2004.³⁰

Many TRCs have run short of funding or felt constrained by an inadequate budget.³¹ In the case of the SLTRC, several factors can account for the scarce funding: poor fundraising efforts by OHCHR and the commission itself; donor fatigue; competition for funds with the SCSL, established in January 2002; and the SLTRC's unimpressive start.³² Generally truth commissions are funded by their national governments, but the Government of Sierra Leone was not in a position to offer much support; it donated \$97,000 and a building for the Secretariat.

Regardless of who is to blame for the lack of funding, the SLTRC's work suffered as a result. The commission could only spend one week in each province for public hearings, far too little time. Executive Secretary Frank Kargbo pointed out that the hearings phase was key to the accomplishment of the commission's mandate because it gave ordinary people ownership through participation. Everywhere the commission went, he recalled, people thought one week was too short of a period.³³ People were eager to testify but only two or three dozen individuals gave testimony in each of the provinces (Freetown area had more days available, and thus 53

people were able to testify.) Locals were frustrated by the limited time available to them, as were commissioners. Reconciliation efforts were largely left to the localities because the SLTRC had neither the time nor the money to do them. The follow-up district support committees have been quite active; the Inter-Religious Council, headed by Bishop Humper, is running the committees with funding from UNDP.³⁴ Funding questions dogged the writing and publishing of the report; the TRC had to seek external funding for the children's and picture versions, which were underwritten by UNICEF and the International Center for Transitional Justice, respectively.³⁵

Unlike previous truth commissions, the SLTRC had to deal with the existence of a contemporaneous transitional justice institution, the Special Court for Sierra Leone, which was to prosecute "those most responsible" for the war and its accompanying abuses despite the Lome amnesty. Although much attention was paid to their relationship prior to their openings, in practice the two institutions did not have clear rules or roles to govern their interactions.³⁶ There were unresolved questions for example about whether the SCSL had primacy over the SLTRC, or the two were equal, complementary institutions.

An especially thorny issue was information-sharing: would the SLTRC turn testimony and documents it gathered over to the SCSL, thereby risking participation by perpetrators? The SLTRC and SCSL quickly attempted to put such fears to rest. At one of its early press briefings in August 2002, the SLTRC outlined its position that information provided to it in confidence would remain that way.³⁷ SCSL Prosecutor David Crane repeatedly stated that the court would not seek information from the commission. Nonetheless, at least initially, the fear of prosecution kept many ex-combatants from testifying to the SLTRC.

The generally smooth and cordial working relationship was disrupted in October 2003 over the SLTRC's request for the testimony of Chief Sam Hinga Norman. Hinga Norman led the CDFs during the war, and was indicted by the SCSL and taken into custody in March 2003. He was named as a perpetrator by witnesses, and the SLTRC's practice was to have named persons offer testimony. Given his prominent role, Hinga Norman's testimony was also seen as critical to a complete telling of the story.

When the SLTRC first approached the SCSL indictees asking for their testimony, they had all declined. Hinga Norman later said he received legal advice that his appearance before the commission would be inappropriate. In August, Hinga Norman changed his mind, frustrated by the lack of a trial date. The SLTRC initially requested its investigators be able to hold a private interview with Hinga Norman, but on October 9 it asked for a public hearing. It wanted to hear Hinga Norman's testimony at the SCSL courthouse over two days and broadcast it live on radio; Hinga Norman would also be permitted to make an opening statement of whatever length he chose.

The SCSL Prosecutor opposed a public hearing, arguing that "both the interests of justice and the integrity of the proceedings before the Special Court might be put at risk" if Hinga Norman testified publicly.³⁸ Key personnel at the SCSL also questioned Hinga Norman's motives, believing that he was looking for a chance to stir up political trouble by pointing the finger at Kabbah.³⁹ Hinga Norman is apparently angry over his treatment, notably his ignominious arrest as he emerged from a meeting with the president, and he resents being indicted while Kabbah will apparently not be.

