



# Transitional Justice and DDR: The Case of Sierra Leone

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### **Transitional Justice and DDR Project**

This research project examines the relationship between disarmament, demobilization and reintegration (DDR) programs and transitional justice measures. It explores the manifold ways in which DDR programs may contribute to, or hinder, the achievement of justice-related aims. The project seeks not only to learn how DDR programs to date have connected (or failed to connect) with transitional justice measures but to begin to articulate how future programs ought to link with transitional justice aims. The project is managed by Ana Patel, Deputy Director of the Policymakers and Civil Society Unit at the ICTJ. For more, visit [www.ictj.org/en/research/projects/ddr/index.html](http://www.ictj.org/en/research/projects/ddr/index.html).

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### **About ICTJ**

The International Center for Transitional Justice assists countries pursuing accountability for past mass atrocity or human rights abuse. ICTJ works in societies emerging from repressive rule or armed conflict, as well as in established democracies where historical injustices or systemic abuse remain unresolved. To learn more, visit [www.ictj.org](http://www.ictj.org).

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## Introduction

Sierra Leone's civil war led to the deaths of over 50,000 people and left thousands of others mutilated, injured and impoverished. Characterized by rampant human rights abuses and impunity, the conflict pitted the Revolutionary United Front (RUF), a well-organized rebel force aided by Liberia, against the government of Sierra Leone and its allies. The conflict emerged within a context of bad governance, economic and political marginalization of rural areas and widespread injustice. It was perpetuated by the exploitation of the country's rich natural resources—namely, through the illegal diamond trade. Sierra Leone's civil war dragged on for eleven years. During that time, the warring factions signed numerous tenuous peace agreements and subsequently broke them to resume fighting. The conflict ended with the signing of the Abuja Protocols in 2001, and the elections of 2002. Aided by the intervention of British troops and a UN peacekeeping force, Abuja marked the end of the RUF's involvement in government and led to an immediate cease-fire and cessation of hostilities. It also marked the beginning of a national disarmament, demobilization and reintegration process (DDR). Within a year, at the end of 2002, over 76,000 combatants, including more than 6,000 children, were disarmed.

That same year Sierra Leone's Truth and Reconciliation Commission (TRC) and the Special Court for Sierra Leone (SCSL, or Special Court) were established. The TRC was a product of the Lomé Peace Agreement (LPA) of 1999, between the government of Sierra Leone and the RUF. The SCSL came out of a request from the government of Sierra Leone to the UN asking the international community to try those most responsible for human rights crimes during the armed conflict. This paper explores the relationship between these three seemingly conflicting processes: the first focused on terminating the war and the other two committed to obtaining accountability for the war. The Sierra Leone case is exceptional in that the DDR process and the national transitional justice initiatives occurred in close temporal proximity, and because of the coexistence of both a truth commission and a criminal tribunal. The connections that existed between DDR and transitional justice measures in Sierra Leone were consequential rather than purposive. The absence of any formal relationship between DDR, the TRC and the Special Court resulted in missed opportunities for coordination and imbalanced outcomes for victims and ex-combatants.

## Context

### The Civil War, DDR, Transitional Justice and the Postconflict Situation

The civil war in Sierra Leone started in March 1991 when RUF forces, headed by Foday Saybana Sankoh,<sup>1</sup> attacked the country's eastern border town of Bomaru, in the Kailahun district, from across the border in neighboring Liberia. The war lasted for eleven years, and was formally declared over in January 2002 with a symbolic burning of weapons collected during the country's DDR process.

While the war pitted the government of Sierra Leone and its Republic of Sierra Leone Armed Forces (RSLAF) against the RUF, both sides had allies aiding them in the conflict. Allies of the government included both indigenous and foreign fighters. The main indigenous allies were the Civil Defence Forces (CDF), the most prominent of which was the Kamajor militia headed by Chief Sam Hinga Norman. Foreign forces that supported the government included Guinean troops; a South African mercenary group called Executive Outcomes; the Economic Community of West African States Monitoring Group (ECOMOG), a West African regional armed force that was comprised mainly of Nigerian soldiers; and British troops. The primary external supporter of the RUF was the National Patriotic Force of Liberia (NPFL), headed by Charles Taylor. The RUF also received training and logistical and financial support from Libya. In 1997, the RUF formed an alliance with a faction of the Sierra Leonean army known as the Armed Forces Ruling Council (AFRC).

As the conflict continued, it brought about a number of regime changes in the country. The RUF started the war in 1991 against the political party the All People's Congress (APC), which ruled Sierra Leone from 1968 to 1992. In 1992, young officials in the RSLAF overthrew the APC government and established the National Provisional Ruling Council (NPRC) in its place. This military government vowed to bring the war with the RUF to a speedy conclusion, but by 1995 the violence had intensified. Most Sierra Leoneans believed that the junta was not only incapable of ending the war but was in fact colluding with the RUF to prolong the war, to justify its arguments that elections could not be held in a war situation.<sup>2</sup>

Sierra Leonean civil society groups and political parties,<sup>3</sup> with the support of the British and American governments, pressured the NPRC to return the country to a democratically elected civilian government committed to ending the war. This was partly achieved when a newly elected civilian administration under the leadership of President Ahmad Tejan Kabbah of the Sierra Leone People's Party (SLPP) signed a peace agreement at Abidjan, Ivory Coast, with the RUF in November 1996. In May 1997, however, the AFRC overthrew the SLPP government and, as mentioned above,

invited the RUF to join them in ruling the nation. There was widespread opposition to this second military takeover, both within the country and by international actors alike, including the UN, the Economic Community of West African States (ECOWAS), the Commonwealth of Nations and the governments of Nigeria and Britain. Following the failure of the AFRC to adhere to the provisions of a peace agreement signed in the Guinean capital of Conakry in 1997, ECOMOG troops forced out the AFRC and reinstated President Kabbah and his administration in March 1998. Less than a year later, the AFRC/RUF invaded Freetown in another attempt to overthrow the SLPP government. After Nigerian troops again forced out the rebel faction, the Lomé peace talks were initiated, and the Lomé Peace Agreement (LPA) was signed in July 1999.

Delays in implementing the LPA resulted in another failed attempt by the RUF to overthrow the SLPP in May 2000. In subsequent protocols to the LPA, negotiated in further talks in Abuja, Nigeria, the RUF leaders and the SLPP government reaffirmed their commitment to DDR, as well as to the extension of governmental authority to all parts of the country. The elections held in 2002 were the first in which the RUF participated as a political party. They received less than 2 percent of the votes cast.<sup>4</sup> The SLPP won the elections by a wide margin and Ahmad Tejan Kabbah was reinstated as president.

In total, the government and rebel forces signed four peace accords before the war formally ended and elections took place in 2002. These were the Abidjan Peace Accords (APA) (1996), the Conakry Peace Plan (CPP) (1997), the Lomé Peace Agreement (1999) and the Abuja Ceasefire Agreement (ACA) and subsequent protocols (2000 and 2001). The LPA and the Abuja processes were the most important peace initiatives among the four in that they together brought about the end of war.

The primary objectives of these peace processes were the cessation of hostilities, the survival and revival of the democratically elected government and the reassertion of the government's monopoly over the use of force in Sierra Leone. Meeting these primary objectives required the belligerents to lay down their arms and demobilize their fighters. The armed factions, however, wanted something in exchange for laying down their arms. During the Lomé talks, the RUF commanders demanded positions in government, general amnesty for both leaders and rank-and-file members and reintegration or reinsertion benefits for lower-level commanders and ordinary fighters.

While both the RUF and government forces committed human rights abuses in the course of the conflict, the prevailing opinion both nationally and internationally was that the insurgents were responsible for the overwhelming number of abuses and violations committed during the war. These pervasive human rights abuses and violations included amputation; widespread rape and coercion of women and girls as “bush wives” of combatants; burning of houses; large-scale killing and maiming of civilians; and the forced recruitment of children in armed groups.<sup>5</sup> Possibly up to 100,000 people were killed in the conflict and approximately 4,000 had a limb severed through forced amputation.<sup>6</sup> Sexual violence served as an extraordinarily brutal tool of war in the Sierra Leone conflict. Combatants viciously raped and gang-raped thousands of women, including pregnant women and

girls as young as eight years old. Many who survived the rape died subsequently from rape-related bleeding and/or infections.<sup>7</sup>

Initiatives that promoted accountability for these crimes were threatening primarily to the RUF and other nongovernment armed groups. These groups sought either to exclude or to water down any transitional justice initiatives in the agreement. Initially, they were able to convince the SLPP and its backers that including accountability and transitional justice measures on the agenda would jeopardize the primary military and political objectives of the peace processes. Concerns expressed by civil society groups relating to accountability for human rights violations and the needs of victims were marginalized during the negotiations.

Either the state or, in some cases, society in general can exact punishment for human rights violations. The state can punish through prosecuting perpetrators of abuse. Society can punish through the ostracism or stigmatization of violators. In Sierra Leone, the armed factions, particularly the RUF, attempted to eschew any consequences of their actions by insisting on an amnesty to evade state prosecution, and reintegration assistance to avoid or ease possible societal ostracism and stigmatization.

Amnesty was a high price to pay for the rebels to lay down their weapons. The parties to the negotiations agreed to it only because the government and the people of Sierra Leone so badly wanted the violence to end. Sierra Leonean society wanted the armed factions to acknowledge the crimes they committed, and for members of armed groups to change their behaviors. Despite the initial agreement in Lomé, however, the RUF did not disarm, although other armed groups did begin a disarmament process. The RUF continued to abuse the rights of civilians under their areas of control, including through acts of rape and other sexual violations. The height of the RUF's continued "misbehavior" was in May 2000, when they abducted more than 500 UN peacekeepers, killed over thirty civilians in Freetown, and attempted to overthrow the SLPP government in Freetown. British troops deployed that same month in response to these actions managed to force the RUF back into submission. The government consequently sacked RUF members of the cabinet and called for the prosecution of RUF leaders. Soon after, President Kabbah wrote a letter to the UN secretary-general requesting help in prosecuting those responsible for the most egregious human rights crimes committed during the conflict.

## The Peace Accords in Sierra Leone, DDR and Transitional Justice

This section provides a brief overview of the four peace accords, noting how the treatment of DDR and accountability evolved through this series of agreements signed between 1996 and 2001.

## The Abidjan Peace Accords (APA): DDR without Transitional Justice

Julius Maada Bio, the military head of state of the NPRC, started the negotiations<sup>8</sup> leading to the signing of the Abidjan Peace Accords before he handed over power to Ahmad Tejan Kabbah, the winner of the presidential elections of February 1996. The Kabbah government entered peace negotiations with the RUF in Yamoussoukro, Ivory Coast, in May 1996, and the first peace agreement between the government and the rebels was signed in Abidjan on November 30 of that same year.

The APA provided blanket amnesty<sup>9</sup> for all combatants and the establishment of a DDR process.<sup>10</sup> The peace accords also gave former fighters the opportunity for recruitment into the national army without any form of vetting for previous human rights records. The APA further stipulated that the government withdraw Executive Outcomes, the private military organization initially contracted by the NPRC to fight the rebels and drive them off the Sierra Leonean diamond fields. An equally important provision of the accord was the transformation of the RUF into a political party.

