



Leaving Behind the Worst of the Past

**TRANSITIONAL JUSTICE AND
PREVENTION IN SIERRA LEONE**

June
2021

Cover Image: A man calls the residents of Karina, a village in the Biriwa Limba Chiefdom in Sierra Leone's Northern province, to attend an outreach meeting of the Special Court for Sierra Leone on behalf of the paramount chief. (Special Court for Sierra Leone)

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JUNE 2021

About the Research Project

This publication is part of an ICTJ comparative research project examining the contributions of transitional justice to prevention. The project includes country case studies on Colombia, Morocco, Peru, the Philippines, and Sierra Leone, as well as a summary report. All six publications are available on ICTJ's website.

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Acknowledgments

The author is greatly indebted to several people whose contributions helped to produce this study. These people include Roger Duthie at ICTJ, who significantly guided the framing and conduct of the study and offered inputs and perspectives that helped enrich the report, and Mohamed Suma at ICTJ, who reviewed drafts of the report and provided critical feedback. Special thanks go to Yusuf Sesay and Alhassan Kamara, who served as research assistants, and to all those who participated in the study.

ICTJ is grateful to the Directorate for Development Cooperation and Humanitarian Affairs of the Ministry of Foreign and European Affairs of Luxembourg for support that made this research possible.

About ICTJ

The International Center for Transitional Justice works across society and borders to challenge the causes and address the consequences of massive human rights violations. We affirm victims' dignity, fight impunity, and promote responsive institutions in societies emerging from repressive rule or armed conflict as well as in established democracies where historical injustices or systemic abuse remain unresolved. ICTJ envisions a world where societies break the cycle of massive human rights violations and lay the foundations for peace, justice, and inclusion. For more information, visit www.ictj.org

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Introduction

From 1991 to 2002, Sierra Leone experienced a destructive civil war that fomented widespread violence and abuse such as rape, torture, and the use of children as soldiers and girls and women as sex slaves and bush wives.¹ The decades leading up to the war were characterized by corruption, authoritarianism, ethno-regionalism, and the marginalization of the country's young people and women. While it is difficult to isolate the causes of armed conflict, it is reasonable to argue that these were factors in the onset of the civil war. To address both the consequences and the root causes of the war, and despite the fragility of the immediate post-war period, Sierra Leone adopted an approach to transitional justice that included criminal prosecution, a truth commission, a limited reparations program, a series of institutional reforms, and local reconciliation practices.

Throughout the nearly two decades after the end of the civil war, Sierra Leone has managed to avoid the recurrence of violent conflict. It has held a series of general elections that led to the peaceful transfer of power from one political party to another—democratic changes of government that represent a radical departure from the checkered nature of electioneering processes before 2002.² Given the high rate of recidivism among postconflict countries, this is a significant achievement for Sierra Leone.³ Since 2002, the country has made substantial socioeconomic progress, improved its democratization and governance, and become one of the most peaceful countries in Africa. In the 2018 Global Peace Index, Sierra Leone was listed as the fifth most peaceful country in Africa and the 52nd most peaceful country in the world.⁴

At the same time, however, many of the factors that are perceived to have contributed to the civil war, such as poverty, the marginalization of young people, and other social injustices, persist. Increasing violence among young people is seen to be at least partially the result of the government's failure to tackle youth-related challenges; a weak social fabric in the home and communities, still damaged by the war these years later; and the fragility of and gaps within Sierra Leonean society. Political elites continue to practice ethno-regional-based politics, deepening divisions and generating insecurity and instability. Politicians often encourage young people to intimidate their political rivals. It is unlikely that the political elites would mobilize young people for the perpetration of large-scale violence today as they did in the past, but nevertheless Sierra Leone must consolidate the gains it has made since the civil war in order to minimize this risk. To sustain the peace and development it has achieved, Sierra Leone needs to continue to address the root causes and legacies of its violent past, building on the progress and insights of the last 18 years.

1 The war started in Sierra Leone on March 31, 1991, and was officially declared over on January 18, 2002.

2 In 2007, the opposition All People's Congress (APC) won the presidential elections. In 2018, the opposition Sierra Leone People's Party (SLPP) won the presidential elections. On both occasions, the ruling party peacefully handed over power to the opposition.

3 Uppsala Conflict Data Program, Department of Peace and Conflict Research, Uppsala University and the Centre for the Study of Civil War at the Peace Research Institute Oslo, UCDP Armed Conflict Dataset, ucdp.uu.se/.

4 Sierra Leone was 52nd out of 183 countries in 2019. See Institute for Economics and Peace, *Global Peace Index 2019: Measuring Peace in a Complex World* (2019), 8.

This study critically analyzes how Sierra Leone's transitional justice processes have contributed to preventing the recurrence of human rights violations, violence, and violent conflict. It identifies lessons that have been learned and provides pragmatic and actionable recommendations for programming and policy that may be useful not just in Sierra Leone, but in other countries that are going through or may go through similar experiences. The report is divided into six sections. The first section provides a brief historical overview of the civil war, highlighting the factors that contributed to its onset, describing the nature of the violence and the human rights violations it unleashed, and acknowledging the fragile nature of the peace that emerged from the multiple efforts to end the conflict.

The second section reviews the transitional justice processes that were undertaken in Sierra Leone in the years following the end of the war:

1. The Truth and Reconciliation Commission for Sierra Leone (TRCSL) examined the root causes of the conflict; the human rights violations, corruption, and economic crimes that were committed during the conflict; and the roles of the various parties to the conflict. It made recommendations for addressing the war's causes and consequences.
2. The Special Court for Sierra Leone (SCSL), an international criminal tribunal operating in the country where the crimes were committed, applied a blend of national and international laws to prosecute the people who were most responsible for war crimes and crimes against humanity.
3. A limited reparations program implemented by the National Commission for Social Action (NaCSA) provided interim relief payments to almost 30,000 victims.
4. Institutional reform measures were designed to prevent the recurrence of the atrocities and corruption of the war. These efforts included the creation of new human rights and anticorruption institutions; the creation and reform of justice and security institutions, including the military and police; the decentralization of both security and political structures; and the reconstruction of the education system.
5. Community-led reconciliation processes sought to address victims' grievances and heal the wounds caused by the war and its violence.

The third section of the report uses the lens of prevention to assess Sierra Leone's transitional justice processes in terms of their short-term and long-term impacts. It considers how the different processes helped to prevent the recurrence of human rights violations, violence, and armed conflict, and how they addressed the root causes of these phenomena. It is not argued that transitional justice in itself accounts for the non-recurrence of civil war, or for the reduction in specific rates of rights violations and violence. However, it is possible to identify the particular ways in which transitional justice processes can reasonably be said to have contributed to these positive outcomes. This section contends that transitional justice in Sierra Leone contributed to prevention in two broad ways: First, accountability and redress measures helped to address the grievances of those who were harmed by human rights violations and to reduce the exclusion that can be associated with the onset and recurrence of violence. Second, institutional and other reforms, in combination with efforts to better understand the past, helped to address the causes of the past violence and to catalyze long-term change. At the same time, however, the section recognizes that these contributions were

limited, and transitional justice processes have also sometimes been in tension with prevention measures, especially in the short term.

The Special Court, for example, may have created a fear of prosecution among ex-combatants that reduced their participation in demobilization in the short term, while also helping to foster resilience and strengthen an inclusive rule of law in the long run, both within the country itself and among neighbor states.⁵ Similarly, the truth commission, reparations program, and local reconciliation practices may have encouraged people's participation, increased awareness of various rights, and strengthened social relationships, but this positive impact on inclusion may have been limited or even undermined by these programs' limited reach, insufficient support for their efforts, and sometimes psychological consequences of the different processes, such as increased disappointment, bitterness, or anxiety. The truth commission's examination of the causes and dynamics of the civil war allowed it to formulate recommendations for a series of institutional and other reforms to help prevent the recurrence of war. The reforms that were implemented helped to increase public confidence in the police and military, prevent and manage conflict and violence at the local level, and reduce corruption. However, in the last five years, this public confidence has been gradually eroding due to the politicalization of the security and justice sectors and the political elites' use of them to intimidate the opposition and civil society. Additionally, many of the truth commission's recommendations remain unimplemented, new laws and policies often go unenforced, and schools still do not adequately teach children and young people about the past.

The fourth section of this report details some of the challenges that Sierra Leone still faces in minimizing the risk of a recurrence of its problematic past. Despite the progress that has been cited, too many of the civil war's root causes—poverty, unemployment, illiteracy, and a lack of agency, recognition, and voice among ordinary people—remain unaddressed, and too many of its consequences unredressed. The marginalization of young people, which was identified as a key factor in the onset of the war and provided a pool of vulnerable young people who were easily recruited into armed groups, continues to be a societal problem. Youth violence and gang activity have increased in recent years, including in schools and universities, while unemployment rates and the lack of opportunity are reminiscent of the period before the war. At the political level, ethno-regional-based approaches and the failure to develop an integrated national approach to peace-building have deepened divisions and ethnic tension and increased the risk of instability.

The fifth section presents the conclusion of the study. While transitional justice has certainly helped Sierra Leone to avoid the recurrence of the worst of its recent past, a more comprehensive approach to sustaining peace and development is needed to meet the current challenges and address the historical legacies of the conflict. This approach will demand enormous political engagement, willpower, and resources as well as community-based mobilization. It will also require following through on transitional justice processes (for example, fully implementing the truth commission's recommendations) and a range of additional political, social, and economic measures.

5 The war in Sierra Leone was in part due to a spillover effect from neighboring Liberia, which also affected Cote d'Ivoire and left Guinea vulnerable. Thus, stability in Sierra Leone is critical for the stability of the subregion.

The methodological approach used in this study is small-scale ethnographic research rooted in the philosophical tradition of subjectivism, which assumes that knowledge is subjective. Desk research, interviews, and focus group discussions were used to collect data from people within relevant ministries, departments, and agencies of the government of Sierra Leone, academic institutions, civil society organizations, and development agencies, as well as from victims, former combatants, and community, religious, and traditional leaders. Fifty-seven individual interviews (of 35 men and 22 women) were conducted, and eight focus group discussions were held—two in each of the four targeted districts of Freetown (west), Makeni (north), Kenema (east), and Bo (south). The focus group discussions included ex-combatants and local community leaders and members, with a total of 71 participants (39 men and 32 women). The participants in the study were selected based on either their direct participation (as implementers or beneficiaries) in the transitional justice processes or their knowledge of the subject matter. They were identified through the use of purposive and snowballing sampling methods.