SCSL Judge Bankole Thompson (Sierra Leone) denied the SLTRC's request, finding that the invitation of Hinga Norman to testify as a perpetrator with a central role in the war conflicted with his right to a presumption of innocence before the SCSL.⁴⁰ He concluded that the right to a

fair and public trial always prevails over societal or institutional needs, such as the SLTRC's need to compile a complete, impartial historical record of the war. That decision was immediately appealed, and President of the Court Geoffrey Robertson (United Kingdom) attempted to find a compromise in his ruling in late November.⁴¹ He suggested that Hinga Norman be permitted to submit sworn testimony in writing to the SLTRC in the form of an affidavit, and could respond to questions from the commission in the same manner. This balanced the SLTRC's need to compile as complete a record as possible with Hinga Norman's right to a fair trial and with the SCSL's desire to protect the integrity of its own proceedings. The SLTRC refused Robertson's compromise, stating it did not meet the requirement of confidentiality and that by the time the procedure was in place, it would not have the time to include the information in its final report.⁴² Hinga Norman declined to offer testimony under the conditions offered, plainly more interested in a *public* hearing than in helping the SLTRC's work.

The local press pounced on the issue. Hinga Norman maintains popularity in parts of Sierra Leone, especially among the members of the CDFs. Although his arrest had initially been applauded as a sign that the court was even-handed, there is a significant section of the population that sees Hinga Norman as a hero for fighting against the RUF. This group has difficulty understanding why Hinga Norman was indicted, and the local press vociferously attacked the SCSL.

Both institutions damaged their reputations as a result of this incident. UNAMSIL, the UN Office of Legal Affairs and prominent international NGOs believed the SCSL should allow the testimony, and were dismayed, and in some cases angered, by the SCSL's position.⁴³ This stance was viewed as unreasonable and as undermining the SLTRC. For some, the whole incident was indicative of what they saw as the court's superior, disrespectful attitude toward other key players in Sierra Leone.

The SLTRC did not escape without bruises of its own. It had been unable to prevail against the SCSL in a direct clash of interests, despite its insistence that it was not subordinate to the court. Its reaction to the court's decision, all but accusing the SCSL of bad faith, hurt its credibility. Finally, after devoting scarce time and resources to the Hinga Norman case, it came away with nothing to show for its efforts.

The establishment of the SLTRC exhibited some notable strengths. Its mandate was drawn in a transparent fashion, and provided the commission with a broad scope of inquiry and powerful investigatory tools to accomplish it. Local civil society and the international community were active and supportive on its behalf. This must be balanced against several deleterious aspects of the SLTRC's work. The simultaneous operation of the SCSL introduced some unfortunate points of comparison: the SCSL got off to a quick start and operated efficiently, it had more resources and the high profile suspects, and the standoff over Hinga Norman made the SLTRC seem toothless. Confusion about the two institutions depressed the number of ex-combatants who testified. These are relatively minor compared to the more critical weaknesses manifested in the SLTRC's management and funding. These difficulties, which were at least partly self-inflicted, undercut the commission's effectiveness by compacting an already tight time frame and limiting critical aspects of the commission's process.

PROCESS

An early and effective outreach effort is critical to the ability of a TRC to engage the public and ensure the full participation of stakeholders. Although the idea for a truth commission had been an integral part of civil society discussions as early as January 1999, there were daunting

obstacles to making the wider public aware of and knowledgeable about the SLTRC. The illiteracy rate in Sierra Leone is estimated at about 80%, so written material needed to come in a picture version. The lack of a single lingua franca meant translating materials into several different local languages. The use of radio, the most effective communications tool in Sierra Leone, was occasionally hampered by a lack of knowledge about the location of small FM radio facilities in the hinterlands. During 1999 and 2000, security concerns generally placed areas under RUF/AFRC control out of reach. Travel outside of Freetown was very difficult due to the extremely poor state of most roads, and during the rainy season was virtually impossible. The existence of the SCSL complicated matters because people now had to understand two separate transitional justice institutions and the relationship between them. Finally, the SLTRC had limited resources and a small staff. These factors posed major challenges in the effective dissemination of information about the commission.

During 2001, local and international NGOs sponsored public awareness campaigns, sensitization workshops for RUF members, and seminars on key aspects of the SLTRC's operation.⁴⁴ During the preparatory phase, UNAMSIL and local NGOs conducted a vigorous sensitization campaign, and the commissioners held weekly press briefings and made a series of *barray* (town hall) meetings in the provinces to help raise public awareness.