The only transitional justice initiative mentioned in the agreement was the vetting of personnel in the police force.<sup>11</sup> There were no provisions for truth-telling, prosecutions or reparations. The APA provided for a citizens' consultative conference, which was to be convened every year. The first of these conferences was to be held within the first hundred days after the signing of the peace accord.<sup>12</sup> The consultative conferences were established to ensure that all those involved in and affected by the conflict had the opportunity to participate and be represented in the political process.

The government of Sierra Leone attempted to implement the APA by establishing a national Commission for the Consolidation of Peace (CCP) to act as a verifying mechanism responsible for supervising and monitoring compliance with all the provisions contained in this Abidjan Accord, including the formation of the Trust Fund for the Consolidation of Peace and a Demobilization and Resettlement Committee. The CCP faced a variety of challenges in fulfilling its mandate.<sup>13</sup> The APA called for the deployment of 700 peacemakers to monitor implementation, for example, but the RUF reneged on this arrangement and counter-proposed the deployment of only 120 monitors. The situation worsened considerably when the government supported a coup against the leadership of the RUF. RUF fighters in the bush saw this as a conspiracy and an attempt by the government to dethrone their leader.<sup>14</sup>

On May 25, 1997, in the midst of this political rumbling, junior officers of the RSLAF overthrew the Kabbah government and invited the RUF to join them in an AFRC government.



## The Conakry Peace Plan (CPP)

Widespread civil disobedience broke out in response to the coup and the AFRC junta. Many civilians fled Sierra Leone as fighting between the pro-Kabbah government CDF and the AFRC escalated.

International and regional actors, including the UN, ECOMOG and the Organization of African Unity (currently known as the African Union), also condemned the AFRC takeover. Because of this, ECOWAS received permission to send troops to enter the country and return the Kabbah government to power. In June 1997, ECOMOG issued a communiqué endorsing a three-pronged approach to ending the crisis: dialogue, embargo and sanction, and the option to use force if the embargo and sanction failed.

ECOMOG initiated contact with the junta with a view to convince them to hand over power to the ousted Kabbah government. These efforts led to the Conakry Peace Plan of October 23, 1997.

The Conakry Plan had provisions for the DDR of combatants, the immediate cessation of hostilities and the handing over of power by the junta to Kabbah on May 22, 1998. Under the plan, all those involved in the coup were granted a blanket amnesty, including Foday Sankoh, the RUF's leader, who had been arrested in Nigeria for illegal possession of firearms. The Conakry Plan had no provisions for transitional processes or broader aims for peace and justice; instead it focused on reinstating the ousted government.

Despite this, the Conakry Plan was not implemented. The AFRC refused to disarm and the pro-Kabbah government CDF continued to attack the junta forces. ECOMOG then decided to use force to reinstate the ousted Kabbah government. In February 1998, junta forces attacked an ECOMOG base just outside Freetown. ECOMOG's counteroffensive dislodged the junta from Freetown and reinstated President Kabbah in March 1998. The AFRC and RUF retreated into the hinterland.

The reinstated Kabbah government was in a militarily strong position during the post-Conakry agreement period. The government perceived itself as the victor and the RUF as the vanquished. It was felt that there was no longer any need to offer incentives to the RUF to participate in disarmament and demobilization. Rather, the government decided to prosecute captured AFRC and RUF combatants and supporters for treason. The government also initiated vetting procedures in the military in order to exclude former members of the RUF, AFRC and other armed groups who were involved in the coup. The vetting procedure required a "favorable character reference" from the paramount chief of the region where a potential recruit hailed from. As no paramount chief would give a favorable character reference to a member of either the AFRC or RUF, this provision virtually ensured that no member of these factions would be recruited into the new army.

The government also created a National Committee for Disarmament, Demobilization and Reintegration and received support for disarmament from ECOWAS and the United Nations Development Programme (UNDP). The World Bank also coordinated a Multi-Donor Trust Fund (MDTF), established by numerous international actors, for the DDR process in Sierra Leone.

This DDR process (later called DDR Phase One to distinguish it from two others that were later implemented) was intended to disarm more than 75,000 combatants from various warring factions (RSLAF, CDF, AFRC and the RUF), including children. A little more than 3,000 combatants were disarmed before the AFRC and RUF attacked Freetown in January 1999.<sup>15</sup>

## The Lomé Peace Agreement (LPA): DDR, Truth-Telling and Reparation

At the height of the January 1999 attack on Freetown, the Kabbah government called for a ceasefire. The AFRC and RUF, however, refused to halt their offensive and only a deployment of ECOMOG reinforcement troops from Nigeria pushed the rebels out of Freetown.

At the same time, the new Nigerian government of President Olusegun Obasanjo was facing domestic pressure to withdraw its forces from Sierra Leone.<sup>16</sup> This meant the removal of the major obstacle to an AFRC-RUF military takeover of the country. Concern about the prospect of a withdrawal led to increased calls for a negotiated settlement to end the conflict. The international community, particularly Britain and the United States, pressured the reluctant but militarily weak Kabbah government to the negotiating table.<sup>17</sup>

The Lomé negotiations were also the first that gave civil society groups an opportunity to participate directly in the peace process. The objectives of these groups generally went beyond military and political aspects to include issues relating to accountability for human rights violations and the needs of victims. These objectives became part of the agenda during the talks. However, civil society's focus on accountability mechanisms threatened the major interests of the government and the RUF, and thus was either shelved or vaguely referred to in ways that showed a lack of commitment by either the government or the RUF to them. Other parties to the negotiations eventually watered down civil society groups' demands for truth, justice and reconciliation, establishing plans for a truth and reconciliation commission and a human rights commission, while omitting stipulations for criminal justice because it posed a threat to the general amnesty provisions already in the agreement. The attorney general and minister of justice who headed the government of Sierra Leone's delegation asserted that truth was as good as justice.

The main bargain struck at Lomé was a cessation of hostilities, the initiation of a DDR program, the inclusion of the RUF in government, a blanket amnesty for all combatants and reintegration assistance for fighters. At the last moment, the representative of the secretary-general of the United Nations to the peace negotiations included a handwritten note stating that the UN understood that

the amnesty and pardon provided by the agreement would not cover international crimes of genocide, crimes against humanity and other serious crimes under international humanitarian law.

The DDR as enshrined in the LPA was a multifaceted and interconnected process consisting of “. . . advocacy for weapons collection programs, military administration of disarmament and demobilization of ex-combatants, ex-combatant reintegration into new armed forces or civilian life and building civilian support for demobilization and reintegration processes.”<sup>18</sup> It was conceived as a multiagency endeavor involving the Sierra Leone government, ECOMOG, the United Nations Mission in Sierra Leone (UNAMSIL), UNDP, UNICEF, the World Food Programme (WFP) and other partners. In less than a year, the DDR process agreed to at Lomé resulted in the disarmament and demobilization of more than 18,000 combatants. The process was interrupted when fighting flared up again in May 2000.<sup>19</sup>

The RUF’s abduction of United Nations peacekeepers triggered the May 2000 violence. In response, human rights activists and civil society groups marched to Foday Sankoh’s house to demand that the RUF resume implementation of the LPA. During the demonstration, Sankoh’s men opened fire at the demonstrators and killed more than twenty people. Foday Sankoh was arrested. British forces fighting on behalf of the government foiled an RUF attempt to mount an attack on Freetown to rescue Sankoh.

## The Abuja Protocols

The arrest of Foday Sankoh and a number of RUF-appointed cabinet ministers marked the effective end of the RUF’s participation in the government. Issa Sesay replaced Sankoh as head of the RUF, and the representatives of the Kabbah government, armed groups and international community entered into a final negotiation in Abuja, Nigeria. As a result of these negotiations, two “Abuja protocols” were added to the LPA. The first, the Abuja Ceasefire Agreement, signed in November 2000, obliged the parties to an immediate cease-fire, a cessation of hostilities, the resumption of the DDR process originally halted by the violence of May 2000, the deployment of UNAMSIL peacekeepers and the extension of government authority to all parts of the country.

The Economic Community of West African States facilitated the second Abuja agreement, which all parties signed in May 2001. The agreement called for the simultaneous disarmament of RUF and CDF combatants and the extension of government authority to areas controlled by the RUF. The agreement also stipulated that disarmed RUF fighters could be absorbed into the RSLAF after a screening process.

Though reports indicate that discussions of transitional justice issues occurred in closed-door sessions at Abuja,<sup>20</sup> there were still great concerns that mention of accountability and justice would disrupt the disarmament process. This fear, as during the Lomé talks, constrained any discussion of links between DDR and transitional justice.

The Abuja accords provided a framework for a speedy disarmament process. By the time the government declared the war over—barely a year after the signing of the protocols—the National Committee for Disarmament, Demobilization and Reintegration (NCDDR) had disarmed more than 76,000 combatants, including more than 6,000 children.<sup>21</sup>

## The DDR Process in Sierra Leone

The DDR process in Sierra Leone went through three phases, the first two of which were disrupted by outbreaks of violence and resumption of the war. Phase One began just after the reinstatement of the Kabbah government in 1998, when the government of Sierra Leone and its supporters were in a stronger position militarily, given that the AFRC and RUF were in retreat. DDR in this phase essentially was an arrangement between the government of Sierra Leone, the UNDP, ECOMOG and the World Bank to lure individual insurgents away from their defeated factions. It was “a surrender conduit” provided by a magnanimous victor and its main military backers in ECOMOG. The government established the National Committee for Disarmament, Demobilization and Reintegration with a mandate to coordinate a program of assistance to all ex-combatants, which was to include the demobilization and reintegration of AFRC, RUF and CDF combatants, as well as to provide assistance to child and disabled combatants. NCDDR also had a mandate to implement the Training and Employment Program (TEP). President Kabbah chaired the committee and there were no representatives from any of the insurgent forces.

Phase Two of the DDR process was a result of the LPA. Its design and implementation this time reflected the weak military position of the government at the time of the LPA. As opposed to Phase One, which had no RUF involvement, Phase Two of DDR included RUF representatives. Both the Kabbah government and the UN courted RUF leadership to help with the DDR process to ensure their members’ participation. Importantly, the NCDDR and UNAMSIL ran the reception centers for ex-combatants. Unlike ECOMOG, neither NCDDR nor UNAMSIL had taken part in the fighting.

Phase Three started after the signing of the Abuja agreements. It was an attempt to revive the DDR process that had been shattered by the events of May 2000. The RUF was very weak militarily and now had a more compliant leadership, headed by Issa Sesay, willing to more fully negotiate for peace. The Abuja protocols called for a fast-tracked simultaneous disarmament of AFRC, RUF and the pro-Kabbah government CDF.

Phase Three of the DDR process proceeded without interruption from further outbreaks of violence. The disarmament and demobilization stage involved the establishment of reception centers in which officials collected and destroyed weapons, and ex-combatants demobilized. In order to qualify for DDR, combatants had to be eighteen years of age and be able to assemble and disassemble a gun.