Existing qualitative and quantitative studies relevant to this research were thoroughly reviewed. Information from these studies covered the nature and context of the transition and past injustices, the structure and operationalization of the transitional justice processes, what problematic outcomes transitional justice processes may have helped to prevent, and how transitional justice processes made that contribution. The literature review included both conceptual work on transitional justice processes generally and empirical work on Sierra Leone specifically. The review process helped to enrich the analysis in the report. The study was conducted between August 2019 and January 2020.

The Civil War in Sierra Leone

More than three decades after gaining independence from Britain,⁶ Sierra Leone's political trajectory was framed by bad governance, corruption, authoritarianism, ethno-regionalism, nepotism, a one-party system, and the marginalization of the country's young people and women.⁷ The bulk of the Sierra Leone population was subjected to destitution and illiteracy, which adversely affected the relationship between political elites and ordinary citizens. The autocratic and gerontocratic approaches to governance muzzled any form of opposition—the media was one of the principal targets—and meshed together in a tightly woven system of patrimonialism that created a semblance of statehood but ultimately contributed to the collapse of the state.⁸

Beginning in the 1970s, students from the University of Sierra Leone, specifically the Fourah Bay College, started challenging the gerontocracy by staging regular demonstrations, thereby becoming the de facto opposition.⁹ According to the 2004 final report of the Sierra Leone Truth and Reconciliation Commission (TRC), corruption, bad governance, failure to provide basic services, and government heavy-handedness bred frustrations and grievances among students, creating favorable recruiting grounds for revolutionary activists who were seeking Sierra Leoneans for warfare training in Libya.¹⁰ The stage was thus set for both more and less educated young people to become involved in acts of violence attempting to oust the government.

By 1991, all indicators pointed to a potential state collapse. Henry Mbawa, a lecturer in the Department of Peace and Conflict Studies at the University of Sierra Leone, explained:

Like other patrimonial states such as Zaire under Mobutu, the cost of maintaining such a vast labyrinth of networks proved expensive especially as the basic rules of civility and formal bureaucratic norms had been replaced by unbridled corruption.... Consequently, basic services did not go much beyond the main capital city and a few urban townships,

6 Sierra Leone gained independence from Britain on May 27, 1961.

7 Abdul Karim Koroma, *Sierra Leone: The Agony of a Nation* (Freetown, Sierra Leone: Andromeda Publications, 1996).

8 See Ibrahim Bangura, "Bridging the Gulf: Civil Society and the Quest for Peace and Security in Sierra Leone," *Journal of African Peace and Security* 1 (2018): 36–50.

9 Ismail Rashid, "Student Radicals, Lumpen Youth, and the Origins of Revolutionary Groups in Sierra Leone, 1977–1996," in *Between Democracy and Terror: The Sierra Leone Civil War*, ed. Ibrahim Abdullah (Dakar: Codesria, 2004), 199–219.

10 See Bangura, "Bridging the Gulf."

while the policies of the government relegated most of the country's rural citizens to the margins of betterment.¹¹

As the situation deteriorated, Sierra Leone's march to state collapse gained momentum. On March 23, 1991, the Revolutionary United Front (RUF), led by Corporal Foday Saybana Sankoh, attacked Bomaru, a town on the border with Liberia, sparking the anticipated war.¹² What began as a small group of approximately 250 insurgents backed by the Liberian warlord Charles Taylor, with fighters from Libya and Burkina Faso, rapidly grew, quickly embraced by a ready-made army of both educated and marginalized, disgruntled, illiterate, and unemployed young people.¹³ A former combatant recounted:

We were eager to join the RUF when we heard they had attacked Bomaru. We knew that the only way to get rid of the APC was going to be through war. We were sick and tired of the poverty and frustrations. There was never going to be manna from heaven and we had to take the situation into our hands. We were young, desperate, and angry with the system, and news of the RUF and the war they had started was like music in the ears of my friends and I. We left Daru to go find and join the RUF. We knew there were risks but we believed the RUF had come to save us and we wanted to join and support them and we did at the end.¹⁴

The words of the former combatant echo those of a lecturer of peace and conflict studies at the University of Sierra Leone:

The persistence of social injustices and the marginalization and neglect of young people played a crucial role in not just the inception but also the longevity of the war. A significant percentage of the fighters were youth who had harbored deep-rooted grudges against the system and were prepared to [take] revenge against political elites and adults in local communities. The RUF had little need to go in search of fighters as there were youth who were ready to volunteer and either [take] revenge against the system or use the war as a means of changing the power dynamics and relations in their societies.¹⁵

Drawing on this availability of disgruntled young people, the RUF challenged a weak, ill-trained, and ill-equipped state military that had been consistently downsized due to the political elites' distrust of it.¹⁶

11 Henry Mbawa, *Local Governance and Ethnicity in Sierra Leone: Negotiating Citizenship in Local Councils and Chieftaincy in Sierra Leone* (Lap Lambert Academic Publishing, 2013), 147–148.

12 Foday Saybana Sankoh was a photographer in the military before he was arrested and jailed on the allegation of being involved in a coup plot in the 1970s. He spent several years in prison before being released. He was recruited and taken to Libya, where he was trained in guerilla warfare and eventually became the head of the RUF.

13 Charles Taylor, the former president of Liberia, was convicted by the UN-backed Special Court for Sierra Leone of 11 counts of aiding and abetting the rebel group RUF in Sierra Leone and sentenced to 50 years' imprisonment. See the Residual Special Court for Sierra Leone, "The Taylor Trial," www.rscsl.org/Taylor.html. Also see Ibrahim Bangura, "We Can't Eat Peace: Youth, Sustainable Livelihood and the Peacebuilding Process in Sierra Leone," *Journal of Peacebuilding and Development* 11 (2016): 37–50.

14 Interview conducted in Kenema on October 8, 2019.

15 Interview conducted in Freetown on September 28, 2019.

16 Due to the frequent attempts to overthrow the government, President Siaka Stevens had downsized the military and established a paramilitary group, the Internal Security Unit, for the protection of his regime.

The situation became further complicated when a group of junior military officers from the war front, led by Captain Valentine Esegrobo Melvin Strasser, overthrew President Siaka Probyn Steven's handpicked successor, Major General Joseph Saidu Momoh, in a coup d'état on April 29, 1992.¹⁷ These young and inexperienced officers formed the National Provisional Ruling Council (NPRC) and promised to bring the war to an end. However, rather than halting the war, the new regime aggravated it. The military was increased in size, but the troops remained poorly trained and equipped and were suspected of colluding with the RUF.¹⁸ The RUF rebels had been able to take control of the diamond-rich area in southeastern Sierra Leone, and the military also became involved in smuggling diamonds and committing atrocities against the civilian population. Due to these activities, the military was nicknamed "sobels" ("soldiers by day, rebels by night").¹⁹

Facing mounting internal and external pressure, the NPRC in 1995 released political prisoners and organized a National Consultative Conference, known as Bintumani I, to develop a plan for a transition to democratic civilian rule. Subsequently, the ban on political activities was lifted, allowing political parties to campaign for the elections that were scheduled for early 1996. In the midst of the preparation for the elections, however, Captain Strasser was overthrown by his deputy, Brigadier General Julius Maada Bio, on January 16, 1996. Bio's first move was to initiate negotiations with the RUF in Abidjan, Côte d'Ivoire, a move that was supported by regional and international actors such as the United Nations (UN) and the Economic Community of West African States (ECOWAS).

The NPRC's proposal to conclude peace efforts with the RUF before elections were held was overwhelmingly dismissed by civil society and political parties during a second National Consultative Conference, known as Bintumani II. Distrust in the military and the desire for democratic governance united politicians and civil society activists to demand that the NPRC stick to the transition plans that had been agreed upon in 1995. Multiparty elections were thus held in February and March 1996, and Ahmad Tejan Kabbah, a former UN employee, and his Sierra Leone People's Party (SLPP) emerged as winners. At the end of that year, the Abidjan Peace Accord was signed between the government and the RUF. The agreement transformed the RUF into a political party and granted it immunity for atrocities that had been committed during the conflict. It also stipulated the disarmament, demobilization, and reintegration (DDR) of ex-combatants; the reduction of armed forces; and the withdrawal of the private military company Executive Outcomes.²⁰

The RUF violated the provisions of the agreement a few weeks after it was signed, terrorizing the local populace and attacking government troops. While struggling to contain the resumption of hostilities, Kabbah was overthrown by military officers under the command of Major Johnny Paul Koroma, who established the Armed Forces Revolutionary Council (AFRC). Kabbah and most of his officials fled and sought refuge in neighboring Guinea. The period following the military coup saw the largest diplomatic engagement be-

17 Siaka Probyn Stevens was the longest-serving leader of Sierra Leone, ruling from 1968 to 1985. (He was elected as prime minister in 1967 but was overthrown by the military and went into exile in neighboring Guinea until 1968, when he was reinstated by junior officers in the military.) He introduced both the presidential system of governance (1971) and the One Party state (1978) and was succeeded by the head of the military at the time, Major General Joseph Saidu Momoh. See also Mary Kaldor and James Vincent, United Nations Development Programme, "Evaluation of UNDP Assistance to Conflict-Affected Countries" (2006), 7.

18 Sierra Leone Truth and Reconciliation Commission, *Witness to Truth: Report of the Sierra Leone Truth and Reconciliation Commission*, Vol. 3, Ch. 2, 66.

19 Aline Leboeuf, "Sierra Leone: List of Extremely Violent Events Perpetrated During the War, 1991–2002," SciencesPo Online Encyclopedia of Mass Violence (2008).