Following the close of the major sensitization activities in Fall 2002, the Campaign for Good Governance did a poll to measure public understanding of the SLTRC.⁴⁵ It found high levels of support and willingness to cooperate with the commission: 74% had heard of the SLTRC (71% of them through radio); 65% said the SLTRC was necessary; 60% thought the SLTRC was beneficial to all Sierra Leoneans; and 58% were willing to testify. However, 83% reported they understood the SLTRC only partially or not at all, and 60% thought the SLTRC would not provide security and confidentiality to its witnesses or were unsure it would do so. As it moved into the statement-taking phase, the commission recognized that "more need[ed] to be done to ensure the population's participation," and additional radio and newspaper campaigns were undertaken.⁴⁶

Statement-taking began December 4 in Bomaru, where the war started in 1991. The public hearings opened on April 14, 2003 in Freetown, and ended there on August 6 with the testimony of President Kabbah. Radio UNAMSIL carried the hearings live, and there were weekly television wrap-ups.

In the public hearings phase, the commission traveled to each of the 12 districts for one week, where four days of public and one day of closed hearings were scheduled.⁴⁷ Additional hearing days were scheduled in Freetown. Victims of sexual violence, all children under 18, and ex-combatants who feared speaking openly could testify in closed hearings, although many women chose to tell their stories publicly. Every witness had the assistance of a counselor before, during and after the hearings. At the close of the hearings in each district, an official ceremony was held which on several occasions involved traditional rites of forgiveness for perpetrators who asked to be publicly forgiven. Recognizing the limited time it had in each district, the commission attempted to choose representative cases for public testimony that would outline the types of violations typically committed in the district by different groups of perpetrators and strove for gender balance in the witnesses. A national reconciliation ceremony was held in Freetown at the close of the hearings phase. A procession marched to the National Stadium, where speeches and apologies were made, before continuing to Congo Cross Bridge, which was renamed the Peace Bridge.

In addition to the testimony hearings, the SLTRC held three other types of hearings: Thematic hearings, which included sessions on good governance, the role of civil society and immigrant communities, the management of mineral resources and corruption, women and girls, and children and youth; Event-specific hearings, covering pivotal points in the conflict such as the 1992 and 1997 coups, the sack of Freetown, and the taking of UN peacekeepers as hostages in 2000; and Institutional hearings, which looked at the roles of the armed forces and police, civil service, media, etc.

The SLTRC collected some 8,000 statements, and received an additional 1,500 statements from the Campaign for Good Governance. Statements were drawn from all target groups, ninety public hearings were held, and about 350 persons testified as individual witnesses.⁴⁸ The SLTRC also constructed a data base which allowed the commissioners to have a rough idea, especially for the RUF/AFRC, who was commanding whom, when and where.⁴⁹

The participation of four “stakeholder” groups in particular were viewed as integral to the commission’s credibility: women and girls, children, amputees and ex-combatants. The SLTRC statute called for “special attention to the subject of sexual abuses and to the experiences of children within the armed conflict.” In nearly all districts, between 35- 45% of those testifying were women, and many offered explicit public testimony about the violence done to them.⁵⁰ The three-day thematic hearing on women and girls in May 2003 was one of the first held, and the Minister for Social Welfare, Gender and Children’s Affairs opened the testimony.

The role of children in the war, and how the SLTRC would treat those that appeared before it, received a great deal of attention in the period leading up to the operation of the commission.⁵¹ UNICEF developed rules to govern children’s participation, and the experience did not seem to be difficult for those who testified. Most children who testified were victims, although more children testified as perpetrators than did adults. The thematic hearing on children drew only a small attendance in Freetown; one UNICEF staffer characterized the audience as being made up of the elderly, researchers and child advocates.

The amputees are among the most visible victims of the conflict, and clearly were key stakeholders in the SLTRC process. Of the estimated 4,000 purposeful amputations, only about 1,000 people survived their wounds. Most of the survivors are unable to support themselves, and complained of the poor living conditions in the camps. They felt neglected as all the attention and money seemed to be going to ex-combatants in the DDR (disarmament, demobilization, reintegration) process. When the commissioners visited the Aberdeen Road camp in August 2002, the amputees threatened to boycott the hearings unless their grievances were met. They presented a seven-point document, which included demands for shelter for each amputee, a bag of rice and 200,000 leones (about \$100) every month till they died, free education for their children, the provision of medical facilities, and a “re-integration allowance” of approximately \$150.⁵² The commissioners accepted the document, but urged the amputees to come forward and tell their stories to the SLTRC so that the record of the war could be complete. In a sign of the importance accorded to the cooperation of the amputees, President Kabbah met with representatives from the camp. He promised that the government would accord the needs of the amputees a higher priority, and the boycott threat was withdrawn.⁵³ When public hearings opened in Freetown, the first person to testify was an amputee.