Group disarmament, meaning a group of combatants reporting to reception centers with a single gun, was not allowed in Phases One and Two. This greatly reduced the participation of women in the DDR process, as most of them did not possess weapons or their commanders ordered them to hand their weapons over to male colleagues before demobilization. Group disarmament was permitted in Phase Three.

At the reintegration stage, ex-combatants received reinsertion packages and registered for reintegration assistance, which included skills training and other educational programs provided in the recipient communities where the ex-combatants went or returned to after demobilization. A total of US\$150 in cash was offered to ex-combatants as the reinsertion package.<sup>22</sup> The reinsertion package—which was exclusive to participants of the Reintegration Opportunity Program (ROP), a program that offered skills training and tools to ex-combatants—was supposed to be an incentive for former fighters to return to their towns of origin. By December 2002, 56,700 ex-combatants had registered for reintegration support. A total of 51,122 ex-fighters had participated in different programs within the ROP categorized as vocational/apprenticeship, formal education, agriculture and job placement.<sup>23</sup> The NCDDR provided general administrative oversight for reintegration assistance programs, but local or international NGOs implemented the programs themselves.

## Women and the DDR Process in Sierra Leone

Women played a variety of roles in the activities of the different armed factions. These included providing medical care for wounded combatants, cooking for the armed factions, spying and fighting. While the overwhelming majority of women were forcibly recruited, others joined the armed factions because they believed the groups offered protection; they had family members who were already involved in the groups; and/or joining meant that they could meet their basic socioeconomic needs.<sup>24</sup>

At the start of the DDR process (Phase One), it was estimated that 45,000 ex-combatants were in need of DDR and that 12 percent of this population would be female. The actual numbers ended up being far greater than the estimate. According to the UN Department of Peacekeeping, at the end of 2002, out of the 75,000 combatants demobilized, 4,751, or 6.5 percent, were women. Additionally, the number of girls who entered the demobilization program was far less than expected. Only 0.4 percent of the estimated 1,772 girls in the CDF entered the process; for the RUF, it was 6 percent of the estimated 7,500; and for the AFRC, only 2 percent of the estimated 1,667 girls within their ranks entered the DDR process.<sup>25</sup> The DDR program's strict categorization of members of armed factions as combatants meant that most women and girls who played noncombatant roles (cooks, spies and medical caregivers) in the conflict were left out of the process.<sup>26</sup>

The official DDR process created through various peace agreements was essentially for male combatants. Criteria for entry into DDR reception centers, for example, required possession of a gun. Female ex-combatants could not usually present a weapon because, as mentioned above,

commanders of armed factions simply made women hand over their weapons to male combatants who were on their way to DDR centers. Another reason women did not possess weapons had to do with the fact that there were more combatants than guns in armed factions, including the RUF and CDF, and that males were often privileged over females in the distribution of weapons.

Another bias and limiting factor in the number of women receiving DDR benefits was the widespread denial among the CDF that there were female combatants among them. Generally, the notion of female combatants did not fit well with the ideal roles for women in Sierra Leonean society. The predominantly male officials involved in Sierra Leone's DDR process readily accepted the CDF's denial and other armed groups' suppression of the number of female combatants within their ranks.

In addition to this, many women also choose to self-demobilize. Some female ex-combatants feared further abuse or acts of vengeance in the DDR centers. They found the large number of men in the DDR centers intimidating, did not feel secure in that environment and/or preferred to avoid the stigma of association with armed groups. Consequently, most female combatants did not benefit from the reinsertion packages and training schemes that were designed to ease combatants' reintegration into society.

## Children and the DDR Process in Sierra Leone

More than 48,000 of the soldiers in Sierra Leone were children, including over 12,000 girls.<sup>27</sup> Recognizing the extent to which children were affected by the conflict, the Lomé agreement included a provision for a separate DDR process for children. The NCDRR stated that over 6,774 children entered the DDR program: 3,710 had been with the RUF, 2,026 with the CDF, 471 with the Sierra Leone Army and 427 with the AFRC; 144 were with other factions or non-affiliated.

Although child soldiers were not officially required to produce a weapon or to have combatant status in order to be eligible, most participants stated that they were in fact required to present a weapon. As a result, thousands of children who had not been combatants but who played multiple other roles (whether as porters, cooks, spies, medics or sex slaves) were left out of the process.<sup>28</sup> Despite the fact that girls represented approximately 30 percent of child soldiers, only 8 percent of those who entered the program were girls.<sup>29</sup> In addition to the fact that many girls performed noncombatant roles and were therefore deemed ineligible, some were prevented from leaving the control of commanders and others chose not to participate for fear of stigmatization.<sup>30</sup> Those girls who did participate reported frustrations with the process, ranging from fears for their security to failure to obtain the promised benefits or medical care.<sup>31</sup>

## Impact of the DDR Process

Evaluated against two of its major objectives, disarmament and demobilization, DDR in Sierra Leone has been successful. The three-phased process ultimately disarmed and demobilized more than 70,000 combatants, a figure far higher than the estimated 45,000 at the start of the process. Getting weapons out of the hands of fighters, and dismantling military structures of armed groups, has been a major contribution to the nonresumption of armed violence in the country since 2002.

The DDR process, however, had very little impact on the reintegration of ex-combatants into society. This is in part because of the investment of greater attention and resources to the disarmament and demobilization stages of DDR than to the reintegration stage. One aspect of this had to do with donor attention. It was much easier to measure how many combatants had gone through a disarmament and demobilization process than to identify measurable indicators against which to evaluate the reintegration processes. As most donors' evaluations require short-term indicators, they are more interested in supporting the disarmament and demobilization phases than the reintegration phase. Additionally, officials considered armed and mobilized insurgents more threatening to the state and power holders than unintegrated young people. Sierra Leone has always been a country that alienated its youths; paying attention to disarming youths, but failing to ensure their reintegration into society, falls into the pattern of historic neglect.

A 2005 evaluation on the reintegration of ex-combatants in Sierra Leone found that over 6 percent (or 63) of 1,043 ex-combatants in the study had minor or major problems reintegrating into civilian communities.<sup>32</sup> The study found that participation in the DDR program had little impact on the ex-combatants' ability to reintegrate. Rather, the most significant determinant of whether a former fighter gained acceptance into his or her family and community was the level of abuse the former combatants' armed group inflicted upon civilians of that area. The study also found, albeit with weaker evidence, that ex-combatants who attempted to settle into communities that had suffered high levels of abuse during the war had more difficulty reintegrating. According to this study:

A combatant's experience of the war—in particular, the extent to which he or she engaged in abusive practices—is the most important determinant of acceptance. Individuals who perpetrated widespread human rights abuses face significant difficulty in gaining acceptance from their families and communities after war.<sup>33</sup>

## Transitional Justice Initiatives

Since the signing of the LPA in 1999, a number of transitional justice measures have been initiated in Sierra Leone. These mechanisms include the Truth and Reconciliation Commission, the Special Court for Sierra Leone, institutional reform of the security agencies, a reparations program and the establishment of a Human Rights Commission (HRC).

## The Truth and Reconciliation Commission (TRC)

Discussions about setting up a truth commission started in Conakry, Guinea, among exiles from the 1999 joint AFRC-RUF invasion of Freetown. The discussions took place during UNAMSIL-coordinated meetings of the Sierra Leone Human Rights Committee, with both Sierra Leonean and non-Sierra Leonean human rights activists serving as participants. The National Forum for Human Rights (NFHR) and the National Commission for Democracy and Human Rights (NCDHR) later spearheaded these discussions and they “were done in the context of what was seen as the likelihood of an amnesty and therefore the need for an alternative accountability mechanism.”<sup>34</sup> By the time the peace negotiations started at Lomé, the establishment of a truth, justice and reconciliation commission had become integral to civil society discourses regarding any peace agreement to end the war.

The TRC in Sierra Leone was a project driven by civil society. Its eventual inclusion in the Lomé Peace Agreement was a result of civil society participation in the peace negotiations and the support of international human rights bodies, UNAMSIL and international NGOs in Sierra Leone.<sup>35</sup> All parties backed the establishment of the TRC, including the national government and the rebel forces of the RUF. The UN and several other international partners signed up as “Moral Guarantors” of the Commission.

Article 26 of the LPA contains provisions for the establishment of Sierra Leone’s TRC. Sierra Leone’s parliament passed final legislation to set up the institution in February 2002. The TRC was mandated to produce “an impartial record of violations and abuses of human rights and international humanitarian law related to the armed conflict in Sierra Leone, from the beginning of the conflict in 1991 to the signing of the Lomé Peace Agreement; to address impunity, to respond to the needs of victims, to promote healing and reconciliation and to prevent a repetition of the violations and abuses suffered.”<sup>36</sup> Toward this goal, the TRC Act called on the Commission to conduct research, hold public sessions and receive testimonies from victims, perpetrators and other witnesses. The Act also called on the TRC to give special attention to women and girls who suffered sexual violence, and child victims.

The TRC started operations in 2002 with a very meager budget and submitted its final report in October 2004. The report found that bad governance, corruption, human rights abuse and failure of leadership by successive postindependence governments created the conditions for violent conflict in the country.<sup>37</sup> The Commission identified the National Patriotic Front of Liberia and Libya as contributors to the war. The report called on Liberia to make a symbolic contribution and Libya to help fund reparations for Sierra Leone. The report also found that youth were both perpetrators as well as victims, stating that “children were singled out for some of the most brutal violations of human rights . . . [and] most of the factions forced children into combat.”<sup>38</sup> The report went on to mention that “women and girls suffered uniquely.”<sup>39</sup>



During its two years of core operations (2002 to 2004), the TRC gathered and analyzed approximately 9,000 personal statements, as well as nearly 200 written submissions from national or international institutions and NGOs. The TRC held *more than 500 individual hearings*, including public and closed sessions, addressing the experiences of victims or former combatants, significant events in the conflict and a range of thematic issues.

The comprehensive recommendations of the TRC addressed needs in terms of protecting human rights, fighting corruption, overhauling the security sector and improving the democratic participation of youth and women. There are more than 220 individual TRC recommendations, divided into three main categories according to the urgency and necessity with which the TRC believed they should be implemented. The gravest abuses that led to violence listed in the TRC's final report include the abuse of legal powers (such as safe custody detention and the death penalty) for political ends; the abuse of authority over security forces (including armed police); elitist and unrepresentative politics; suppression of free expression (in civil society, the media and political opposition); rampant corruption (especially among civil servants and government ministers); and bad governance in general.

The TRC also provided a detailed section on reparations for victims of the war. The proposal for reparations is discussed in more detail in a separate section below.

## The Special Court for Sierra Leone (SCSL)

The May 2000 crisis and subsequent arrest of RUF leader Foday Sankoh was a defining moment for Sierra Leone's peace process, with profound implications for the legal framework for DDR and the prospect of transitional justice. Most significantly, it led to a more robust UNAMSIL and British military involvement in Sierra Leone. This heightened military presence greatly overwhelmed the RUF and gave the government the upper hand both militarily and diplomatically. It was from this strengthened position that the government wrote a letter to the UN requesting the establishment of a court to try members of the RUF involved in human rights abuses. The UN, roiling from the humiliation of the abductions of its peacekeepers, supported the creation of such a court. Thus, while the development of the TRC was spearheaded by civil society groups, the SCSL was an endeavor led by the government of Sierra Leone, the UN and the international community.