20 See Peace Agreement Between the Government of the Republic of Sierra Leone and the Revolutionary United Front of Sierra Leone (UN Doc. S/1996/1034, Dec. 11, 1996).

tween international and national actors since the beginning of the civil war in 1991.²¹ Despite calls to resolve the crisis peacefully through the relinquishment of power to the democratically elected government, it became clear that military force was needed to oust the junta. Eventually, a Nigerian-led West African force, part of the Economic Community of West African States Monitoring Group (ECOMOG), backed by logistical and intelligence support from Sandline (another private military company), moved in. They launched a full-scale attack on Freetown and removed the military junta from power in February 1998, and Kabbah returned to power in April 1998.²²

The respite in Freetown was only temporary, though, as AFRC and RUF fighters launched a massive attack in the city in January 1999. This fresh insurgency was intended to save arrested colleagues and to take revenge on ECOMOG and civilians the fighters accused of betrayal. More importantly, the newest attack was designed to crush the will of the people, who appeared resolved to overwhelmingly stand behind the democratically elected government. After two weeks of heavy fighting, ECOMOG took control of the capital, but not before the death toll reached between 5,000 and 6,000 people and heavy damage was done to the city.²³ Another attempt to reach a peace accord led to the signing of the Lomé Peace Agreement in July 1999. This accord included the incorporation of the RUF into a coalition government, blanket amnesty for the members of the warring parties, the DDR of ex-combatants, and the establishment of commissions for human rights and for truth and reconciliation. Foday Sankoh was pardoned and given the status of a vice president with responsibility for the country's mineral resources.²⁴

Kofi Annan, the UN secretary-general, declared that the Lomé agreement was “a great step forward for Sierra Leone,” though he also recognized that the amnesty granted in the agreement was “difficult to reconcile with the goal of ending the culture of impunity.”²⁵ As such, the UN explicitly declared that the amnesty would not extend to immunity for war crimes, crimes against humanity, and other grave violations of international humanitarian law. The AFRC was not recognized as a party to the conflict and thus did not gain any political benefits.

The fundamental question that Sierra Leoneans faced during the Lomé negotiations was “how to balance peace against the need for justice for victims.”²⁶ For example, while the RUF had committed horrendous atrocities, killing, maiming, and displacing tens of thousands of Sierra Leoneans, it was obvious based on its military capacity that it had the upper hand; therefore, any suggestion of retributive justice targeting it would have derailed the negotiations.²⁷ The RUF had negotiated from a position of strength and with an understanding of the government's weaknesses and the population's impatience for peace. Victims' need for justice was sacrificed to meet the demands of the RUF.

21 The coup was widely condemned by the international community, which supported both diplomatic and military efforts to remove the junta from power. The Conakry Peace Talks that were held in December 1997 provided the regime with the option of peacefully exiting power, which it failed to do.

22 Global IDP Database, “Profile of Internal Displacement: Sierra Leone” (2003), 20.

23 Kaldor and Vincent, “Evaluation of UNDP Assistance to Conflict-Affected Countries,” 7.

24 UN Security Council, letter dated July 12, 1999, from the Chargé d’Affaires ad Interim of the Permanent Mission of Togo to the United Nations addressed to the President of the Security Council (UN Doc. S/1999/777, 1999), 43.

25 Eighth Report of Secretary-General on the United Nations Assistance Mission in Sierra Leone (UN Doc. S/2000/751, 2000).

26 Based on focus group discussions conducted with civil society actors in Freetown on September 30, 2019.

27 Bangura, “Bridging the Gulf.”

In this context, the most viable options in relation to transitional justice were seen to be the provision of amnesty for the RUF and the formation of a truth and reconciliation commission. The amnesty clauses in both the Abidjan and the Lomé peace agreements were fundamental to the continuation of the discussions because they were nonnegotiable to the RUF.²⁸ According to Henry Mbawa, a lecturer in the Department of Peace and Conflict Studies at the University of Sierra Leone:

The Lomé Agreement was a policy of appeasement, as the RUF knew it could get anything it wanted and it banked heavily on that. The negotiators were pragmatic as they knew that the RUF could not be defeated militarily and that it had control over a significant portion of the country by then. The only available option was to persuade it to committing itself to ending the conflict. Any suggestion of justice for the victims would have derailed the process. It must be noted that even when given all it asked for, the war only ended in 2002. Thus, it was a very difficult period and the government did what needed to be done to have peace restored.²⁹

The Lomé Peace Agreement was signed on July 7, 1999, and passed as an act of Parliament on July 18, with relevant ministries, departments, and agencies mandated to act on its implementation. The UN then deployed the United Nations Mission in Sierra Leone (UNAMSIL) with a directive that included supervising the implementation of the Lomé Peace Agreement, especially the demilitarization process; establishing a security presence at various key locations throughout the country; and monitoring the cease-fire.³⁰ In spite of the presence of the UNAMSIL peacekeeping force, however, the cease-fire was short-lived as a result of the RUF's recalcitrance and its desire to take power by force. Its leaders were not invested in upholding their part of the deal, and their demonstrated lack of sincerity plunged the country into another round of violence. Two months after the settlement, RUF forces took UN peacekeepers hostage, seriously undermining Sierra Leoneans' confidence in the UN and tainting the image of the peacekeepers.³¹

In the aftermath of the hostage crisis, the United Kingdom raised its security profile in the region and sent in British troops to rescue British citizens. The British troops eventually stayed in the country to stabilize the security situation, and their intervention turned out to be a crucial element in the consolidation of the peace in Sierra Leone. The government and the RUF agreed to a new cease-fire, which also barely held, as RUF forces continued sporadic attacks around the country.³² In 2001, UNAMSIL was expanded, becoming the world's largest peacekeeping mission at the time. Later that year, the UN established a DDR program for which the UNAMSIL peacekeepers provided security.³³ The war was officially declared over in January 2002, by Kabbah.

²⁸ Based on an interview with a former senior commander of the RUF in Makeni on October 1, 2019.

²⁹ Interview conducted in Freetown on August 29, 2019.

³⁰ See UN Security Council Resolution 1270 (UN Doc. S/Res/1270, 1999).

³¹ Sierra Leone Truth and Reconciliation Commission, *Witness to Truth*, Vol. 3, Ch. 2, 82.

³² As the RUF advanced on Freetown, civil society actors mobilized and demonstrated outside the house of the RUF leader Foday Sankoh in Freetown. Twenty-one civilians were killed by Sankoh's guards, and a peacekeeper was injured. Sankoh was eventually arrested and jailed. With his arrest and incarceration, the RUF's leadership was changed; General Issa Sesay, the military field commander who succeeded Sam Bockarie, became the head of the movement.

³³ See UN Security Council Resolution 1315 (UN Doc. S/Res/1315, 2000), 5.

The civil war in Sierra Leone left the country fragmented and traumatized, and operating under a fragile peace. Although heinous atrocities had been committed, the approach to making peace was shaped to appease the perpetrators of the violence. Existential threats were posed by a war-torn economy, the dynamics between ex-combatants and receiving communities, the perception of the reemergence of prewar elites, the continued marginalization of vulnerable groups, uncertainties about the former armed groups' commitment to the peace agreement, and the desire for revenge on the part of some victims. All of these factors highlighted the potential for a relapse into violence. The presence of UN and British troops, however, provided the required security and confidence in the process, while investments were made in stabilization through DDR and security sector reform (SSR). In the end, a total of 72,500 combatants were disarmed and demobilized, including 4,751 women (6.5 percent) and 6,787 children (9.4 percent), of whom 506 were girls.³⁴

³⁴ Christiana Solomon and Jeremy Ginifer, Centre for International Cooperation and Security, "Disarmament, Demobilization and Reintegration in Sierra Leone" (2008), 7.

Transitional Justice in Post-War Sierra Leone

In light of the extreme nature of the violence and human rights violations that were committed during the war in Sierra Leone, the country implemented a set of transitional justice mechanisms in order to confront its past, rebuild social capital, heal and reconcile people, and—as was often explicitly expressed at the time—prevent recurrence. This section provides brief overviews of these mechanisms, including the Truth and Reconciliation Commission of Sierra Leone (TRCSL), the Special Court for Sierra Leone (SCSL), the reparations program, a range of institutional reforms or guarantees of non-recurrence, and local justice and reconciliation processes.

The Truth and Reconciliation Commission of Sierra Leone

The Truth and Reconciliation Commission of Sierra Leone, as provided for in the Lomé Peace Agreement³⁵ and the enabling legislation (the TRC Act of 2000), was established in 2002. Its mandate was “creating an impartial historical record of violations and abuses of human rights and international humanitarian law related to the armed conflict in Sierra Leone, from the beginning of the conflict in 1991 to the signing of the Lomé Peace Agreement; to address impunity, to respond to the needs of the victims, to promote healing and reconciliation and *to prevent a repetition of the violations and abuses suffered.*”³⁶ The commission was based on the South African model, with local and international experts serving as commissioners, and headed by a senior clergy, Bishop Joseph Christian Humper. A TRCSL working group was formed that consisted of key actors, including members of civil society organizations that were working on transitional justice.

With its broad mandate, the commission had to contend with challenges that affected its ability to fully deliver. For example, it required significant financial and human resource capacity to carry out its activities, but it received limited investment from the government and its development partners, whose focus appeared to be much more on the Special Court (see below). In addition, the provision of testimonies by indictees was undermined by a lack of cooperation from the Special Court and disagreement over the method by which indictees like Samuel Hinga Norman, the former minister of internal affairs of Sierra Leone, should testify. The TRC wanted Hinga Norman to testify in the open, while the SCSL wanted the process to happen in a closed-door session. According to a former statement taker at the TRCSL:

³⁵ See Art. 26 of the Lomé Peace Agreement.

³⁶ See Art. 6(1) of the Truth and Reconciliation Commission Act 2000; italics added.

Both the victims and perpetrators of violence wanted to share their stories. They wanted the world to listen to them, and this includes those that had been indicted by the SCSL. The first major shock was the refusal of the SCSL to share information with the TRCSL or provide the commission with access to indictees. Additionally, the limited resources available to the commission limited the amount of people it was able to access and take statements from. The limitations hindered the extensive progress that the commission could have made.³⁷

The Special Court refused the commission's request to hold public hearings to obtain statements from Hinga Norman because it believed that "such a public hearing will jeopardise the proceedings of the SCSL, and that the primacy of the SCSL, provided under Article 8 of the SCSL Statute, extends to national bodies like the TRCSL."³⁸ The commission eventually heard approximately 7,000 statements, covering but a small fraction of the atrocities that had been committed.