The final group whose participation was considered essential to compiling a complete record of the conflict was the ex-combatants themselves. Unlike in South Africa, where perpetrators received amnesty only in return for truthful testimony, ex-combatants in Sierra Leone already had amnesty, and therefore lacked an incentive to testify. Confusion over the relationship

between the SCSL and SLTRC also acted as an impediment to gaining the cooperation of perpetrators who worried their testimony to the SLTRC would be used against them in a criminal prosecution. Prior to the beginning of the intensive sensitization activities, local NGO PRIDE conducted a study of the views of ex-combatants towards the SLTRC and SCSL.⁵⁴ A majority of ex-combatants had heard about the SLTRC, supported it, and expressed a willingness to testify before it. However, the study did not determine if in testifying the ex-combatant planned to confess their own abuses or merely address events they had witnessed; in any case only 15% of those surveyed believed they had done anything wrong. The study also revealed that nearly half of the ex-combatants did not feel that they understood the SLTRC.

Concern about the SCSL and fears for their security (witness protection was rudimentary at best) initially kept ex-combatant participation low. But as the hearings went on, and the SCSL did not pursue those who testified, more and more ex-combatants came forward. Many ex-combatants wanted to return to their communities but were afraid of their reception; participating in the SLTRC was a means of easing the path of reintegration. In at least four districts, perpetrators (mostly RUF) came forward and publicly asked forgiveness. By the end, an unprecedented 13% of individual statements came from perpetrators, and “approximately a third of those who appeared in hearings admitted to their own wrongs, often in great detail.”⁵⁵

Given its slow start, scarce resources and compacted time frame, the SLTRC rightly believed it was a significant accomplishment to have gathered thousands of statements and sparked as much public involvement as it did. The substantial participation of the key stakeholder groups also indicates that the commission’s work was viewed as supportive by victims and survivors.

But many things could have been done better. Outreach could have started earlier and been more effective at helping people understand the commission’s mandate and operation.⁵⁶ The initial delay caused by the collapse of Lome and the difficulties in late 2002 meant the SLTRC missed a window to capitalize fully on the people’s desire for reconciliation and peace. By the time the commission began taking statements, the DDR process was nearly finished. Many ex-combatants had already gone back to their villages and towns, and the re-integration process was moving ahead without the SLTRC. When public hearings, the key phase of the commission’s work, opened in April 2003, the war officially had been over for 15 months and the contributions of the SLTRC to establishing peace and stability were thus limited. People’s enthusiasm for the commission was high, but the repeated delays limited its ability to make itself an integral part of achieving reintegration.

PRODUCT

Generally, a truth commission’s product is measured solely by its written report because so few have utilized public hearings.⁵⁷ When security conditions allow their use, public hearings offer numerous benefits: they can “provide formal acknowledgment, can encourage public support and understanding of the victims and of the TRC and encourage press coverage.”⁵⁸ The SLTRC saw public hearings as integral to the accomplishment of its mandate. In a largely illiterate society, public hearings are more accessible and comprehensible to the public at large than a lengthy written report. Holding hearings throughout the country was advantageous because it was an official, public recognition of the extensive suffering endured in areas outside of Freetown; residents in the hinterlands often believe that Freetown’s experiences are privileged over their own. Country-wide hearings also brought the SLTRC directly to the people, increasing grass-roots ownership and beginning the reconciliation process at the local level, where its ultimate

success rests. The thematic hearings allowed the commission to gather information related to its mandated task to investigate and report on the antecedents and context of the war.

The public hearings were well attended, except in Freetown. Given the media coverage in the capital, including nightly TV broadcasts, this was not seen as a sign of disinterest. Had the SLTRC had the time and the money, there can be little doubt that additional public hearings featuring perpetrator testimony and reconciliation ceremonies would have been well received. Public hearings helped to establish individual accountability, as victims and perpetrators alike identified those who had planned, committed and/or abetted abuses. Thematic hearings helped affix institutional responsibility; as Bishop Humper observed, they threw a great deal of light onto “the depth of what has plagued this nation...People begin to see that there were certain political, social, economic and moral ills that pervaded the situation, that became entrenched, endemic.”⁵⁹ Both types of hearings placed previously hidden issues, such as gender-based violence, firmly in the public eye.