The mandate of the SCSL is to try those who bore the greatest responsibility for the atrocities that were committed in Sierra Leone since November 30, 1996. It is a court of mixed jurisdiction and composition. Both Sierra Leonean and international law are applicable, and Sierra Leoneans serve as judges and attorneys alongside international participants. While its hybrid nature gives it the authority to try indictees under international and Sierra Leonean law, the prosecution has not yet indicted anybody under Sierra Leonean laws. The SCSL started operations in August 2002 and has thus far indicted thirteen people, three of whom have died (Foday Sankoh; Sam Bockarie, a.k.a.

Maskita of the RUF; and Hinga Norman of the CDF). Johnny Paul Koroma, the leader of the AFRC, was indicted by the Special Court in 2003, but fled Freetown before capture. He is reported to have died under mysterious circumstances while in hiding, though this is as yet unsubstantiated. His indictment still stands in absentia. The Special Court has so far convicted three indictees, all of them former members of the AFRC, of crimes against humanity. Each of these individuals received sentences of more than forty years in prison. One of the more notable indictees is Charles Taylor, the former president of Liberia; his trial is taking place in The Hague, rather than in Feetown, where the other trials are being held.

The SCSL has also been involved in activities not particularly related to the indictment and prosecution of war criminals. One such activity includes educating the Sierra Leonean populace about principles of the rule of law, such as an independent judiciary, fair trial and the rights of the accused. The Special Court also disseminates information regarding human rights and humanitarian law through community town hall meetings, the media and publications. In conjunction with this, the Special Court provides human rights and international humanitarian law training to those deemed “priority constituencies,” including the military, police, ex-combatants, victims, teachers, youth and students.

The presence of the Special Court and the TRC have further advanced civil society’s participation in and discussion of issues relating to transitional justice, the promotion and protection of human rights, and the rule of law. For instance, in March 2005, the Special Court in collaboration with Sierra Leonean civil society groups and the government hosted a victim’s commemoration conference. The two-day conference was the culmination of a series of talks held in the regions of Makeni (Northern Province), Bo (Southern Province) and Koidu (Eastern Province). Though initially designed to focus on the needs of victims, it instead provided a platform for dialogue about people’s expectations of transitional justice more generally. For the most part, participants registered their concerns about the limited jurisdiction of the Special Court and the fact that much more attention to accountability was needed at the community level.

The Special Court’s Outreach Program implemented most of the activities outlined above. Outreach Program activities can be divided into two phases: the first occurring before Special Court trials began and the second phase occurring while trials were in progress. Activities in the first phase focused mainly on informing Sierra Leoneans about the Special Court’s mandate and operations. Second-phase activities primarily served to relay Special Court trial proceedings to the public and keep people abreast of court actions.

There were two primary objectives during the first phase of outreach activity: to provide communities with information on the mandate and objectives of the Special Court, and to allay the fears of ex-combatants that the Special Court would indict them after their completion of DDR.<sup>40</sup> These outreach initiatives were an attempt to respond to concerns that public misconceptions about the Special Court would inhibit ex-combatant participation in the DDR program.

Ex-combatants formed an integral part of the Special Court's nationwide training for its priority constituencies.<sup>41</sup> The Special Court's strategy to allay the fears of ex-combatants was to explain the meaning of the phrase "those who bear the greatest responsibility" for crimes in its mandate. Many ex-combatants subsequently became contact persons for outreach activities.<sup>42</sup> The Special Court also made particular efforts to target female ex-combatants. Since, for instance, many girls and women ex-combatants or their dependants opted for jobs in the fields of hairdressing and *gara* tie-dyeing, the Special Court organized many outreach activities in the institutions teaching these skills. Special Court outreach activities greatly contributed to dispelling rumors among the ex-combatants that it was going to indict every fighter.

## Reparations

Article 19 of the LPA provided for the establishment of a Special Fund for War Victims. Despite vocal and insistent calls by amputee and civil society groups, the government paid very little attention to creating this fund until recently.

During TRC testimonies, many victims and other witnesses asked what the Commission could do for them with respect to the losses and abuses they suffered. There was clearly a desire by these victims to receive some sort of reparation, and many hoped that their participation in the TRC processes would bring them material resources. The TRC, however, had no mandate or budget to provide reparations, only the authority to recommend their dispensation. On many occasions the TRC referred participants to the National Commission for Social Action (NaCSA) as the agency responsible for taking care of victims, or to victims' NGOs.

The TRC in its final report recommended that the governments of Sierra Leone and Libya, blamed for giving logistical and financial support to the RUF, provide reparations for the victims of the war. Two forms of reparation were recommended: the first is a service package intended to provide for the needs of the victims of the conflict, and the second is a symbolic measure meant to acknowledge the suffering of the victims. According to the TRC, the Special Fund for War Victims should prioritize support for housing, education for the children of victims, long-term counseling, comprehensive research and assessment of war victims' needs, and provision of skills training for victims.

The service package as described by the TRC provided free medical, educational and training services to the victims (especially amputees) of the conflict. Other recommended benefits of the reparations package included the establishment of a micro-credit scheme for war victims, and a pension to all adult amputees and other war-wounded victims whose earning capacities have been reduced by half. With regard to symbolic reparations, the TRC recommended both public acknowledgment of the victims' sufferings, such as the creation of public memorials, and, most important, the inclusion of victims in government decisions regarding their interests.

At a 2005 victims' commemoration conference organized by the Special Court, the government and civil society groups, participants, including war-wounded and amputees, registered their disappointments regarding the government's lack of commitment to a reparations program in the country and demanded action toward the implementation of this transitional justice initiative.

Succumbing to pressure from within and without Sierra Leone, the government eventually established a task force to deal with victims' issues. A precursor to this task force was the establishment of a Cabinet Subcommittee in September 2005 to recommend measures to address some of the needs of amputees and war-wounded.<sup>43</sup>

The TRC's recommendations for reparations reinvigorated civil society advocacy and this further pressured the government to act to create a victims' fund. A national conference of women organized by Action Aid International in Bo on International Women's Day (March 7, 2006) passed a resolution demanding its establishment. The resolution also included recommendations on the implementation of the fund, priority interventions and fund-raising strategies. Recommendations for the implementation of the fund included the following: war victims should be involved in the process of establishing the fund; the fund should be government-led and funded and strongly supported by civil society, particularly women's organizations; the fund should be established at district levels throughout the country; and local women's groups should implement specific victims' programs. Additionally, a coalition of civil society groups coordinated by the Forum of Conscience (FoC) continued to meet with government and donor officials and issue press releases geared toward ensuring the creation of the fund.

In September 2006, the Office of the Vice President issued a directive designating the NaCSA as the official government agency to implement the reparations program. The directive also created a task force on victims' issues under the chairmanship of the NaCSA, with members coming from the Office of the Vice President, United Nations Integrated Office in Sierra Leone (UNIOSIL), former TRC officials, war victims and civil society groups.<sup>44</sup> The task force was mandated to provide technical advice in the development of a strategic plan for the implementation of the reparations program, assist the NaCSA in designing a database of victims, help NaCSA to develop and market a proposal for creating a victims' trust fund by government and other stakeholders, and develop a partnership with internal and external stakeholders and institutions to implement the reparations program.<sup>45</sup>

In 2008, the United Nations Peacebuilding Fund provided US\$3 million in catalytic funding for the reparations program. The newly elected government of President Ernest Bai Koroma also committed some funds (mostly through in-kind resources) for an initial period of one year. In September 2008, a Directorate of Reparations was established within NaCSA, and a National Steering Committee was created. The National Steering Committee is cochaired by NaCSA and the International Organization of Migration (which manages the PBF funds) and is composed primarily of representatives of government ministries; there are two representatives each from civil society and victims groups.

During 2008, victims in the various categories were to be provided services in the following areas, while the Directorate of Reparations plans and solicits funds for the expansion of benefits in subsequent years:

- Amputees: Free physical health care; education; and housing for the most vulnerable.
- Other War-Wounded: Free physical health care to the degree their injury or disability requires; surgery for those in need; housing for the most vulnerable.
- Victims of Sexual Violence: Free physical health care; free fistula surgery for those in need; free HIV/AIDS and STI testing and treatment. Subject to availability of funds, housing may also be provided for the most vulnerable victims.
- Children: Free physical health care; educational support.
- Community/Symbolic Reparations: Commemoration ceremonies; memorials; symbolic reburials.
- Free mental health care (counseling and psychosocial support) in all chiefdoms.

The registration of eligible victims commenced on December 1, 2008, and continued to March 31, 2009.

## Institutional Reform and Vetting Processes

### Institutional Reform of the Sierra Leone Police (SLP)

From the late 1960s to the outbreak of war in 1991, the Sierra Leone Police (SLP) was mainly concerned with facilitating the power of oppressive governments rather than with protecting ordinary Sierra Leoneans. Consequently, throughout the war, the RUF, AFRC and even the CDF targeted police personnel and infrastructure for attacks.<sup>46</sup> As a result, rebuilding police infrastructure, recovering its capacities and reforming its structures and procedures became critical imperatives in postconflict efforts at ensuring peace, stability and justice.

The government of Sierra Leone's vision for the police was contained in a 1998 document called the Policing Charter. This document envisioned a police force that would help maintain peace and stability among communities whose members were returning after conflict. The force would embrace a new methodology called local needs policing, which focused on building trust between the local people and the police.

The government, lacking the resources to rebuild police infrastructure or ensure the necessary institutional reforms, solicited international support. Britain's Commonwealth Community Safety and Security Project (CCSSP) and the UN Civilian Police (CIVPOL) through UNAMSIL provided the majority of support in this area.<sup>47</sup>

The SPL has initiated four reform measures considered valuable for the promotion of a police service that respects, protects and promotes human rights. These reforms include the adoption of a community policing approach; the establishment of a Complaints, Discipline, and Investigations Department (CDID) to hear complaints against police officers by civilians; the initiation of Family Support Units (FSU) to handle matters relating to sexual abuse against women and children; and the inclusion of human rights education in its new officer training packages.

The police-training package had components addressing peace education, conflict resolution, the role of police in democratic governance and international humanitarian law. Experts in the above fields collaborated with SLP officials to provide training for officers and new recruits; for example, the SLP and Peace Studies Department of the University of Bradford in the UK jointly delivered peace education and conflict resolution training. The Human Rights and Development Center of CARE collaborated with the SLP to provide human rights education, while the International Committee of the Red Cross delivered lectures on international humanitarian law.

Police training also contained transitional justice issues related to the Special Court and TRC within its peace studies, conflict resolution, human rights and international humanitarian law curriculums. Additionally, a number of police officers have firsthand experience of these institutions, given that the SCSL has selected many to serve as its investigators.

Although the reform efforts directed at the police were motivated by the need to prevent police injustices and incapacities from contributing to another war, there were very few attempts to screen serving officers or new recruits on human rights criteria. For example, while a number of officers belonging to the SLP paramilitary unit participated in the war as fighters, the reforms did not provide for human rights-based screening of police officers already on the force.