After completing its activities, the commission produced a three-volume report in October 2004. In addressing the root causes of the conflict, the report described

years of bad governance, endemic corruption and the denial of basic human rights that created the deplorable conditions that made conflict inevitable. Successive regimes became increasingly impervious to the wishes and needs of the majority. Instead of implementing positive and progressive policies, each regime perpetuated the ills and self-serving machinations left behind by its predecessor. By the start of the conflict, the nation had been stripped of its dignity. Institutional collapse reduced the vast majority of people into a state of deprivation. Government accountability was non-existent. Political expression and dissent had been crushed. Democracy and the rule of law were dead. By 1991, Sierra Leone was a deeply divided society and full of the potential for violence. It required only the slightest spark for this violence to be ignited.³⁹

The report examined the economic crimes through which political elites had plundered the state. According to the TRCSL, corruption and its attendant implications for ordinary Sierra Leoneans were significant factors in the country's disintegration into a civil war. The commission observed:

Endemic corruption was a central factor that produced the dire conditions that made civil war inevitable. Sierra Leone remains in the grip of pervasive corruption, which, if not arrested, will sap the country of its life force and lay the grounds for further conflict. The threat of corruption is manifested in many evil forms, namely greed, bribery, embezzlement, abuse of power, self-serving deals by public officials, extortion, favouritism and nepotism.⁴⁰

³⁷ Interview conducted via Skype on October 7, 2019.

³⁸ Igwe Chikeziri Sam, "Complementarity: A Critical Appraisal of International Criminal Jurisdiction in the Twenty-First Century," MA thesis, Faculty of Law, University of Manitoba, Manitoba, Canada (2005), 28–29. See Case No. SCSL-2003-08-PT-I 12, Prosecutor v Norman 3.

³⁹ "Overview of the Sierra Leone Truth and Reconciliation Report Oct 2004," ReliefWeb (2004), reliefweb.int/report/sierra-leone/overview-sierra-leone-truth-reconciliation-report-oct-2004.

⁴⁰ Sierra Leone Truth and Reconciliation Commission, *Witness to Truth*, Vol. 2, Ch. 3, 159.

The report also provided important details about the atrocities that were committed by the respective factions as they pursued their war efforts. Most of these groups, including the RUF, AFRC, and CDF, were eventually indicted by the Special Court for committing gross human rights violations, such as using children as soldiers and women and girls as human shields, bush wives, and sex slaves.⁴¹ The report provided a clear description of the nature of the atrocities committed by armed groups and the consequences of these actions.

To overcome the challenges presented by not just the war but decades of bad governance and violations of human rights, the commission made a series of recommendations that

are designed to facilitate the building of a new Sierra Leone based on the values of human dignity, tolerance and respect for the rights of all persons. In particular, the recommendations are intended to help create an open and vibrant democracy in which all are treated as equal before the law. The Commission is of the view that the adoption of its recommendations will assist the people of Sierra Leone to rise above the bitter conflicts of the past, which caused unspeakable violations of human rights and left a legacy of dehumanisation, hatred and fear.⁴²

The proposals focused heavily on addressing the root causes of the conflict and creating systems and conditions that were essential for preventing a relapse into violence. Central to this effort was the need to have a functional state, with democratic structures and practices that would mitigate socioeconomic and political injustices and reconstruct the relationship between the state and its citizens. The truth commission did not recommend vetting public institutions for human rights abusers because “it was concerned that in the context of a fragile transition it could be divisive and abused for political ends.”⁴³

Key recommendations included:

- establishing institutions for the protection and promotion of human rights, such as the Human Rights Commission of Sierra Leone (HRCSL);
- reforming the security and justice sectors;
- promoting good governance;
- supporting young people’s participation and representation in governance and establishing a National Youth Commission (NYC);
- developing policies and practices geared toward promoting the rights and welfare of women and children;

41 Chris Coulter, *Bush Wives and Girl Soldiers: Women’s Lives Through War and Peace in Sierra Leone* (Ithaca, NY: Cornell University Press, 2009).

42 Sierra Leone Truth and Reconciliation Commission, *Witness to Truth*, vol. 2, 117.

43 Alexander Mayer-Rieckh and Howard Varney, Geneva Centre for Security Sector Governance “Recommending Change: Truth Commission Recommendations on Institutional Reform” (2019), 30.

- providing reparations for victims; and
- effectively disseminating the TRC report across Sierra Leone.

Further, to address the causes and consequences of corruption, the commission suggested introducing transparent government systems and structures; amending the Anti-Corruption Commission Act of 2000 to provide the Anti-Corruption Commission with the powers to prosecute its own cases; improving public knowledge about, awareness of, and participation in the fight against corruption; and requiring public officials to disclose their assets.⁴⁴ The absence of most of the institutions that were recommended for establishment reveals the vulnerabilities that Sierra Leoneans were subjected to in both prewar and wartime Sierra Leone.

The commission's report was widely distributed when it was published, and a child-friendly version was produced and disseminated in schools and local communities. In spite of the challenges that the TRCSL contended with, it produced a report, which at that moment gave hope to Sierra Leoneans that the recommendations would be used to address the root causes, consequences, and historical legacies of the conflict.⁴⁵ Ultimately, however, the commission was a restorative justice mechanism working under the framework of an amnesty that was granted by the Lomé Peace Agreement, from which it derived its mandate. As such, it could only make recommendations to the government with the request that those proposals be implemented.

The Special Court for Sierra Leone

The Lomé Peace Agreement was an effort intended to return a war-wrecked country to the track of peace. As mentioned above, it provided for peace-building processes including the cessation of hostilities, the disarmament of ex-combatants, the reinstatement of democracy, truth-seeking efforts, and reparations. But, no form of prosecution was included in the agreement, even though civil society had advocated for it. In response to the continuous violations of the provisions of the agreement, Kabbah asked the United Nations Security Council, through the secretary-general, to set up an international tribunal to investigate and put on trial members of the RUF leadership who were deemed to hold the most responsibility for the atrocities that had been committed. Kabbah felt that there was a need for “a strong court in order *to bring and maintain peace and security* in Sierra Leone.”⁴⁶ The council concurred and directed the secretary-general “to negotiate an agreement with the Government of Sierra Leone to create an independent special court.”⁴⁷ This agreement was signed in January 2002 and ratified by Parliament in March 2002. An annex to the agreement is the statute of the court.

In 2002, acting on Security Council Resolution 1315, the UN and the government of Sierra Leone set up the Special Court for Sierra Leone “to prosecute persons who bear the greatest responsibility for serious viola-

44 Sierra Leone Truth and Reconciliation Commission, *Witness to Truth*, vol. 2, 117.

45 Based on interviews conducted for this study.

46 UN Security Council, Annex to the Letter dated Aug. 9, 2000 from the Permanent Representative of Sierra Leone to the United Nations addressed to the President of the Security Council (S/2000/786, August 10, 2000); italics added.

47 UN Security Council, Resolution 1315 (2000) (S/RES/1315 (2000), August 14, 2000).

tions of international humanitarian law and Sierra Leonean Law.”⁴⁸ It was called the Special Court for two specific reasons: It was the first international criminal tribunal to be set up in the country where the crimes were committed. And, it involved a mixed composition of personnel (local and foreign judges) and jurisdictions (national and international laws); international law held primacy where there were inconsistencies with national laws. All of these features distinguished the Special Court from other courts.

Unlike in 1996 and 1999, when the Abidjan and the Lomé peace agreements were signed, by 2000 Kabbah felt much more confident about incarcerating Sankoh, which may largely be attributed to the presence of UN peacekeepers and British military personnel rather than to any personal drive. As one transitional justice expert said about Kabbah’s request for an international tribunal:

Kabbah was frustrated with the stubbornness of Sankoh and his commanders; he knew they were not interested in peace. He had no option but to accommodate them through Abidjan and Lomé, but by 2000 he was determined to withstand them and have them tried for the atrocities they had committed over the years. Kabbah’s confidence stemmed from both the high level of international and national support he had garnered over the years and the presence of UN peacekeepers and the British.⁴⁹

The Special Court’s 13 indictees were Chief Samuel Hinga Norman, Moinina Fofana, and Allieu Kondewa, who were members of the Civil Defence Force; Foday Saybana Sankoh, Sam Bockarie, Issa Hassan Sesay, Morris Kallon, and Augustine Gbao, who were members of the RUF; Johnny Paul Koroma, Alex Tamba Brima, Brima Bazzy Kamara, and Santigie Borbor Kanu, who were members of the former AFRC; and Charles Taylor, the then-president of Liberia. The crimes for which they were indicted and eventually jailed included acts of terrorism, collective punishments, extermination, murder, rape, sexual slavery, use of child soldiers, and enslavement.⁵⁰ The indictments sent a strong message about the need for justice for victims and for the prevention of the recurrence of such crimes in the country. All factions in the conflict had systematically committed horrendous crimes and created a culture of impunity, a culture that needed to be urgently addressed at the earliest stages in the postconflict period.

The indictments against Sankoh and Bockarie were withdrawn in December 2003, following the deaths of both. As Johnny Paul Koroma could not be located, he could not be prosecuted, at least for the time being.⁵¹ The case against him remains open and could be tried by the Residual Special Court for Sierra Leone.⁵² But a major source of contention was the indictment of Hinga Norman, who was perceived by many to have fought to defeat the RUF rebels and restore democracy in Sierra Leone. Hinga Norman was arrested while serving as minister of internal affairs in the Kabbah administration, and his supporters (largely the Kamajors that he was the head of) concluded that he had been betrayed by Kabbah. It is possible that they expected

48 Statute of the Special Court for Sierra Leone, www.rscsl.org/Documents/scsl-statute.pdf.

49 Interview conducted in Freetown on September 2, 2019.

50 See the Residual Special Court for Sierra Leone, “The RUF Trial,” www.rscsl.org/RUF.html.

51 Rachel Kerr and Jessica Lincoln, War Crimes Research Group, “The Special Court for Sierra Leone: Outreach, Legacy and Impact” (2008).