Public hearings though cannot constitute the full record of the war. The experience of the South African TRC suggests that although public hearings are effective at generating public interest, it is not clear that they provide “objective data so that debates about the broad truths of the past could be resolved in ways that would withstand subsequent criticism.”⁶⁰ No matter how carefully chosen, eyewitnesses cannot provide an objective account of incidents nor can they offer a coherent narrative of the conflict and its larger context. Public testimony in Sierra Leone represented a mere 4% of the statements taken by the commission, and did not represent the outcomes of the ongoing research and investigations.

The purpose of the written report is precisely to author an authoritative, objective study that integrates the multiple sources of data the commission gathered. If done properly, as in Guatemala or Argentina, it can become the definitive analysis of the conflict. The SLTRC's six-month extension for the report ran out in April 2004, and as of this writing in July, it still had not been released. Nonetheless, some observations can be made. It perhaps goes without saying that the report must be seen as unbiased and balanced in its judgments. The SLTRC is expected to name names, and if it does not, or is believed to have withheld damaging judgments about key persons or institutions, its credibility will be severely tarnished. Many Sierra Leoneans will be disappointed if the report does not offer both a plan for reparations and serious institutional reforms aimed at diminishing impunity. Dissemination of the report is also critical. If other reports are any guide, the Sierra Leone one is likely to be hundreds of pages long. For maximum impact, the report's main conclusions must be accessible in all corners of the country and easily comprehended. Communication challenges loom large, but there will be a picture and children's version as well as a video. And regardless of the quality of the report, it may in the end be overshadowed in the minds of Sierra Leoneans by the public hearings. Insiders working for the South African truth commission concluded that in that case, “victims' hearings were so compelling that their testimonies ultimately will have had a far more enduring impact than the final report ever could or would.”⁶¹

IMPACT

Truth commissions generate high hopes, despite the mismatch between their weighty goals and limited resources. But they can guarantee neither complete truth nor immediate reconciliation. A comprehensive “lessons learned” project based on the South African and Guatemalan commissions succinctly stated its conclusion: truth commissions can “partially accomplish some

important goals.”⁶² It is wise to keep this in mind when critiquing the SLTRC; Sierra Leone is a deeply traumatized place with crushing and longstanding problems such as dire poverty, entrenched corruption, rampant disease and barely functional state institutions. The SLTRC can only go so far in alleviating Sierra Leone’s burdens.

A complete assessment of the impact of the SLTRC will require a long-term view, when it is possible to gauge changes in institutions, social conditions, and individual attitudes. What follows are preliminary observations about the commission’s work to date.

The SLTRC struggled as it attempted to fulfill the enormous objectives laid out in its statute. The SLTRC’s process—statement gathering and public hearings—generated widespread interest and participation, thereby fulfilling in large measure its mandated task of providing a public forum for victims and perpetrators to tell their stories. The commission also began the formal, public process of reconciliation and provided a model for how such activities could be organized, although it had to scale back its agenda because of time and resource constraints. In any case, reconciliation in the sense of learning to live together peacefully is a goal that can only be achieved at the local level, not delivered from above, which is why follow-up activities are community-focused.

There were limits to the SLTRC’s contributions for each of the major stakeholder groups. In the case of women and girls, the degree to which the hearings raised public awareness of gender-based violence is open to question.⁶³ Attitudes towards women are deeply ingrained, and there is a culture of silence surrounding sexual abuse. Women have few rights under customary law, and there is tremendous stigma attached to being raped; the victim is viewed as spoiled or damaged, and when victims are identified authorities often suggest that she marry the perpetrator. Many girls and women also feared being shamed and blamed for being rebel wives. Like the SLTRC, the SCSL will focus on rape and sexual slavery in its prosecutions, but improving the status of women in Sierra Leonean society is a long-term struggle.