Entrance into the police force did call for new recruits to obtain a “good character reference” from the chiefs of their respective communities and receive a criminal record check by the police’s own Criminal Investigation Department. This had the potential of screening out human rights violators if the police had the capacity to conduct thorough background checks, which they did not. Moreover, the main police record facilities were destroyed during the war.

Most police officers were against recruiting ex-combatants into the SLP. They still harbored anger and rancor toward combatants. The officers saw themselves as victims who suffered abuses and violations from combatants belonging to all the warring factions.

It was not, however, official policy to distinguish between combatants and noncombatants during police recruitment, and a number of combatants who did not reveal their histories entered into the force. Regardless, police officers assert that these ex-combatant recruits are the source of most of the problems and indiscipline in the force, as evidenced by the many ex-combatant police officers cashiered out of the organization.<sup>48</sup>

## **Institutional Reform of the Republic of Sierra Leone Armed Forces (RSLAF)**

The RSLAF's involvement in a series of coups in the 1960s and 1970s resulted in actions by the APC government to undermine the national military. The government filled the army with its supporters, set up patron-clientele relationships with officers and allowed them free reign with military resources. As a result, the army lost both its discipline and strength. Lax recruitment policies in the 1990s introduced large numbers of rogue elements into the institution in a desperate effort to contain the RUF insurgency. Soldiers staged a number of coups and turned their guns against civilians. The watershed year was 1997, when the army joined forces with the RUF to topple the newly elected SLPP government.

When ECOMOG reinstated the SLPP government in 1998, almost the entire army fled into the bush to continue its rebellion against the government. The government decided to reconstitute the remaining loyal soldiers into a restructured army. Before this initiative could begin, however, the soldiers who had fled into the bush attacked the capital again. Subsequent peace talks at Lomé and the 1999 British intervention led to a disarmament process, British-supported reform of the Ministry of Defense and the creation of a Military Reintegration Program (MRP).

The MRP aimed to subject the military to democratic civilian oversight, implement institutional reform of the Ministry of Defense and retrain soldiers who had joined the rebellion, as well as those who supported the government. The British-led International Military Assistance Training Team (IMATT) conducted these new training sessions and organized well-attended parades for these reabsorbed soldiers.

Despite consideration given to other combatants, the MRP aimed mostly at recruiting former members of the RSLAF who had rebelled against the government during conflict and now wished to rejoin the military as part of the DDR process. Consequently, the RSLAF and the NCDDR established operational linkages between themselves to identify, verify and ensure a smooth transition of former soldiers back into the army. Screening protocols for ex-combatants entering into the MRP were not based on human rights criteria, however. Recruits were not vetted for alleged sexual violations or other crimes committed against women and children, for example. The only criteria for ex-combatant entry into the MRP was that they had to be between eighteen and twenty-five years of age and pass medical, physical and basic literacy and math tests.

Lack of education was not a barrier against recruitment into the army. In fact, the purpose of the literacy and numeracy tests was to enable the recruitment officers to categorize the recruits into commissioned and noncommissioned officers before the proper enlistment began. All those who had a reasonable education and could speak and write English adequately were promoted to corporal. Those candidates with university education entered the army as commissioned officers.

The training package for new military recruits contained human rights elements, such as components on international humanitarian law; human rights as applicable in military situations; the civil-military relationship; and the role of the military in democracies. Similar to the police training, organizations with expertise in human rights and international humanitarian law worked in collaboration with the army on many aspects of military training. The International Committee of the Red Cross delivered the session on international humanitarian law.

Both the SCSL and TRC had specific outreach initiatives to inform the military about their work. The military subsequently utilized this information to answer questions about these institutions posed by recruits. Most important, the army “instructed the recruits not to deny any of the two institutions information they may require from them if they [the institutions] go through the right channels.”<sup>49</sup>

## Transitional Justice and Women

The legal framework and operations of both the TRC and Special Court strongly emphasized gender justice. The national legislation establishing the TRC stipulated that women’s experiences needed special attention. When the TRC started operations, three of its seven commissioners were women. During its hearing and statement-taking phases, the TRC held thematic hearings on the experiences of women. The TRC also organized special sessions so that women could tell their stories without the presence of men, and in an environment that would not lead to ridicule, stigmatization or further victimization. The section on women in the TRC Report was one of its largest. It detailed the experiences of women before and after the war, and made a number of imperative recommendations relating to women.

Before the war, women had very low literacy rates and faced discrimination through law and traditional cultures with respect to inheritance, access to land, health education and other services. Domestic violence against women was also very prevalent and maternal mortality rates were among the highest in the world. During the war, women were victims of abduction, sexual slavery, forced marriages (bush wives), rape, forced pregnancy, mutilation and cutting of sexual organs, forced cannibalism, amputation and disembowelment of pregnancies. The impact of the conflict on women and girls has included stigmatization, ostracism and isolation of victims of rape, forced pregnancy and further egregious sexual abuses and violations. The breakdown of family structures caused by the violence and dislocation of the war led to increased vulnerability of young girls and women to sexual exploitation and poverty. The reproductive health of women also deteriorated; sexually transmitted infections, injuries caused by sexual violence and associated psychosocial traumas are still prevalent.

It is in relation to all these previous and current developments on the situation of women in Sierra Leone that the Commission recommended “law reform, access to justice, the abolition of discriminatory laws and practices, the building of institutional capacities and the establishment of



educational programmes to counter attitudes and norms which lead to the oppression of women.”<sup>50</sup> The report stated that the RUF was responsible for the highest number of violations against women and girls. The report also noted that women were involved in the war as perpetrators and collaborators as well as men. Women were also given prominence in the TRC Report for their role as leading peacemakers; beginning in 1994, “women of all classes and ethnic affiliations organised protest marches and peace rallies across the country . . . [and] took the lead in rallying society towards the cessation of hostilities.”<sup>51</sup>

With respect to gender justice and the Special Court, Articles 2 and 3 of the court’s statute includes subparagraphs listing a broad spectrum of gender crimes as constituting crimes against humanity. The prosecutor of the SLSC charged leaders of the AFRC and RUF with the offense of sexual violence. Sexual violence includes forced marriage, which was particularly prevalent during the war. Of the 157 witnesses for the prosecution against AFRC and RUF indictees, twenty-seven testified about sexual violence committed against them.

## Civil Society Groups, the TRC and the Special Court

Civil society groups in Sierra Leone actively advocated for measures of accountability for atrocities committed during the war. Two working groups—one on the TRC and the other on the Special Court—formed to help focus civil society interests around these institutions.

### TRC Working Group

During the Lomé peace talks in July 1999, Sierra Leonean civil society groups lobbied all parties concerned, including the international community, for the inclusion of a truth, justice and reconciliation commission in the peace agreement. However, the Lomé Agreement only made provision for a truth and reconciliation commission and omitted the criminal justice aspect, despite the demands from civil society and the public. A lead organization in lobbying for the TRC was the Forum of Conscience (FoC). A few days after the signing of the LPA, FoC and other civil society organizations galvanized to ensure that the TRC did not become another lame duck institution. They formed a Working Group on the TRC (TRCWG) and constantly engaged the government of Sierra Leone, UN and UNAMSIL with the objective to chart a way forward for a credible institution that would ensure accountability for atrocities that were committed during the war.<sup>52</sup>

The TRCWG participated in the drafting of the TRC Bill of 2000; aided in the selection of commissioners; and conducted a series of community outreach events prior to, during and after the Commission’s work. The group established regional, district committees, which they engaged in the work of sensitizing Sierra Leoneans about the TRC’s mandate and anticipated operations. When the TRC started its operations, it largely depended on the TRCWG to inform the public of its activities. When the TRC published its report in October 2004, the TRCWG produced a simplified version

for students. In addition, the TRCWG produced posters and trained storytellers, who went from one village to another narrating the story of the war as laid out in the TRC Report.

In a related effort, Sierra Leonean civil society groups established a consortium to follow up on the implementation of the recommendations of the TRC Report. Given that the TRC directed most of its recommendations at the government of Sierra Leone, they decided to engage the government to ensure the implementation of measures listed by the TRC. To this end, the consortium organized a series of meetings with senior government officials of the Law Officers Department, the Office of the Attorney General and Minister of Justice, Office of the President, members of parliament and TRC officials. The implementation of the TRC's recommendations included formulating policies and legislation to provide a legal framework for reform. The consortium held a one-day event for parliamentarians to increase their understanding of key issues of the TRC's report and recommendations, as they will primarily be involved in passing reform legislation. Additionally, the consortium held a series of community town hall meetings and developed a media campaign as further means of disseminating the findings of the TRC's report.

One serious gap in the implementation of the TRC recommendations was the lack of government or legislative officials with the capacity to draft legislation. In 2005, the consortium had to hire Sierra Leonean lawyers to draft the omnibus bill of reform recommended in the TRC Report and presented to it parliament. Parliament, however, has not yet taken action on this legislation.

### **Special Court Working Group**

In February 2001, an international NGO, No Peace Without Justice (NPWJ), hosted an international conference in Freetown on transitional justice. During the conference, participants discussed challenges surrounding the operations of both the TRC and the Special Court. Following that, NPWJ and a host of local civil society organizations met and decided to form a group, Friends of the Special Court, which would educate the people of Sierra Leone about the Special Court. After conducting a series of trainings for its membership on the mandate and operations of the Special Court, NPWJ established the Special Court Working Group (SCWG) in June 2001 in place of Friends of the Special Court. The SCWG, like the TRCWG, had membership throughout Sierra Leone. The membership engaged in sensitizing their various communities about the Special Court and established a Special Court resource center in Freetown for their members and the public who wanted information about its operations. The SCWG was also the primary group that conducted outreach programs on the Special Court prior to its inception in August 2002.<sup>53</sup>

When the Special Court started its own outreach activities in September 2002, members of the SCWG served as conduits in galvanizing various communities. In September 2002, the SCWG changed its name to the Coalition for Justice and Accountability (COJA), and extended its mandate to working on other postconflict justice-related issues. However, COJA remained focused on the Special Court, monitoring and reporting on its activities. Eventually, COJA partnered with the International Center for Transitional Justice (ICTJ) to establish the Special Court Monitoring

Program.<sup>54</sup> This project engaged the services of Sierra Leonean lawyers and civil society activists to monitor court proceedings and give independent reports of activities. The Special Court Monitoring Program became a standalone organization in September 2005, but remains engaged in monitoring and reporting on Special Court activities.<sup>55</sup>

## Interrelationships Between DDR and Transitional Justice Initiatives

### Relationships between DDR and the TRC

The Lomé Peace Agreement provided the legal framework<sup>56</sup> for truth-telling, DDR and reparations. National legislation in the form of both the LPA and TRC Act also added another layer of legality to truth-telling and DDR.<sup>57</sup> However, in both the LPA and national legislation, there were no attempts to link the DDR process with the truth commission.