52 There is no evidence of his death. Therefore, his case was transferred to the Residual Special Court for Sierra Leone in case he reappears one day. See the Residual Special Court for Sierra Leone, “Other Cases,” www.rscsl.org/Other-Cases.html.

the Special Court to only indict and try RUF and AFRC commanders, and not those in the CDF who were pro-government. One civil society activist argued:

A poor job was done by those propagating the Special Court. The highly illiterate Sierra Leonean society was going to find it very difficult to understand the nature and operations of the court without a very good sensitization program. The general perception was that the court was established to try the RUF as Kabbah indicated in his letter to the UN. So the arrest of Norman shocked a lot of people and those people did not understand that it was not about which side Norman fought but about how his force conducted itself during the war. Clearly, the Kamajors committed atrocities for which they were held accountable and for which the leaders had to pay.⁵³

In anticipation of such perceptions, the SCSL established an Outreach Section well before the indictments were issued. It later convened the Special Court Interactive Forum, which consisted largely of civil society organizations, to undertake awareness-raising and sensitization programs about the activities of the court. This was followed by the establishment of Accountability Now Clubs in schools and universities to further strengthen the court's outreach among young people. In the middle of his trial, however, Hinga Norman died after having hip replacement surgery in Senegal, which further complicated the situation, completely straining the relationship between the former Kamajors and the Kabbah administration.

By the end of the trials, some of which (the Taylor trial) took place in The Hague, The Netherlands, nine people were convicted and sentenced to terms of imprisonment ranging from 15 to 52 years. Sentences of the eight RUF, CDF, and AFRC prisoners who were convicted in Freetown are being enforced at Rwanda's Mpanga Prison due to infrastructure constraints in Sierra Leone. Taylor was transferred to Belmarsh Prison in England and is carrying out his sentence there. The Special Court also conducted contempt trials in 2005 relating to threats against a protected witness and three trials in 2011 to 2013 for tampering with prosecution witnesses who testified in the AFRC and Taylor trials, respectively.⁵⁴ The court cost approximately US\$300 million during its years of operation. Because the number of people who were ultimately prosecuted is low, some people consider the court to have been a highly expensive endeavor with limited results.⁵⁵ Others, however, while recognizing such criticism, are more positive, deeming the court to have contributed to the country's move forward toward a peaceful future.⁵⁶

Reparations Program

Given the depth and prevalence of the violence committed against civilians and the plunder communities experienced during the civil war, it was critical for the TRC to recommend reparations for victims to

⁵³ Interview conducted in Kenema on October 1, 2019.

⁵⁴ See the Residual Special Court for Sierra Leone website: www.rscsl.org.

⁵⁵ Hideaki Shinoda, Institute for Peace Science, "The Sierra Leone Model of Peacebuilding? The Principle of Local Society's Ownership and Liberal Democracy in Africa" (2012); Lucinda Rouse, "Liberia and Sierra Leone: Different Lessons in How Not to Deliver Post-War Justice," *The New Humanitarian*, June 24, 2019.

⁵⁶ Brenda J. Hollis, "Evaluating the Legacy of the Special Court for Sierra Leone," in *Evaluating Transitional Justice: Rethinking Peace and Conflict Studies*, ed. Kirsten Ainley, Rebekka Friedman, and Chris Mahony (London: Palgrave MacMillan, 2015), 19–34.

facilitate healing and social cohesion. Conceptually, reparations, in a strict sense, may not make a victim “whole again.” Violations and the harms they cause cannot be undone, but this should not bar the provision of effective reparations for the victims. The conflict in Sierra Leone worsened victims’ social and economic situations; most of them were forced to endure hardship and conditions that are not conducive to living with dignity long after the war ended.

Reparations for victims of conflict are the responsibility of those who are liable for the harms, including the state in the case of wrongdoing. As the UN secretary-general has said, “In the face of widespread human rights violations, States have the obligation to act not only against perpetrators, but also on behalf of victims—including through the provision of reparations.”⁵⁷ The Lomé Peace Agreement did not expressly call for the creation of a reparations program, but it recommended the establishment of a truth commission that “shall, among other things, recommend measures to be taken for the rehabilitation of victims of human rights violations.”⁵⁸ Additionally, the agreement alluded to the establishment of a Special Fund for War Victims to rehabilitate the war victims, and the TRC Act calls upon the commission to make recommendations for the Special Fund for War Victims.⁵⁹ One of the main recommendations in the TRC report, in turn, was providing reparations for victims in the following areas: “health, pensions, education, skills training and micro-credit, community reparations and symbolic reparations.”⁶⁰ The focus on these specific areas underscored the need for a comprehensive approach to reparations; assistance in accessing health care in particular was considered crucial for both the physical and mental well-being of victims.

The National Commission for Social Action (NaCSA) was given the responsibility of implementing the reparations program, and the Special Fund for War Victims was established. NaCSA coordinated the program, working with supporting international and national stakeholders and line ministries, agencies, and departments of the government of Sierra Leone to ensure that it met the requirements of its mandate. However, while other transitional justice processes such as the TRCSL and the SCSL started operating in 2002 and received the support they needed, reparations for victims were given very limited attention. It was not until August 2008 that a one-year pilot project was initiated to set up the mechanisms that were needed to implement the reparations program. The project received a US\$3 million grant from the UN Peacebuilding Fund to establish the reparations program by “setting specific staffing, logistical and measurable organisational targets within NaCSA.”⁶¹ In this regard, NaCSA developed a five-year strategic plan for providing continued support for reparations, setting up a database of war victims’ profiles, sensitizing key stakeholders, operationalizing the Special Fund for War Victims, and implementing reparation subprojects for war victims.⁶²

Through the pilot reparation scheme, approximately 29,733 victims received Le 300,000 (the equivalent of US\$100) as an interim relief payment after a short sensitization and registration period that lasted from

57 UN Security Council, *Report of the Secretary-General on the Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies* (S/2004/616*, August 23, 2004), 18.

58 Art. 26 of the Lomé Peace Agreement.

59 Ibid.; Art. 29 of the Lomé Peace Agreement; TRC Act of Sierra Leone, Sec. 7(6).

60 Sierra Leone Truth and Reconciliation Commission, *Witness to Truth*, Vol. 2, 192.

61 Mohamed Suma and Cristián Correa, International Center for Transitional Justice, “Report and Proposals for the Implementation of Reparations in Sierra Leone” (2009), 1.

62 Ibid.

December 2008 to March 2009.⁶³ Some observers question the number of victims who were engaged, however, suggesting that those figures may include people in the country's patrimonial political networks.⁶⁴ It is also not difficult to find people who fall into categories of victims in a country where more than 70 percent of the population lives below the poverty line. Thus, some people were actually not directly affected by the war, but the dire economic conditions under which they lived at the time of the reparations program allowed them to easily pass for victims of the war. A total of almost US\$8.5 million was provided by international partners to support the reparations program.

Table 1. Support Provided to War Victims

YEAR	AGENCY	FUNDING (USD)	MEASURE
2009	UNPBF	3 million	Interim relief payment of Le 300,000 per person
2009	GoSL	246,000	Personnel, office buildings, infrastructure
2010–2011	UN Women	1 million	Skills training and start-up kit for 650 women
2010–2012	War Victims Trust Fund	50,000	Interim relief payment of Le 300,000, operations for war-wounded people and sexually abused women
2011	UNPBF	450,000	Interim relief payment for the remaining beneficiaries, 200 USD extra grant for amputees
2012	UNPBF	1.1 million	Interim relief payment for remaining beneficiaries
2013	UNMDTF	2.5 million	Start-up grants for 1,298 amputees and war-wounded people
Total: 8.446 million			

Source: Ottendörfer, "The Fortunate Ones and the Ones Still Waiting," 16.

Notes: UNPBF is United Nations Peacebuilding Fund. GoSL is government of Sierra Leone. UNMDTF is United Nations Multi-Donor Trust Fund.

Table 1 shows that minimal support was provided to deeply hurt, traumatized, and impoverished war victims. Although government officials point to the state's limited financial resources, it appears that the reparations program was not of primary interest to the government.⁶⁵ In addition to the paucity of the reparations package, victims who were interviewed claimed that the process was affected by corruption and

63 Eva Ottendörfer, Peace Research Institute Frankfurt, "The Fortunate Ones and the Ones Still Waiting: Reparations for War Victims in Sierra Leone," Report No. 129 (2014), 14.

64 Based on interviews conducted in 2019.

65 Based on interviews conducted in Freetown in 2019.

nepotism, as people who were not victims were included and reparations were not provided to those who deserved them.⁶⁶

Guarantees of Non-Recurrence

One of the main priorities of the post-war government in Sierra Leone was to prevent the recurrence of violence, and fundamental to this process was the reform of institutions. State institutions, including those related to security and justice, were badly destroyed or compromised before and during the conflict. Further, for the most part, institutions to support democracy and good governance did not even exist. The truth commission therefore recommended an immediate step of reforming the existing state institutions and establishing new ones. As stated in its report, “the Commission emphasises its recommendations to bring government and service delivery to people throughout Sierra Leone. The Government must be seen to be establishing infrastructure and delivering health, education, justice and security services in all Provinces.”⁶⁷

Creating new institutions, however, required enormous financial and technical resources, which were not available to a government faced with the economic and other destruction left by more than a decade of violent civil war. Consequently, the government relied heavily on the support of its development partners, including the UN, the UK government, and the World Bank, to form important institutions that were deemed essential to the stabilization of the state and the prevention of violence: a new Ministry of Defence, the Office of National Security, the Central Intelligence and Security Unit, the Anti-Corruption Commission (ACC), the Decentralisation Program, the Political Parties Registration Commission, the Human Rights Commission of Sierra Leone (HRCSL), the National Youth Commission (NYC), and the Justice Sector Development Program.⁶⁸

The Human Rights Commission was established in 2004 through an act of Parliament “to protect, promote, and create a culture of human rights in Sierra Leone among other responsibilities.”⁶⁹ The HRCSL works with several local and international stakeholders to address challenges related to the abuse and violations of the rights of Sierra Leoneans—one of the principal reasons for the outbreak of the conflict. Similarly, the National Youth Commission was established by an act of Parliament in 2009 with the aim of “empower[ing] the youth to develop their potential, creativity and skills for national development and for other related matters.”⁷⁰ The NYC provides young people with skills training, opportunities, and platforms to reduce their vulnerabilities, disengagement, and marginalization, especially by state actors.