In many respects, the SLTRC came too late to have a large impact on the position of children because the DDR process was nearly complete by the time the commission began statement-gathering.⁶⁴ Nearly 7,000 child combatants went through DDR, and Sierra Leoneans largely exhibited a forgiving attitude towards them. As part of the DDR process, children were re-integrated into their communities, sometimes accompanied by a traditional cleansing ceremony or a re-initiation into a secret society, and UNICEF tracked them afterwards. Sierra Leoneans as a society are very forgiving, and many saw child combatants as being simultaneously perpetrators and victims. For example, the SCSL’s decision not to prosecute child soldiers despite possessing the jurisdiction to do so was greeted with much relief. A pragmatic calculation that the children had to be reintegrated to ensure peace and stability undoubtedly contributed to the acceptance of ex-child soldiers. For this significant segment of the community then, DDR largely played the role the SLTRC was meant to fill. As with women and girls, children remain a very vulnerable group in Sierra Leone, and much remains to be done.

Well over a year after the amputees threatened to withhold their cooperation with the SLTRC unless their demands were met, they continue to languish in poor conditions. In February 2004, the amputees sent a letter to Kofi Annan, complaining that the government had been of “only a token help” to them and had made “no tangible provision for their welfare.”⁶⁵ The amputees expect that the commission’s final report will make provisions for their care.

With respect to the ex-combatants, the SLTRC’s delayed start allowed the DDR process to play the leading role in establishing peace and a fragile stability to Sierra Leone. The public hearings did provide willing perpetrators an opportunity to unburden themselves and seek

forgiveness, but only a fraction of them availed themselves of this possibility for reintegration. A troubling development for reconciliation and continued stability concerns the role of the CDFs. After the hearings in Kenema, the commissioners noted a “conspiracy of silence” surrounding the actions of the CDFs; few CDF members testified, those who did appear stated that they had committed no crimes, and several locals complained to the commission about the questions being asked of the CDF fighters.⁶⁶ The PRIDE survey indicated that members of the CDFs tended to think they had been justified in their actions during the war, and this belief is the best explanation of the fact that most of the ex-combatants who did not sign up for the reintegration part of DDR were from the CDFs - having fought for the people against the RUF/AFRC, they saw no reason to need reintegration. The controversy surrounding the testimony of Hinga Norman demonstrates the volatility of this issue. How the TRC deals with the still-popular CDFs in its final report will be a critical test of its ability to tell the whole story. The abuses committed by the CDFs, while not of the scale or scope of those committed by the RUF/AFRC, are well documented. Regardless of which side committed them, abuses must be condemned if impunity is to be stopped.

Sierra Leoneans must grapple with the possibility that its two transitional justice institutions may offer competing narratives of the conflict and differing assessments of blame. One ramification of deciding not to share information between the two is the increased chance that their narratives will diverge, or that one will have unearthed a more complete reconstruction of a specific incident or a chain of command than the other. A legal standard of proof is more exacting than the truth revealed by testimony and research.⁶⁷ Yet simultaneously, “the task of making a full account of what happened, in light of the evidence obtained, requires a process of sifting and drafting that usually does not accompany a trial.”⁶⁸ As noted, the conduct of the CDFs is an especially sensitive issue, with the SCSL clearly holding CDF leaders to account as war criminals despite popular unease. The SCSL Prosecutor’s emphasis on the centrality of diamonds in fueling the war has drawn much criticism, and the SLTRC’s report may present an altogether different focus. There is always the possibility that either, or both, institutions will reveal uncomfortable truths that will subsequently be rejected by many Sierra Leoneans.

There are factors beyond the SLTRC’s control as well. Even if it produces an incisive list of recommendations, there is no guarantee that the political will, financial resources, or administrative capacity will be available to implement them. One hopeful note is that the continued engagement of the international community and OHCHR’s central role should maintain pressure on the government to implement the reforms. The El Salvador commission saw many of its reforms implemented because of the pressure of international actors who were deeply involved in its functioning.⁶⁹ The state of the economy will go a long way towards determining if the country remains at peace. A major event, such as Charles Taylor being delivered to the SCSL for trial or the death of a major political figure, could divert the public’s attention from the report. The legacy of the SLTRC is still incomplete, but if its final report convincingly answers what went wrong in Sierra Leone, it will have made a lasting contribution.

NOTES

1. United Nations Development Program, Human Development Index, 2004.
2. Radio transcript of interview with Bishop Joseph Humper, for *The Religion Report*, 30 July 2003, available at www.abc.net.au.