This notwithstanding, the officials of the TRC and the NCDDR interpreted the legal frameworks of both DDR and the truth commission as being linked by the simple fact that both mechanisms were integral parts of a transition process.<sup>58</sup> DDR, however, was in its closing phases when the TRC started operations. Only one senior-level meeting<sup>59</sup> between TRC officials, including Chairman Bishop Joseph Humper, and the senior cadre of the NCDDR, including the Executive Director, Dr. Francis Kaikai, and Information and Sensitization Officer, Mr. Sullay Sesay, was held to discuss the establishment of operational relationships between the DDR process and TRC procedures. During the meeting NCDDR officials detailed the different approaches they use to reach out to ex-combatants, and the conditions in the different demobilization camps, including the type, category and vulnerability status of ex-combatants in these camps.<sup>60</sup>

The objective of this meeting was to exchange information, and the NCDDR and TRC did not establish any operational linkages between their respective missions. Effective operational linkages might have allowed the TRC to establish contacts with ex-combatants in the sixteen regional demobilization centers located throughout the country, or provided opportunities for the NCDDR to share information on the profiles of specific individuals, which eventually could have helped the TRC effectively target people to approach for testimonies.<sup>61</sup>

Although the TRC started operations at the close of the DDR process, discourses relating to its establishment did affect DDR in Sierra Leone. Many ex-combatants asked questions related to the TRC and SCSL, and DDR officials were very keen to counter any concerns about these institutions that could have derailed the DDR process. Since discourses relating to the TRC and SCSL gained widespread currency at about the same time, most Sierra Leoneans, including ex-combatants, found it difficult to distinguish between the Commission and the Court. Many thought the TRC was the investigative arm of the Special Court, and this created a great deal of concern among ex-

combatants, who also thought the Special Court would prosecute all those who committed atrocities during the war.

A lack of interest and lack of funding for reintegration and reconciliation measures hampered any opportunity for linking DDR and TRC processes. This is unfortunate, as reintegration and reconciliation are the two areas that provided the most possibilities for strategic coordination. Reintegration was never fully emphasized or supported as a component of the DDR program, nor was reconciliation in the TRC. A number of factors were responsible for this. First, the government and ruling elites were more interested in disarming combatants than in reintegrating them, because once they were disarmed they no longer presented a threat to society. Second, the mechanisms for reintegration—reinsertion packages and skills for the ex-combatants—gave more to the ex-combatants than to the victims of their atrocities. Victims mostly received “sensitization” about the need for reintegration, but not tangible benefits or incentives. This situation of visible benefits for ex-combatants and mere talk for victims compromised deeply held beliefs of fairness and justice. Most Sierra Leoneans thought it was more akin to rewarding perpetrators for atrocities committed than to helping them reintegrate into society.<sup>62</sup> Third, reintegration means according to ex-combatants the rights and privileges of full citizenship within their communities; however, most ex-combatants were youths and marginalized in economic, political and social processes in the country to begin with. Thus, reintegration was hampered by the historic (and present) nonintegration and alienation of youth in general, which included most ex-combatants. Another factor to consider is the rushed fashion in which officials implemented the DDR process, given that most felt completing the process as soon as possible was the only way to ensure continued peace. While a person can be disarmed and factions demobilized quickly, reintegration into a society takes time. Most ex-combatants who were involved in vocational training programs, for instance, did not receive the required level of skills and discipline necessary to ply their trades and community members viewed them as shoddy workmen. It is illustrative that in Sierra Leone’s lingua franca, Krio, the word for “ex-combatant” serves as a modifier that means shoddy, rude and incompetent.<sup>63</sup>

On the issue of reconciliation, the backers of the TRC were more interested in the truth-telling aspect than they were in the reconciliation component. The operational plan of the TRC, developed by the Office of the High Commissioner for Human Rights, divided the work of the Commission into three phases—statement taking, public hearings and report writing. In essence, the TRC worked as a human rights research project aimed at unearthing human rights abuses and violations. Reconciliation was secondary to the processes of documentation. Reconciliatory moments between victims and perpetrators during public hearings were few and far between, and they hardly captured the imagination of the country. Public hearings, especially in Freetown, were poorly attended. Most statements given by victims to the Commission ended with pleas for material assistance and not with commitments to reconcile with perpetrators.

In an effort to meet tight budgetary constraints, the TRC, much like the DDR processes preceding it, was also hurriedly implemented, but like reintegration, reconciliation takes time and careful planning. Time and planning were, however, in short supply at the TRC.

The inadequate attention paid to reintegration and reconciliation meant that a strategic point of contact between the DDR and TRC was lost. The reconciliation objective of the TRC and the reintegration objective of the DDR are basically two sides of the same coin, and attention to both would have made it much easier to promote linkages between the TRC and DDR. Reconciliation is an answer to the question: After truth-telling, what next for the relationship between victims and perpetrators in society? Reintegration is an answer to the question: After demobilization of combatants, what next for the relationship between them and the unarmed who had been victims of their guns? Thus, both reintegration and reconciliation are about postwar relationships between individuals who were armed and perpetrated atrocities during the war and the individuals who were unarmed and suffered those atrocities.

In Sierra Leone, approaches to reintegration and reconciliation were conceived of and implemented separately. Ex-combatants received material benefits (reinsertion packages) to aid their reintegration, whereas victims did not receive material resources that might have helped promote the acceptance of ex-combatants into their communities. Both reintegration and reconciliation would have benefited if reintegration benefits for ex-combatants and reparations for victims were provided at approximately the same time.

## Relationships between DDR and SCSL

Though the legal framework for both DDR and SCSL failed to create formal connections, their operational contexts link them together in a variety of ways.

First, they were linked in terms of the timing of their work. While the Special Court, like the TRC, started its operations at the end of the DDR process, discourses relating to its establishment, mandate and temporal and personal jurisdiction did affect the DDR process.

Second, the Special Court was established through an amendment to the LPA, specifically because of the UN disclaimer added to the agreement that the blanket amnesty granted to combatants did not cover offenses in violation of international humanitarian law. Since this blanket amnesty was a prime factor in enticing the RUF into DDR, its implicit rejection by the mandate of the Special Court and the shift from amnesty to prosecution raised concerns that this would threaten the fragile security situation in the country. The decision to prosecute human rights violators posed great difficulties for the success of any DDR initiatives, as it eliminated one of the incentives for combatants to lay down their arms: that they would not face prosecution for crimes committed during the conflict. Combatants saw the removal of amnesty originally accorded as a betrayal by all parties involved in the peace negotiations and this created huge problems for the NCDDR.<sup>64</sup> In meeting this challenge, the NCDDR implicitly promoted the idea that the Special Court was not a threat to the immunity granted to ex-combatants in the LPA, citing that there would be no accounting for crimes

committed before 1996 and most crimes committed after that period. In effect, almost none of those combatants participating in the DDR process faced the Special Court. The message given to combatants was that the focus of the prosecutions would be on the highest commanders of the armed groups.

Civil society groups, in particular the SCWG, embarked on a public education campaign aimed at victims, ex-combatants, teachers, students, the military, police and even UNAMSIL. Some of these constituencies, especially ex-combatants, were hostile in the initial stages of the campaign.<sup>65</sup> The rejection of the blanket amnesty provisions in the LPA irked ex-combatants, and the personal and temporal jurisdiction of the Special Court caused them a great deal of confusion. For example, the SCWG was driven out of the Lunsar camp by a Nigerian captain who feared that ex-combatants might refuse to continue the DDR process if they learned of the Special Court, despite the fact that SCWG had NCDDR approval to impart this information to ex-combatants at Lunsar.<sup>66</sup> Despite these setbacks, the public education campaigns of SCWG and other organizations, such as the Post-Conflict Reintegration Initiative for Development and Empowerment, greatly enhanced understanding of the SCSL among ex-combatants and gradually increased their support for the institution.<sup>67</sup>

## DDR and Reparations

There have been many programs targeting specific categories of war victims established by a number of local and international organizations. The Forum for African Women Educationalists offers educational programs for underage female victims, the Family Homes Movement has a program for war-affected boys and the International Rescue Committee supports a project for victims of sexual violence.

However, unlike DDR, which many perceive as a program for armed persons and perpetrators, until recently there has been no such purposive, overarching national program for victims. The government has not initiated the Special Fund for Victims stipulated in the LPA, and the reparations program recommended in the TRC Report only began to receive serious attention when the UN Peacebuilding Fund provided some catalytic funding in 2008. During the DDR processes, victims aired their concerns about this mismatch between “benefits” for combatants and those for victims.

The delay in developing a high-profile national program for victims was due in part to the fact that there are more victims than resources available. Victims included hundreds of thousands of people who had lost their homes, millions of internally displaced persons and refugees in the subregion of the country, tens of thousands of victims of sexual violation and abuses, thousands of amputees and other categories of victims. A program for victims would in essence cover the majority of Sierra Leone’s 4.8 million people.

An alternative is to provide reparations only to those who were the most victimized by the war and who are least able to live normal lives. The TRC Report, for instance, attempted to do just this in its guiding principles regarding victims' eligibility for reparation programs.<sup>68</sup> The victims identified as in need of reparation are amputees, war-wounded, women who suffered sexual violation, children and war widows. According to this categorization, the overwhelming majority of these victims constitute social groups that, irrespective of conflict, are marginalized and neglected in Sierra Leone: women and children. Reparation to them runs counter to practices (at the individual household, community and national levels) that emphasize women's silence in the face of suffering and neglect women and children's right to "damages" for wrongs inflicted on them. The new NaCSA reparations efforts do seem to be trying to develop a program based on the principles developed by the TRC Report.

## Conclusions

*1. There were very few linkages between DDR and transitional justice measures in Sierra Leone and the linkages that did exist were consequential rather than purposeful.*

The Lomé legal framework that addresses both DDR and transitional justice did not link them together. There were also no operational linkages, like information sharing, between the two processes. Furthermore, access to "benefits" provided by the DDR was not made conditional on ex-combatants' participation in transitional justice processes, nor was funding for the two processes linked. This absence of an affiliation between both the legal framework and implementation of the two processes placed heavier operational burdens on DDR and transitional justice and ultimately limited their ability to meet crucial goals. For instance, once the DDR process began, it had to battle with perceptions that its reinsertion and reintegration packages were payoffs to combatants. The perception that reintegration benefits were rewards for the perpetrators of the war made it easier for implementers of reintegration schemes to squander these resources with little remorse. Groups and training institutions sprouted up all over the country to access resources meant for aiding ex-combatant reintegration through training and other schemes. They implemented substandard programs and ultimately failed to provide ex-combatants with skills or opportunities that might have eased their reintegration as productive members of society.

*2. Peace negotiations emphasized DDR processes over transitional justice processes.*

The primary objectives of the peace processes were the cessation of hostilities, survival of the democratically elected government and ensuring that the government of Sierra Leone had control over the use of armed force in the country. Meeting these primary objectives required the belligerents to lay down their arms and demobilize their fighters. In exchange for laying down their

arms, the various armed factions demanded positions in government for their leaders, general amnesty for both leaders and rank-and-file members and reintegration or reinsertion benefits for lower-level commanders and ordinary fighters. Transitional justice issues hardly surfaced in the agendas of the primary negotiating parties (the government and the RUF) during the peace processes.

*3. Civil society led most transitional justice processes.*

Civil society groups, not state parties or the armed factions, led the efforts for transitional justice measures during the peace processes. The transitional justice components of choice for these groups were truth-telling and reparation. Civil society groups, however, lacked the power to ensure that their concerns about accountability, truth and justice were prioritized in the overall peace plans. In fact, parties to the peace talks viewed their advocacy as disruptive to the primary goals of ensuring a cease-fire and cessation of hostilities and the disarmament and demobilization of combatants.