The HRCSL and Justice Sector Development Program together were focused on strengthening and promoting human rights and the rule of law, which are critical for peace, security, and the prevention of violence. The Justice Sector Development Program was funded by the UK Department for International Development

66 Based on interviews conducted in Freetown in 2019.

67 See Sierra Leone Truth and Reconciliation Commission, *Witness to Truth*, Vol. 2, Ch. 3.

68 Ibrahim Bangura, “Peacebuilding in Sierra Leone One and a Half Decades After the Civil War: At What Stage Does a War-Affected Country Cease to Be Post-conflict?,” in *Peacebuilding in Contemporary Africa: In Search of Alternative Strategies*, ed. Kenneth Omeje (New York: Routledge, 2018), 99.

69 Human Rights Commission of Sierra Leone Act, 2004. The establishment of the commission was also stated in Art. 25 of the Lomé Peace Agreement as one of the institutions of human rights to be established.

70 See The National Youth Commission Act, 2009, Government Printing Department, Sierra Leone, 1.

and implemented between 2005 and 2011, with the goal of providing direct financial and technical assistance to security- and justice-sector institutions. The support was vital in the process of reforming the security and justice sectors. It helped to restructure the Sierra Leone police, judiciary, and Ministries of Justice and Internal Affairs, enhancing their capacity to better deliver much-needed security- and justice-related services to the people.⁷¹ The program was also instrumental in promoting the inclusion of civil society actors in security and justice initiatives, thereby strengthening the relationship between the sectors and ordinary Sierra Leoneans. The Justice Sector Development Program was succeeded by the Access to Security and Justice Program, which provided similar support until 2016.

Another crucial component of peace-building was the disarmament, demobilization, and reintegration (DDR) program, implemented by the National DDR Commission, which was set up with the support of UNAMSIL alongside other development partners. The program was fraught with several disruptions, and only gained traction in 2001 after the deployment of UNAMSIL and changes in the leadership following Foday Sankoh's arrest and incarceration.⁷² The RUF and other factions signed the Abuja Ceasefire Agreement in November 2001, expressing a renewed commitment to complying with the provisions of the Lomé Peace Agreement and joining the DDR process. Subsequently, 72,500 combatants went through DDR, including 6,845 children and 4,715 women.⁷³ In all, 42,300 weapons were collected. The cost of the program is estimated to have been US\$45.2 million.⁷⁴ The DDR program contributed to guaranteeing security across the country as most of the weapons in circulation were collected and destroyed, with UN peacekeepers deployed to maintain peace and security.

The British government took leadership of the security sector reform (SSR) program, deploying an International Military Advisory Training Team in the capital city, Freetown. The process concentrated on establishing a new Ministry of Defence, whose responsibility was to “formulate, implement, monitor and evaluate a strategic defence policy for the Republic of Sierra Leone Armed Forces that is effective and fostered within a framework of democratic governance.”⁷⁵ Crucially, key positions in the ministry, such as the director-general of defense, now had to be held by civilians. The inclusion of civilians in the defense architecture was intended to promote civilian oversight and democratic control of the armed forces. Significant effort was put into reforming the military, with the aim of democratizing the institution and changing the negative public perception that had plagued it before and during the conflict. The changes that took place enhanced both the capacity and the credibility of the military, which has succeeded since in continuously providing support to civilian authorities using the Military Aid to Civil Power security provision, especially during election periods.

The British government put together a group of 150 trainers from the International Military Advisory Training Team to focus on “improving the state's capacity to control its legitimate use of force through retraining

71 Ibrahim Bangura, Center for Security Governance, “An Assessment of Orthodox Security Sector Reform in Sierra Leone,” CSG Papers No. 11 (2016).

72 Ahmad Tejan Kabbah, *Coming Back from the Brink in Sierra Leone: A Memoir* (Ghana: EPP Book Services, 2010).

73 Albert Caramés Boada and Eneko Sanz Pascual, *DDR 2009: Analysis of Disarmament, Demobilization and Reintegration (DDR) Programmes in the World during 2008* (Bellaterra, Spain: School for a Culture of Peace, 2009); Solomon and Ginifer, “Disarmament, Demobilisation and Reintegration in Sierra Leone.”

74 Caramés and Sanz, *DDR 2009*.

75 Kabbah, *Coming Back from the Brink in Sierra Leone*, 285.

and restructuring of the SLA.”⁷⁶ In addition, British advisers were “embedded in key government bodies,” such as the small team that was “engaged in policy-making functions in a new Sierra Leonean MOD [Ministry of Defence] from 1999 to 2002.”⁷⁷ These officers played vital roles not just in helping to restructure and modernize the Ministry of Defence but also in training and mentoring Sierra Leonean officers to ensure continuity and sustainability.

Kabbah’s government undertook several projects designed to provide a healthy environment for the effective operation of the armed forces. These included refurbishing old structures and constructing new structures in central locations in the country to provide accommodations; setting up a prefabricated housing project at the military training school at Benguema and the Murray Town and Wilberforce Barracks; constructing the “Boom Defence” Naval Base at Kingtom; and providing more than 320 assorted vehicles, a patrol boat, ambulances, communications equipment, and water bowsers.⁷⁸ A senior defense official commented:

The support we received was very good. The British were keen on helping us have a military that would have the credibility and the competence to function as a professional military force. We are keen on learning and we were conscious that we needed to shed off the name we were referred to as “sobels.” The reform process took the military off the face of civilians for a while and we focused on doing our homework well. Today, I am proud of what we achieved and the way the military has succeeded in cleaning its image.⁷⁹

To reconstitute the new Republic of Sierra Leone Armed Forces, the International Military Advisory Training Team launched a thorough screening and recruitment process, which included performing checks on the background and human rights records of recruits who were ex-combatants. Some ex-combatants, mainly from the RUF and the AFRC, were retrained and incorporated into the new army. According to Osman Gbla, approximately 3,500 ex-fighters were included in the new army.⁸⁰ One critical unit that was established was the Armed Forces Review Committee, comprising representatives from the military and civil society. The unit helped to periodically review incentives such as salary, medical and health plans, pensions, and gratuity benefits for military personnel; it served as an advisory body to the Defence Council that was chaired by the president.⁸¹

As part of the SSR process, a British officer was appointed as the head of the Sierra Leone police force and charged with leading its intended transformation into a “Force for Good.”⁸² Core components of police reform, aimed at minimizing bureaucracy and establishing a well-structured institution, included cutting down the rank system from 22 to nine and creating new offices and departments such as the Media and Public Relations Department, the Community Relations Department, Corporate Services, the Family Sup-

76 Christopher von Dyck, Geneva Center for the Democratic Control of Armed Forces, “DDR and SSR in War to Peace Transition” (2016), 31–32.

77 Ibid., 14.

78 Kabbah, *Coming Back from the Brink in Sierra Leone*, 287.

79 Interview conducted in Freetown on February 1, 2020.

80 Osman Gbla, “Security Sector Reform in Sierra Leone,” in *Challenges to Security Sector Reform in the Horn of Africa*, ed. Len le Roux and Yemane Kidane (Pretoria: Institute for Security Studies, 2007).

81 Kabbah, *Coming Back from the Brink in Sierra Leone*, 287.

82 Gbla, “Security Sector Reform in Sierra Leone.”

port Unit, and the Complaints, Discipline, and Internal Investigations Department.⁸³ In addition, the police sought to promote the inclusion and the growth of women in the force. This goal led to the development of a gender mainstreaming policy that called for “at least 30 percent female representation in the different units of the police. This policy contained an accelerated promotion scheme for female officers and a sexual exploitation, abuse and harassment policy geared toward protecting and promoting the interests of women in the force.”⁸⁴ Several internal and external training programs were designed to ensure that police officers acquire the skills they need to function effectively. A new motto, “A Force for Good,” was developed as part of the rebranding process.

These reform processes were expected to democratize the security and justice institutions and give them the necessary capacity to function efficiently and effectively. Furthermore, a shift was envisioned from a state-centric to a people-centered approach. The SSR process introduced civilian oversight mechanisms and encouraged the inclusion and central participation of nonstate actors. As a result of these vital achievements, the mistrust, suspicion, and lack of confidence that had previously beset the security and justice sectors were reduced.

Security sector reform has also targeted institutions at the local and central levels. Decentralized national security structures such as the Provincial Security Committees, the District Security Committees, and the Chiefdom Security Committees were established with the goal of having both state and nonstate actors work at various levels to identify and address security- and justice-related challenges.⁸⁵ The police reform process included a Local Need Policing program that was geared toward improving the relationship between the Sierra Leone police and local community members. Through the Local Need Policing program, the police established Local Police Partnership Boards (LPPBs), situated in local communities and consisting of community members and police officers. The LPPBs are further decentralized into Community Police Partnership Committees and Area Police Partnership Committees. In the last few years, especially with the growing activities of cliques and gangs (see below), a more robust unit, the Community Security Volunteers, has been created, with members from local communities.

Between 2012 and 2014, institutions such as the Legal Aid Board (LAB) and the Independent Police Complaints Board were also created, and the Sierra Leone Prisons Service was transformed into the Sierra Leone Correctional Service. The LAB was the government’s response to the lack of available, accessible, timely, and affordable justice and legal aid services for low-income individuals and vulnerable groups. Its establishment was based on both the recommendations of the truth commission and existing and emerging challenges related to the demand for justice in Sierra Leone. Since its formation, the LAB has been proactively providing services to thousands of poor and indigent Sierra Leoneans. It has opened offices and deployed lawyers and paralegals across the country. Although the board contends with financial challenges, it has made significant progress in promoting access to justice and awareness, especially in local communities, of human rights and the rule of law.

⁸³ Bangura, “An Assessment of Orthodox Security Sector Reform in Sierra Leone,” 14.

⁸⁴ Ibid.

⁸⁵ Ibid.

Institutional reform and decentralization in the post-war period have reached beyond the security and justice sectors to broader levels of governance as well. A 2004 local government act supporting the implementation of the decentralization program, for example, was based on the recommendation of the truth commission report, which stated:

Local government must be democratic. The primary aim of local government must be to enable the progressive social and economic development of local communities and to ensure access to essential services that are affordable. New local government must be premised on the active engagement of communities in the affairs of the local structure, including planning, service delivery and performance assessment. Local councils must use their resources in the best interests of the local community. Services should be provided in a financially sustainable manner. Local government must give members of the local community full and accurate information about the level and standard of services they are entitled to receive.⁸⁶

Despite funding challenges, the government has since 2004 established fully functional local councils in every district in the country. However, there have been major challenges related to the devolution of power and functions by ministries, departments, and agencies to local councils. Power and resources are still largely centralized, and it is expected that the adoption of a new decentralization policy, which is currently being developed, will help to enhance the government's commitment to providing the political will and resources to bring power and services to the people. Such a drive will strengthen democratic good governance and effective service delivery at the local level.