3. Hayner, Priscilla. *Unspeakable Truths: Facing the Challenge of Truth Commissions*. New York: Routledge, 2001, p. 252.
4. Hirsch, John. *Sierra Leone: Diamonds and the Struggle for Democracy*. Boulder: Lynne Rienner, 2001, p. 84.
5. *Seventh Report of the Secretary General on the UN Observer Mission in Sierra Leone*, S/1999/836 (30 July 1999): para. 7.
6. Schuler, Corinna, "Sierra Leone's 'See No Evil' Pact," *Christian Science Monitor*, 15 September 1999.
7. Gallagher, Karen. "No Justice, No Peace: The Legalities and Realities of Amnesty in Sierra Leone." *Thomas Jefferson Law Review* 23, no. 149, (Fall 2000): 19.
8. Bennett, Richard. "The Evolution of the Sierra Leone Truth and Reconciliation Commission." *Truth and Reconciliation in Sierra Leone*, at www.sierra-leone.org/trcbook.
9. *Truth and Reconciliation Act 2000*, Part III.
10. For discussions of these lessons, see Hayner, *Unspeakable Truths*, p. 222-223, and Joanna R. Quinn and Mark Freeman, "Lessons Learned: Practical Lessons Gleaned from Inside the Truth Commissions of Guatemala and South Africa," *Human Rights Quarterly* 25, no. 4 (November 2003): 1126-1130.
11. Hayner, *Unspeakable Truths*, p. 234-239.
12. Office of the High Commissioner for Human Rights. *Annual Report 2002*. Geneva: OHCHR, 2003, p. 111-114. The UN previously sponsored, paid for and staffed the truth commission in El Salvador.
13. Ibid. See also: International Crisis Group, *Sierra Leone's Truth and Reconciliation Commission: A Fresh Start?* Brussels: ICG Africa Briefing, 20 December 2002, p. 7-8 and *Second Report of the Secretary-General on the United Nations Mission to Sierra Leone*, S/2000/13 (11 January 2000).
14. Truth and Reconciliation Commission. *First Press Briefing*. 24 July 2002.
15. Office of the High Commissioner for Human Rights. *Annual Appeal 2004*. Geneva: OHCHR, 2003, p. 56.
16. Hayner, *Unspeakable Truths*, p. 220.
17. The national commissioners were Bishop Joseph Humper, Laura Marcus-Jones, John Kamara, and Sylvanus Torto. The international commissioners were Yasmin Louise Sooka (South Africa), Ajaaratou Satang Jow (Gambia), and William Schabas (Ireland).
18. International Crisis Group. *Sierra Leone After Elections: Politics as Usual?* Brussels: International Crisis Group, 12 July 2002, p. 18.
19. *Expo Times* (Sierra Leone). "TRC: Is Yasmin Jusu-Sheriff Independent?" 19 Dec 2001 - 01 Jan 2002, Vol. 7, no. 21.
20. OHCHR, *Annual Report 2002*, p. 112.
21. International Crisis Group, *Sierra Leone's Truth and Reconciliation Commission*, p. 5.
22. Sierra Leone web news, 4 December 2002. Bishop Humper blamed William Schabas and Yasmin Sooka for causing the delay in the hiring process in October. Available at www.sierra-leone.org/slnews.
23. Address by Bishop Humper, 18 November 2002.
24. Hayner, Priscilla B. *The Sierra Leone Truth and Reconciliation Commission: Reviewing the First Year*. New York: International Center for Transitional Justice, January 2004, p. 3.
25. *Report of the OHCHR on the Human Rights Situation in Sierra Leone*, A/58/379 (18 Sept. 2003): para. 51.

26. *Eleventh Report of the Secretary-General on the United Nations Mission in Sierra Leone*, S/2001/857 (7 Sept. 2001): para. 45.

27. *Fourteenth report of the Secretary-General on the United Nations Mission in Sierra Leone*, S/2002/697 (19 June 2002): para. 27.

28. *Ibid.*

29. Interview with Franklyn Kargbo, Executive Secretary of the Truth and Reconciliation Committee, Freetown, November 2003.

30. Hayner, *The Sierra Leone Truth and Reconciliation Commission*.

31. Chapman, Audrey R. and Patrick Ball. "The Truth of Truth Commissions: Comparative Lessons from Haiti, South Africa, and Guatemala." *Human Rights Quarterly* 23, no. 1 (February 2001): 16; Hayner, *Unspeakable Truths*, p. 223-224.