*4. The centrality of transitional justice measures to the overall peacebuilding and security process takes time to be recognized.*

Though most delegates in the earliest stages of various peace negotiations recognized the centrality of disarmament, demobilization and reintegration of ex-combatants in the consolidation of peace, transitional justice initiatives were not a part of the negotiations until the Lomé Peace Agreement. Even then, however, it was only after disarmament and demobilization were under way that attention was seriously focused on establishing transitional justice institutions like the TRC and the SCSL.

Transitional justice measures in Sierra Leone gradually received greater support from state parties as the security threat from combatants receded. Both the TRC and Special Court received far more resources from the international community than from the government of Sierra Leone. Those transitional justice measures that required large material contributions from the state and did not, until recently, attract international funding (victims' reparations, for instance) have received markedly less attention from state actors. In other words, though support for transitional justice measures increased as security threats decreased, the availability of resources was an important determinant of which transitional justice measures actually reached implementation.

*5. Women and children received greater attention in transitional justice processes than in DDR processes in Sierra Leone.*

Among the transitional justice processes conducted, women's concerns received greater attention in the truth-telling, prosecution and in policies relating to reparations than they did in institutional vetting. Recruits and serving officers within the security sector and other state institutions, for instance, were not vetted on human rights criteria.



Furthermore, the processes that better served women and children were those that did not require a transfer of material resources to them. DDR included the distribution of material resources to its mainly male participants; transitional justice processes have not done this for women. Reparations, which holds the greater promise for transferring material resources to women and children, is receiving very little attention from state and international bodies.

Responses to political and developmental challenges in Sierra Leone have always been male-centric. Thus, the suffering, or threats that may lead to suffering, of males are of more concern and taken far more seriously than the suffering of women. Women are recognized as ex-combatants, victims and perpetrators of human rights crimes, but the challenges faced by men as combatants, victims or perpetrators are prioritized over those faced by women.

*6. Disarmament and demobilization were emphasized over reintegration.*

Evaluated against two of its major objectives (disarmament and demobilization), DDR has been very successful. The process disarmed and demobilized more than 70,000 combatants, a figure far higher than the estimated number of combatants at the start of the initiative. This has definitely been a major contribution to the prevention of renewed violence.

Yet, DDR had very little impact on the reintegration of ex-combatant into society. State and power holders considered armed and mobilized insurgents more threatening than unintegrated young people. Sierra Leone has always been a country that alienated its youths, and paying attention to disarming youths but failing to ensure their reintegration into society falls into the pattern of historic neglect.

Another reason the reintegration component was less well attended than disarmament and demobilization has to do with the fact that it is very difficult to set up short-term measurable indicators against which to evaluate societal reintegration. As most international donors' evaluations of success are measured in the context of short-term indicators, they are more prone to supporting the disarmament and demobilization phases of DDR than the reintegration phase.

This paper holds that the reintegration stage has the greatest promise as an entry point for building operational linkages between DDR and transitional justice. Disadvantaging reintegration constrained the opportunity to build a connection between DDR and transitional justice initiatives in Sierra Leone.

*7. The TRC was constrained by a Western paradigm of truth-telling.*

The impact of the TRC may have been constrained by a Western paradigm of the truth-telling that informed its design. It has been argued that the TRC's approach to truth-telling and public rendition of atrocities disturbed local customary practices of accounting for the past and ensuring

reconciliation;<sup>69</sup> this might have been responsible for low turnout at most of the TRC's public hearings.

Truth-telling is just one among a number of therapeutic approaches to healing or accountability. In Sierra Leone a much-neglected approach is to tell jokes about what happened. Many Sierra Leoneans retold what happened with an aim to solicit laughter and ensure reconciliation. This approach to rendering the past did not correlate with the stern, very formal confessional truth-telling that is at the heart of the TRC's methodologies.

In theory, the TRC's report was to serve as an impartial historical record that would promote healing, truth and reconciliation. However, the record that the TRC has come up with is textual and accessible to only the highly literate who have time to read such a lengthy document. Most Sierra Leoneans are illiterate, lack access to and derive no therapeutic or other benefits from this textual rendition of the country's recent past. UNICEF promoted a children's version that was shorter and easier to read; UNIOSIL also contracted a group of Sierra Leoneans to simplify the document. The efforts, however, encountered the same problem: the majority of Sierra Leoneans are illiterate.

#### *8. New identities were created.*

War, DDR and transitional justice measures alike are creators of new identities. For instance, amputees are a war-created social category. The same is also true of the child soldier, war victim and bush wife. Ex-combatant is a DDR-created identity. Transitional justice measures also created new labels and identities; the SCSL, for instance, defined the idea of victims of forced marriage in Sierra Leone.

People coalesce around these identities to lay claims and make demands, or avoid them in an effort to escape negative stereotypes attached to them. People label themselves amputees, for example, to lay claims or advocate special attention, as the TRC Report categorized amputees as the priority beneficiaries of reparation programs and advocates for this group.

Former fighters are also creatively responding to the "ex-combatant" label. As previously mentioned, in Krio "ex-combatant" is a modifier meaning shoddy, rude, incompetent, or sometimes tough, unafraid, daring, diabolical. People in Krio use this modifier irrespective of whether the person in question is an ex-combatant or not. Behaviors such as drug taking, violence, armed robbery and committing horrific acts have become aide-memoire of events during the war and thus are thought of as coming from those who fought and committed atrocities during that period. In responding to the "ex-combatant" label, (young) people may associate with the label when it brings such material benefits as skills training, or they may cultivate the label as a mark of toughness. Many avoid the label, however, when it connotes images of shoddy work or such other negative stereotyping associated with the word. Generally, the negative use of the label "ex-combatant" points to the difficulty former fighters have had in reintegration into society and the continuing tough challenges facing the reconciliation of perpetrators and victims in Sierra Leonean society.

In some instances, people have questioned the appropriateness of these labels. During DDR, being an ex-combatant allowed individuals access to opportunities in an effort for them to lay down their weapons. However, since the peace process ended, the government and civil society refer to ex-combatants as “new citizens.” Similarly, during a Special Court outreach program in April 2006, women participants questioned the use of the labels “child soldier” and “forced marriage” by the SCSL. Participants noted that one cannot force marriage, and requested that the Special Court use another term for combatants’ practice of coercing women into conjugal unions.

Although certain new identities have arisen out of the postwar period, persons characterized by these new labels are also subject to other societal labels that are holdovers from the prewar context. There are many youth among ex-combatants. Sierra Leonean political elites, both at the local and national level, had before the war marginalized and alienated youths in socioeconomic and political processes. The integration of youth was not a priority. The lack of emphasis on the reintegration of ex-combatants, the majority of whom are youth, is but a continuation of this historic neglect. The situation emphasizes the need for DDR and transitional justice processes to pay attention to historic or culturally ingrained patterns that aid or constrain them.

## Recommendations

1. Lack of synergy between DDR and transitional justice initiatives could, as shown above, limit the positive impact of both processes in a postconflict society. Building linkages, however, requires an understanding of the varied motives, concerns and trade-offs implicit in negotiating and implementing peace agreements. In situations where the most urgent imperative is the cessation of hostilities, DDR processes take precedence over transitional justice initiatives. The best that supporters of linking the two processes can achieve in such circumstances is a commitment, rather than a binding obligation, from the warring parties to a process of accountability. Although difficult, winning this commitment and including it in the agreement, as was shown during the negotiations at Lomé, is possible. Supporters of linking DDR and transitional justice processes could subsequently utilize this commitment as an entry point for further transitional justice initiatives and, perhaps, ultimately link them with DDR processes.

2. Ensuring that DDR and transitional justice initiatives are programmatically linked in peace agreements is, in an ideal situation, a great outcome for supporters of transitional justice initiatives. Parties to Sierra Leone’s peace talks, however, perceived this as an obstacle during the negotiation and drafting of peace agreements. Opportunities to link DDR and transitional justice did exist within the legislation of peace agreements and even within the DDR process itself, had there been any oversight into coordinating these processes—for example, tying access to more (or less) benefits with ex-combatants’ willingness to work on community projects geared toward improving

infrastructures and such other war-destroyed domains. Scenes of ex-combatants working on restoring what they had damaged could definitely have had great reparative value in Sierra Leone.

Designing training schemes that train combatants and victims as well as developing curricula to guide education providers on reconciliation methodologies could also have helped in linking DDR and transitional justice. Sierra Leone missed out on this not because the DDR process formally ended before the TRC or Special Court began their respective operations, but because there was no constituency to look out for and draw attention to these opportunities.

3. A number of factors have served to fence off transitional justice processes not just from DDR processes but also from wider institutional reform in Sierra Leone. The government of Sierra Leone is resisting the integration of the recommendations of the TRC into its policy formation and institutional reform initiatives. The Special Court, as mentioned above, is largely an enclave institution. Devising strategies for bringing down these fences should be integral in the very design of transitional justice initiatives. Such strategies may involve assessing the transitional justice needs of a country, disaggregating these needs according to social groups and integrating these needs into the design and implementation of transitional justice initiatives. For instance, the transitional justice need most emphasized by victims' groups in Sierra Leone is reparations. Thus, increasing local support for transitional justice initiatives may require far more attention to reparations.

<sup>1</sup> Foday Saybana Sankoh was an ex-corporal of the Signal Unit of the Republic of Sierra Leone Armed Forces (RSLAF) and later an army photographer. On March 23, 1971, he was implicated in taking part in a coup with his uncle, Force Commander Brigadier John Bangura. While his uncle and others were executed for their actions, Sankoh was jailed. He started the war in Sierra Leone on March 23, 1991—twenty years to the day of his original coup attempt.

<sup>2</sup> Mohamed Gibril Sesay and Charlie Hughes, “Go Beyond First Aid: Democracy Assistance and the Challenges of Institution Building in Post-Conflict Sierra Leone,” CRU Working Paper No. 34 (The Hague: Clingendael Institute, 2005), 5.

<sup>3</sup> The groups included the Sierra Leone Labor Congress, the Sierra Leone Teachers Union and the All Political Parties Association (APPA), an umbrella organization for all political parties at that time.

<sup>4</sup> Paulo Bangura, the RUF’s presidential candidate, received 1.7 percent of the votes cast in the elections. See Carter Center, *Observing the 2002 Sierra Leone Elections: Final Report* (Atlanta: Carter Center, 2002); and African Elections Database, “Elections in Sierra Leone,” African Elections Database, [africanelections.tripod.com/sl.html](http://africanelections.tripod.com/sl.html).

<sup>5</sup> Truth and Reconciliation Commission [hereafter TRC], *Witness to Truth: Report of the Sierra Leone Truth and Reconciliation Commission* (Accra: GPL Press, 2004), 2:33–36.

<sup>6</sup> Tom Perriello and Marieke Wierda, “The Special Court for Sierra Leone Under Scrutiny,” Prosecutions Case Study Series, ICTJ, New York, March 2006, 9.