Given the serious impact of corruption in Sierra Leone, one of the first institutions the government set up after the signing of the Lomé Peace Agreement in 1999 was the Anti-Corruption Commission in 2000, with the mandate to ensure “the prevention, investigation and prosecution of corrupt practices and to educate the public about the evils of corruption.”⁸⁷ The commission was initially less active as the country struggled with stability in the immediate post-war context, but with time it succeeded in becoming a formidable institution. As recommended by the truth commission, the Anti-Corruption Act was amended in 2008 with the aim of strengthening the ACC to more effectively execute its functions and mandate. The act gave the commission the power to prosecute its own cases; made the Assets Declaration Regime more manageable, efficient, and effective; and increased penalties for serious corruption offences. However, although senior officials were convicted of corruption, the ACC “secured only two convictions in 2014 and four in 2018.”⁸⁸ In 2019, an ACC court was established with five dedicated judges to expedite the dispensation of corruption-related cases, and the ACC Act was further amended to strengthen the overall fight against corruption. As stated by the commission:

The new progressive and very strong anti-corruption law increases the minimum punishment for major corruption offences to a minimum of five (5) years or a fine of not less than Le 50,000,000.00 (Fifty Million Leones); strengthens protection of those who assist

⁸⁶ See Sierra Leone Truth and Reconciliation Commission, *Witness to Truth*, Vol. 2, Ch. 3.

⁸⁷ See the website of the Anti-Corruption Commission of Sierra Leone: www.anticorruption.gov.sl/aboutus.

⁸⁸ Mayer-Rieckh and Varney, “Recommending Change,” 46.

the Commission—witnesses, informants and whistle blowers; allows the Commission to either prosecute corrupt public officers or recover from them all monies they misappropriate plus a minimum of 10% interest and a mandatory exclusion from holding public office for not less than 3 years; allows the Commission to proceed with trial of accused persons and convict them in absentia; shifts the evidential burden for offences involving offering or receiving an advantage (bribery); and allows the Commission to appeal against sentences that are deemed lenient or disproportionate to the offence charged.⁸⁹

The government has also developed and adopted laws and policies recommended by the truth commission that were geared toward protecting and promoting the rights and welfare of vulnerable groups, such as women, children, and people with disabilities, who had been marginalized and disadvantaged for decades by existing systems, structures, traditions, and cultures. Legislation included the Domestic Violence Act, the Devolution of Estates Act, and the Registration of Customary Marriages and Divorce Act, all of 2007; the Sexual Offences Act of 2012; and the Persons with Disability Act of 2011. Some of these laws were focused directly on protecting and promoting the rights of women and girls. For instance, the Domestic Violence Act was introduced to suppress domestic violence and to provide protection for victims of domestic violence. The Devolution of Estates Act makes provision with respect to intestate succession and succession by will of estates, including land and land-related rights. It sets out rules relative to the inheritance and related distribution of estates in case a person dies without having made a will, and it defines offenses against people who are entitled to an inheritance or related to the deceased person.⁹⁰ The Registration of Customary Marriages and Divorce Act makes 18 years the minimum age for customary marriages, requires the consent of both parties to enter into marriage, and makes provision for the registration of customary marriages and divorces and for other related matters.⁹¹

The truth commission also concluded that to adequately address the root causes of the war and prevent its recurrence, Sierra Leone needed a new constitution. The commission observed:

A constitution that is the product of a thorough consultative and participatory programme will provide a historic bridge between the divided and violent past and a future based on peace, unity, social justice and economic development. Such a constitution must lay the foundations for a democratic and open society in which every citizen is equally protected by the law. It must free the potential of every Sierra Leonean.⁹²

The Lomé Peace Agreement had called for a review of the constitution, a position the truth commission pursued as a credible approach to maintaining peace, security, and stability. Initial attempts were made to review the constitution in 2007, an election year, but very little was achieved beyond a 2008 report that suggested some constitutional amendments. In 2013, President Ernest Bai Koroma put together a Constitutional Review Committee headed by Justice Edmond Cowan, a former judge and speaker of the Sierra Leone Parliament, consisting of 80 people from different sectors of society. The committee finished its work in 2017, providing a 680-page set of recommendations to the government. In a white paper produced

89 “President Bio Signs into Law the Anti-Corruption (Amendment Act), 2019,” press release, December 4, 2019.

90 Devolution of Estates Act, 2007.

91 See UNIFEM, “Legal Protection at Last for the Women of Sierra Leone,” press release, July 5, 2007.

92 See Sierra Leone Truth and Reconciliation Commission, *Witness to Truth*, Vol. 2, Ch. 3, 139.

in November 2017, however, the government rejected 102 out of 134 of these recommendations, suggesting that “either the government did not really think that the committee truly represented the views of the people or it simply did not like the views expressed by the people.”⁹³ The main justification the government offered for its dismissal was that “the provisions in the current constitution were adequate or that existing statutes already addressed the issues.”⁹⁴ Facing these narratives and counternarratives on the constitution, the review process was put on hold.

In response to the truth commission’s determination that illiteracy played a major role in both the inception and the fueling of the conflict, as uneducated young people served as a ready-made army available for recruitment into armed groups, reform of the education system sought to improve access to and the affordability of education.⁹⁵ The SABABU Education Programme, for example, became the main mechanism through which schools were built in most areas of the country. The Education Act of 2004 focuses on the reform of the education system structure; control and supervision mechanisms; the establishment and functions of advisory boards and committees; the appointment, functions, and tenure of head teachers and principals; certificates and licenses for teachers; fees; and the inspection of schools.⁹⁶ The act requires that children have six years of primary education, three years of junior secondary education, three years of senior secondary education or three years of technical or vocational education in lieu thereof, and four years of university or other tertiary undergraduate education.⁹⁷ To demonstrate its commitment to improving the education sector, “the government abolished school fees for all children in primary schools and for girls in JSS in the Northern and Eastern Regions.”⁹⁸

In addition, postconflict education institutions have helped to create awareness and instill a culture of peace among children and adults. Accountability Now and Peace Clubs were introduced in schools and universities, the Open Society Justice Initiative supported the establishment of a human rights clinic at the Fourah Bay College, and the University of Sierra Leone established a peace and conflict studies program targeting a wide range of actors, including those in the security sector. With funding and technical support provided by international partners, these structures were able to significantly contribute to education about peace and human rights in schools and local communities.

Given the enormous financial constraints facing the government at the end of the war, efforts to reform and establish various institutions received direct financial support from international development institutions such as the UK Department for International Development and the World Bank. However, direct funding to some institutions, including the Office of National Security, the Central Intelligence and Security Unit, and the ACC, ended in late 2015, as a result of the Sierra Leone government’s commitment, during the inception of the SSR process, to being in a position to take over direct budgetary support in that year. As it turned out, this was a commitment the government could not fully meet because of the economic challenges that the country was experiencing in 2015. That year, Sierra Leone was struggling to end the deadly Ebola virus

93 Sonkita Conteh, “Sierra Leone’s Constitutional Review up in Smoke—the People Lose Again,” *Critique Echo Newspaper*, 2017.

94 Ibid.

95 See Sierra Leone Truth and Reconciliation Commission, *Witness to Truth*, Vol. 2.

96 Supplement to the Sierra Leone Gazette Vol. CXXXV, No. 19, dated 1st April, 2004, The Education Act, 2004.

97 Ibid.

98 World Bank, “Education in Sierra Leone: Present Challenges, Future Opportunities,” African Human Development Series (2007), 2–3.

disease health epidemic and had also suffered serious economic difficulty with the fall in the price of iron ore on the world market. As such, though these institutions existed, they struggled to acquire the necessary funds to undertake their activities.

Local Transitional Justice Initiatives

The approach to transitional justice in Sierra Leone was largely based on formal models of truth commissions and criminal prosecution. Limited attention was paid to identifying and adapting local approaches to healing, forgiveness, and reconciliation that would have been much more organic and sustainable. Authors such as Graeme Young have been very critical of the approach that was taken:

The underlying assumptions and significant shortcomings that define contemporary peacebuilding processes led to the implementation of transitional justice mechanisms in Sierra Leone that were conceptually incoherent, compromised for internationally motivated political purposes, and culturally and contextually inappropriate. This has serious implications for the long-term success of Sierra Leone's peacebuilding projects that must be addressed in a way that emphasizes the country's specific conflict and post-conflict realities, local ownership, and emancipatory forms of justice.⁹⁹

Similar views were expressed by interviewees in local communities. As one women's advocate in Bo noted:

The most effective approach to transitional justice should have been to invest in local traditional healing and reconciliation methods that would have been much more effective. Attempts should have been made to study those methods as each ethnic group has its own approach to healing and reconciliation. At the end, the most effective form of psychosocial and healing support that any victim will get will come from family and community members. Those are the people that the process should have directly targeted and provided with the skills and resources they need to drive the process.¹⁰⁰

The failure to fully integrate local actors and organic community-based approaches into transitional justice and peace-building efforts had long-term implications because family and community members are often the people who can provide continuous support to those in need of psychosocial and other types of assistance. The buy-in, leadership, and ownership of local actors is imperative for the success of any peace-building program and the non-recurrence of violence. Additionally, building the capacity of families and communities could have helped to promote healing and the provision of longer-term psychosocial support to both victims and perpetrators. However, the responsibility for these oversights should not be entirely shifted to the designers and implementers of the formal processes (and in the case of the Special Court, it had no mandate to advance local processes). Because transitional justice programs are bound by time and resources, they recommend follow-up strategies that governments could pursue to further strengthen na-

⁹⁹ Graeme Young, "Transitional Justice in Sierra Leone: A Critical Analysis," *United Nations Peace and Progress* 1, no. 1 (2013): 3.

¹⁰⁰ Interview conducted in Bo on September 21, 2019.

tional healing and reconciliation in the longer term. This is the point at which national governments could also engage local actors and mechanisms, which was clearly not done in the case of Sierra Leone, hence the challenges that the country continues to contend with almost two decades after the end of its civil war.