32. International Crisis Group, *Sierra Leone's Truth and Reconciliation Commission*, p. 8-9.

33. Interview with Kargbo.

34. United Nations Commission on Human Rights, *Situation of Human Rights in Sierra Leone*, E/CN.4/2004/106 (19 Feb 2004): para. 51.

35. Interview with Kargbo.

36. For extended discussions of these issues, see William A. Schabas, "The Relationship Between Truth Commissions and International Courts: The Case of Sierra Leone." *Human Rights Quarterly* 25, no. 4, (November 2003): 1035-1066; and International Center for Transitional Justice, *Exploring the Relationship Between the Special Court and the Truth and Reconciliation Commission*, New York: (June 2002).

37. Truth and Reconciliation Press Briefing, 2 August 2002.

38. Special Court for Sierra Leone. *Decision on the Request by the TRC of Sierra Leone to Conduct a Public Hearing with the Accused*, SCSL-02-08-PT-101, 29 October 2003. Available at www.sc-sl.org.

39. Interviews with SCSL personnel, Freetown, November 2003.

40. Special Court for Sierra Leone. *Decision on the Request by the TRC of Sierra Leone to Conduct a Public Hearing with the Accused*, SCSL-02-08-PT-101, 29 October 2003.

41. Special Court for Sierra Leone. *Decision on Appeal by TRC and Accused Against Decision to Deny the TRC Request to Hold a Public Hearing with the Accused*, SCSL-03-08-PT-122-I, 28 November 2003. Available at www.sc-sl.org.

42. International Center for Transitional Justice. *The Special Court for Sierra Leone: The First Eighteen Months*. New York: March 2004, p.13.

43. Interviews in Freetown (November 2003) and New York (May 2004).

44. United Nations Commission on Human Rights. *Situation of Human Rights in Sierra Leone*, E/CN.4/2002/37 (18 February 2002): para. 66-77.

45. *Opinion Poll Report on the TRC and Special Court*, available at www.slccg.org/opinionpoll.pdf.

46. Address by Bishop Humper, 18 November 2002.

47. The following details are taken from *Standard Times* (Sierra Leone), "The Truth and Reconciliation Commission Hearings Summary," 1 August 2003.

48. Hayner, *The Sierra Leone Truth and Reconciliation Commission*, p. 4; *Report of the United Nations High Commissioner for Human Rights on the Human Rights Situation in Sierra Leone*, A/58/379 (18 Sept. 2003): para. 50.

49. Interview with Kargbo.

50. *Standard Times* (Freetown), 1 July 2003.

51. The following discussion on children draws on interviews conducted with UNICEF personnel in Freetown, November 2003.
52. *BBC Report*, 1 September 2001.
53. *Africa News Service*, "Amputees to Take Part in Reconciliation Hearings," 6 September 2002.
54. *Ex-Combatant Views of the Truth and Reconciliation Commission and the Special Court for Sierra Leone*, PRIDE, 12 September 2002, Freetown.
55. Hayner, *The Sierra Leone Truth and Reconciliation Commission*, p. 6.
56. Interview with Kargbo.
57. The South African TRC took public testimony from victims, as did commissions in Sri Lanka and Uganda. No Latin American truth commission has held public hearings.
58. Hayner, *Unspeakable Truths*, p. 225.
59. Radio transcript of Humper interview.
60. Chapman and Bell, p. 23.
61. Quinn and Freeman, p. 1140-1141.
62. Quinn and Freeman, p. 1147.
63. Interview, International Crisis Group staff, Freetown, November 2003. For an extensive look at the issue, see Physicians for Human Rights, *War-Related Sexual Violence in Sierra Leone*, PHR: Boston, 2002.
64. The following discussion of children draws on interviews conducted with UNICEF personnel in Freetown, November 2003.
65. *Pan-African News Agency*, "Sierra Leone Government Soothes Aggrieved War Amputees," 20 February 2004.
66. *Standard Times* (Freetown), 1 July 2003.
67. For a thoughtful discussion of the different kinds of truth produced, see Chapman and Ball, p. 9-12.
68. Minow, Martha. *Between Vengeance and Forgiveness: Facing History After Genocide and Mass Violence*. Boston: Beacon Press, 1998, p. 59.
69. Kaye, Mike. "The Role of Truth Commissions in the Search for Justice, Reconciliation and Democratization." *Journal of Latin American Studies* 29, no. 3 (October 1997): 693-717.

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