<sup>7</sup> Human Rights Watch, “*We’ll Kill You if You Cry*”: *Sexual Violence in Sierra Leone* (New York: Human Rights Watch, 2003), 3.

<sup>8</sup> In July 1994, the military junta consulted with top chiefs from all over the country on how to end the war. All parties agreed to the establishment of a National Security Council (NSC) to chart the path to end the conflict and begin the reconstruction process. Based on the recommendations of the NSC, the junta contacted the Office of the United Nations Secretary-General to facilitate a negotiated settlement of the war. In response, the UN appointed Ambassador Berham Dinka as its special envoy. Ambassador Dinka collaborated with the Organization of African Unity (OAU), now the African Union, the Economic Community of West African States (ECOWAS) and other organizations, including NGOs and private individuals who were interested in bringing peace to Sierra Leone. See Abubakar Kargbo, “The Long Road to Peace: 1991–1997,” in *Bound to Cooperate: Conflict, Peace, and People in Sierra Leone*, ed. Anatola Ayissi and Robin Edward Poulton (Geneva: UNIDIR, 2000), 37; and Arthur Abraham, “The Quest for Peace in Sierra Leone,” in *Engaging Sierra Leone*, ed. Funmi Olonisakin (London: Center for Democracy and Development, 2000), 37.

<sup>9</sup> Abidjan Peace Agreement between the Government of the Republic of Sierra Leone and the Revolutionary United Front of Sierra Leone, 1996, art. 14, [www.c-r.org/our-work/accord/sierra-leone/abidjan-agreement.php](http://www.c-r.org/our-work/accord/sierra-leone/abidjan-agreement.php).

<sup>10</sup> *Ibid.*, art. 3 (5).

<sup>11</sup> *Ibid.*, art. 25.

<sup>12</sup> *Ibid.*, art. 4; and Sesay and Hughes, *Go Beyond First Aid*, 3.

<sup>13</sup> Yusuf Bangura, “Strategic Policy Failure and State Fragmentation: Security, Peacekeeping, and Democratization in Sierra Leone,” in *The Causes of War and the Consequences of Peacekeeping in Africa*, ed. Ricardo Rene Laremont (Portsmouth, NH: Heinemann, 2001).

<sup>14</sup> Shortly after the coup attempt against the RUF, a senior-ranking RUF member invited Philip Palmer, Fayia Musa and Ibrahim Deen-Jalloh, the leaders of the coup attempt, who inclined to cooperate with the government to implement the Abidjan Peace Accords, to a feast, where members of the armed group arrested the three men. For more information, see John Peter Pham, *Child Soldiers, Adult Interests: The Global Dimensions of the Sierra Leonean Tragedy* (Hauppauge, NY: Nova, 2005), 120.

<sup>15</sup> United Nations Mission in Sierra Leone (UNAMSIL), *The DDR Process in Sierra Leone: Lessons Learned* (Freetown: UNAMSIL DDR Coordination Section, 2003).

<sup>16</sup> Abdul Karim Koroma, *Crisis and Intervention in Sierra Leone 1997–2003* (Freetown: Andromeda Publications, 2004), 212–13.

<sup>17</sup> Yusuf Bangura, “Strategic Policy Failure and State Fragmentation.”

<sup>18</sup> UNAMSIL, *The DDR Process in Sierra Leone*.

<sup>19</sup> In October 1999, the United Nations Security Council “call[ed] upon the RUF, Civil Defence Forces, former Sierra Leone Armed Forces/Armed Forces Revolutionary Council (AFRC) and all other armed groups in Sierra Leone to begin immediately to disband.” See United Nations Security Council, *United Nations Security Council Resolution 1270 (1999) on the Situation in Sierra Leone*, UN Doc. S/RES/1270, para. 4.

<sup>20</sup> See Economic Community of West African States Executive Secretariat, *The Third Meeting of the UN-ECOWAS-GoSL Coordinating Mechanism*, Abuja, 10 April 2001: Final Report.

<sup>21</sup> UNAMSIL, *The DDR Process in Sierra Leone*.

<sup>22</sup> Initially (i.e., before hostilities broke out again in 2000), a total of US\$300 was paid to ex-combatants in two installments within a three-month interval as part of a Transitional Safety Allowance.

<sup>23</sup> United Nations Integrated Disarmament, Demobilization, and Reintegration Standards, “Sierra Leone,” United Nations Disarmament, Demobilization, and Reintegration Resource Center, [www.unddr.org/countryprogrammes.php?c=60](http://www.unddr.org/countryprogrammes.php?c=60).

<sup>24</sup> TRC, *Witness to Truth*, 3B:186.

<sup>25</sup> Dyan Mazurana and Kristopher Carlson, *From Combat to Community: Women and Girls of Sierra Leone* (Washington, D.C.: Hunt Alternative Fund / Women Waging Peace Policy Commission, 2004), 20.

<sup>26</sup> For analysis of male biases during the DDR process, see *ibid.*, 19–22.

<sup>27</sup> Michael Wessells, *Child Soldiers: From Violence to Protection* (Cambridge, MA: Harvard University Press, 2006), 165; and Susan McKay and Dyan Mazurana, “Where are the Girls? Girls in Fighting Forces in Northern Uganda, Sierra Leone and Mozambique: Their Lives During and After War,” International Center for Human Rights and Democratic Development, 2004.

<sup>28</sup> Wessells, *Child Soldiers*, 165–166.

<sup>29</sup> Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2008* (London: Coalition to Stop the Use of Child Soldiers, 2008), 298.

<sup>30</sup> See McKay and Mazurana, “Where are the Girls?”

<sup>31</sup> Wessells, *Child Soldiers*, 166–167.

<sup>32</sup> Jeremy Weinstein and Macartan Humphries, “Disentangling the Determinants of Successful Demobilization,” Working Paper No. 69 (Washington, D.C.: Center for Global Development, 2005), 13.

<sup>33</sup> *Ibid.*, 23.

<sup>34</sup> Richard Bennett, “The Evolution of the Sierra Leone Truth and Reconciliation Commission,” in *Truth and Reconciliation in Sierra Leone*, ed. UNAMSIL (Freetown: UNAMSIL, 2001), 39.

<sup>35</sup> World Vision International in Sierra Leone funded the participation of civil society actors in the Lomé peace negotiations.

<sup>36</sup> The Truth and Reconciliation Commission Act 2000, art. 6(1), [www.usip.org/library/tc/doc/charters/tc\\_sierra\\_leone\\_02102000.html](http://www.usip.org/library/tc/doc/charters/tc_sierra_leone_02102000.html).

<sup>37</sup> TRC, *Witness to Truth*, 2:27–28.

<sup>38</sup> Report of the Truth and Reconciliation Commission Sierra Leone.

<sup>39</sup> *Ibid.*

<sup>40</sup> During the initial stages of Special Court operations, ex-combatants refused to attend community meetings since they feared that the Special Court investigators would come to indict them. One of the authors of this paper, Mohamed Suma, helped design the initial prosecution outreach program to allay these fears.

<sup>41</sup> These priority constituencies included the members of the army, police force, ex-combatants, youth, teachers, women and victims of the conflict.

<sup>42</sup> Before April 2003, ex-combatants served as point persons in the provinces, including the Kailahun district.

<sup>43</sup> The Cabinet Subcommittee recommended the following: (1) identification cards for all members of the Amputees and War Wounded Association; (2) free transportation for amputees on government vehicles; (3) free education for amputees and their biological children; (4) free medical facilities for amputees and war wounded; (5) rice seed and other agricultural inputs for amputee associations; and (6) the formation of amputee cooperatives in all districts of the country to effectively utilize government-provided tractors.

<sup>44</sup> Forum of Conscience (FoC) is the only civil society representative on this task force. FoC leadership claims to be representing its organization's interests and not those of all civil society in its role with the task force. This was confirmed by John Caulker (Executive Director of FoC and Chairman of the Truth and Reconciliation Commission Working Group), in an interview by the authors, Freetown, July 25, 2007.

<sup>45</sup> REDRESS, *Implementation of the Sierra Leone Truth and Reconciliation Commission (TRC) Recommendations on Reparations: Preliminary Options Report* (London: REDRESS, 2007).

<sup>46</sup> A striking example of this occurred during the January 6, 1999, invasion of Freetown. AFRC and RUF combatants maimed and killed police officers and destroyed all the police stations in the areas they overran.

<sup>47</sup> The Commonwealth Community Safety and Security Project was initiated in 1998. CIVPOL's assistance began with the establishment of UNAMSIL in 1999.

<sup>48</sup> Police officers, interview by authors, Freetown, March 2007.

<sup>49</sup> Major G. M. Bangura (RSLAF Recruitment Unit), interview by authors, Freetown, January 2007.

<sup>50</sup> TRC, *Witness to Truth*, 2:168.

<sup>51</sup> *Ibid.*, 3B:193.

<sup>52</sup> Caulker, interview by authors, Freetown, November 7, 2006.

<sup>53</sup> Patrick Fatoma (former Executive Secretary of the Special Court Working Group), interview by authors, Freetown, November 7, 2006.

<sup>54</sup> The Special Court Monitoring Program is now called the Sierra Leone Court Monitoring Program. It has extended its activities to include monitoring national institutions, such as the National Court, Anti-Corruption Commission and, most recently, the National Human Rights Commission, and implementing the recommendations of the TRC.

<sup>55</sup> Human Rights Watch, *"We'll Kill You if You Cry."*

<sup>56</sup> Legal frameworks for DDR and transitional justice processes are provided by peace agreements, national legislation and UN resolutions.

<sup>57</sup> No such similar legislation has been provided for reparations.

<sup>58</sup> Bishop Joseph C. Humper (TRC Chairman), interview by authors, Freetown, May 26, 2006.

<sup>59</sup> Other lower-level meetings were also held.

<sup>60</sup> Sullay B. Sesay (Information and Sensitization Manager, NCDDR), interview by authors, Freetown, May 26, 2006.

<sup>61</sup> Humper, interview by authors, Freetown, May 26, 2006.

<sup>62</sup> Alhaji Lamin Jusu Jarka (President of the Amputees and War Wounded Association), interview by authors, Freetown, July 19, 2007.

<sup>63</sup> Thus, "DDR driver" would mean a rude and incompetent driver; "DDR carpenter" would indicate an unskilled builder.

<sup>64</sup> The NCDDR registration form provides further assurances that combatants will not be prosecuted if they participate in the DDR process.

<sup>65</sup> Abdul Rahim Kamara (Special Court Working Group), in discussion with authors, Freetown, May 2007.

<sup>66</sup> Osman Kamara (AFRC ex-combatant), interview by authors, Freetown, May 18, 2006. This was confirmed by Senesie Allieu (former CDF combatant), interview by authors, Freetown, 2007.

<sup>67</sup> Patrick Fatoma, interview by authors, Freetown, 2007; and Abdul Rahim Kamara, interview by authors, Freetown, 2007.

<sup>68</sup> TRC, *Witness to Truth*, 2:243–47.

<sup>69</sup> Rosalind Shaw, “Rethinking Truth and Reconciliation Commissions: Lessons from Sierra Leone,” Special Report No. 130 (Washington, D.C.: United States Institute for Peace, 2005), 8.