In spite of the issues listed above and the limitations of local involvement in the formal justice processes, several local actors nevertheless played a vital role in pursuing activities related to transitional justice, including local peace-building initiatives and reintegration activities. For instance, groups such as the Inter-Religious Council were instrumental in leading activities that engaged local and national actors in strengthening the peace-building process in the country.

At the community level, traditional and religious leaders were pivotal to the reintegration process, as they performed ceremonies to promote the reacceptance of ex-combatants and their successful reintegration into either their communities of choice or their communities of origin. These leaders also actively supported the activities of the TRCSL and the SCSL, and groups such as the TRC Working Group and the SCSL Interactive Forum partnered with local actors who had the social capital to promote peace-building. Local organizations such as the Post-Reintegration Initiatives for Sierra Leone became central to the reintegration process in the country, supporting the National DDR Commission to foster the successful reintegration of ex-combatants. The collective roles of all these respective actors contributed meaningfully to enhancing transitional justice processes and the subsequent peace-building process.

Also working at the local level was the Sierra Leonean nongovernmental organization Fambul Tok (meaning “Family Talk”), established by John Caulker, a civil society activist who was a significant player in the TRC Working Group.¹⁰¹ The organization started its own community-led reconciliation program to “heal the real wounds of the civil war” of the “ordinary villagers.”¹⁰² Fambul Tok brings together victims and perpetrators of violence in an effort to promote reconciliation, with community leaders and members supporting the process. It has expanded its activities to six out of the 13 districts in the country.¹⁰³ The program’s aim is “airing the wartime grievances and unifying the community by providing them with tools to move forward in a sustainable manner. Examples of these tools include the establishment of community farms where offenders and victims work side by side to provide for the entire community or burnfire ceremonies where offenders come forward to confess to their victims, ask for forgiveness and be forgiven by the victims and the entire community.”¹⁰⁴

101 Caulker played an essential role in the TRC process, especially within the TRC Working Group that consisted of civil society organizations and other stakeholders involved in the transitional justice process in the country.

102 See the website of Fambul Tok: www.fambultok.org/about/our-story.

103 Data could not be accessed on the number of people who have participated in it so far.

104 See the website of Fambul Tok: www.fambultok.org/about/our-story.

Contributions to Prevention

Sierra Leone has made significant socioeconomic and political progress since the end of the war in 2002. In spite of the immediate challenges it faced at that time, the country succeeded in holding a presidential election that ended peacefully, with the opposition accepting its defeat. Kabbah’s ability to steadily and uninterruptedly govern provided an indication that Sierra Leone was not going to immediately relapse into civil war. Investments in the post-war reconstruction process, especially the rebuilding of institutions promoting democracy and good governance, facilitated another smooth transition after a heavily contested and controversial election in 2007, which the opposition APC party won. Since then, the country has organized two more successful elections, most recently with the APC losing and handing over power to the SLPP in 2018.

These democratic changes of government signal progress in the democratization and governance of the country and represent a radical departure from the checkered nature of electioneering processes in the country before 2002. In the 2018 Global Peace Index, Sierra Leone was listed as the fifth most peaceful country in Africa and the 52nd most peaceful country in the world—although this is down from its 2017 position as the third most peaceful country in Africa and 38th in the world.¹⁰⁵ In relation to political rights and civil liberties, Sierra Leone’s status in the 2018 Freedom House rating was “Partly Free,” with a score of 3.0 (1.0 being “Most Free” and 7.0 being “Least Free”).¹⁰⁶ A local peace-building expert commented on Sierra Leone’s transition between 2002 and 2018:

The country has made significant progress. It is common for countries coming from war to collapse into another war, especially during electioneering periods. However, Sierra Leone has conducted four elections, two supported by the UN and two directly overseen by the government. The 2007 and 2018 victories by opposition parties were true tests of the maturity of the country’s democracy and the unwillingness on the part of political actors to resist change and resort to violence.¹⁰⁷

Given such progress, this section of the report examines the contributions that transitional justice processes have made to preventing the recurrence of another civil war and the injustices associated with it. These

¹⁰⁵ Global Peace Index, Statistics Times, statisticstimes.com/ranking/global-peace-index.php.

¹⁰⁶ “Sierra Leone,” in *Freedom in the World 2018: The Annual Survey of Political Rights and Civil Liberties*, ed. Arch Puddington (New York: Rowman & Littlefield, 2019), 860–865.

¹⁰⁷ Interview conducted with a staff member of the West African Network for Peacebuilding, in Sierra Leone, on September 24, 2019.

contributions are divided into two broad categories. First, accountability and redress measures that directly responded to the harms resulting from human rights violations helped to address victims' grievances and to reduce the exclusion that can be associated with the onset and recurrence of violence. Second, efforts to better understand the past and to implement institutional and other reforms helped to catalyze long-term change that addresses the causes of large-scale violence. In both cases, the relationship between transitional justice and prevention depended on the nature of the justice processes and contextual factors, which have limited the contribution of some efforts and even introduced tensions. For example, criminal prosecutions may have both promoted a more inclusive rule of law and affected short-term security dynamics on the ground. Truth-telling, reparations, and local reconciliation practices likely had real but limited impacts on social exclusion. Institutional reform may have increased trust in the military and police and created local security structures that directly prevent violence, but these changes represent only a fraction of what the truth commission recommended. The following section discusses the challenges that Sierra Leone continues to face in sustaining peace and minimizing violence; foremost among these challenges are the marginalization of young people and fierce political and ethnic divisions.

Addressing Grievances, Fostering Inclusion

There is good reason to believe that transitional justice has contributed to preventing the recurrence of the type of violence and abuse that occurred during the war by providing a degree of redress for the harms that were suffered by victims and society, thereby acknowledging the grievances related to those harms and fostering inclusion. To begin with, accountability for human rights violations helped to strengthen the rule of law and make it more inclusive. The Special Court's role in holding key actors accountable for their actions during the conflict, for example, helped to provide justice for victims and to break the cycle of impunity. As noted by a student of law at the University of Sierra Leone:

The SCSL played a specific and direct role, which is to get every Sierra Leonean to understand that the law is supreme and those who violate it would be punished. It was necessary and timely and sent a clear and loud message to everyone, broke the cycle of impunity that surrounded the conflict, and provided justice to victims. Without the court and the way it went after powerful warlords, there is every likelihood that conflict may have erupted in Sierra Leone again. No sensible character may want to be indicted by an international criminal tribunal, and we are very conscious as a people of the consequences of promoting violence in the country.¹⁰⁸

One of the leaders of the APC in Parliament had a similar view:

The way the international community went after the leaders of the fighting factions sent a very strong message that they never forgive violations of war crimes and crimes against humanity. No matter the anger and frustrations of political elites in Sierra Leone, they will never resort to outright violence because they will constantly be reminded of

¹⁰⁸ Interview conducted in Freetown on September 28, 2019.

what happened to those who took up arms and hurt innocent civilians. The court has left its mark and no Sierra Leonean has ever dared to go against that lesson, and I am not sure in my lifetime that anyone will dare to do anything that will warrant the need for another tribunal.¹⁰⁹

In addition to the criminal sanctions, holding people accountable also served to remove them from the institutions that committed or facilitated crimes. According to peace-building scholar Hideaki Shinoda, while the number of prosecutions in Sierra Leone was small relative to the cost of the effort, they nevertheless “helped to prevent a return to violence and sustained the cessation of violent acts that had become a dominant theme during the war. Individual perpetrators were prevented from returning to their previous position of power and terror. This provided a sense that justice had been delivered and is a tangible benefit of transitional justice.”¹¹⁰

The knowledge that there is a global system in place to deal with war criminals is a strong legacy of the Special Court. Focus group discussions suggest that local community leaders and members are familiar with the court, and some of them now believe that anyone who perpetrates violence against innocent civilians would be taken to the International Criminal Court (ICC) in The Hague. Television and radio programs also refer regularly to the SCSL and the ICC during elections to warn politicians about the need to prevent violence during the process, as elections are often divisive and spark regional and ethnic tensions.¹¹¹

Neighboring countries may also have been influenced by the accountability process in Sierra Leone. For instance, even though Charles Taylor was not tried for crimes committed in Liberia, Liberians understood the strong message that was sent by his SCSL indictment, trial, and sentence to 50 years’ imprisonment: No one is beyond the reach of justice. A civil society activist in Liberia claimed:

Our people have learned a lot from the Sierra Leone experience. The arrest of the revered and powerful Charles Taylor sent the message that the arms of justice are very long and every criminal of war can be reached. You frequently hear Liberian politicians making reference to the Special Court for Sierra Leone when they are talking about the need to avoid violence in the country. The message of justice may have been loud in Sierra Leone, but it was louder in Liberia.¹¹²

Since the end of the second civil war in Liberia in 2003, that country has not experienced any other major violent eruption. While the actions of the SCSL are clearly not the sole reason for this, the arrest and trial of Taylor did serve as a clear warning to potential disruptors of peace in the subregion.

Accountability in Sierra Leone helped to strengthen the rule of law, but it also in some ways affected the security dynamics of the moment, at least in the short run. The establishment of the Special Court, for ex-

109 Interview conducted in Freetown on August 30, 2019.

110 Shinoda, “The Sierra Leone Model of Peacebuilding?,” 20.

111 Based on focus group discussions held in 2019.

112 Telephone interview conducted on January 13, 2020.

ample, was received with mixed feelings, as some people were worried that it could open old wounds and lead to a relapse into violence, especially since the court was to be housed in Sierra Leone.¹¹³

The formation of the court indeed had immediate implications. Because preparations for the implementation of both the SCSL and the TRCSL took place while the DDR program was ongoing, ex-combatants thought that their personal details were going to be used to prosecute them. This led some of them to refuse to participate in both the DDR and the transitional justice processes, where their contributions could have been vital, and to start moving out of their cantonment sites. The UN invested in awareness-raising campaigns to convince those who might participate in the DDR process that the court was not targeting them, and only the 13 high-profile personnel who had been indicted would be tried.¹¹⁴ Nevertheless, many ex-combatants had lost confidence in the process.¹¹⁵ A former middle-level RUF commander claimed:

Out of fear, some of our colleagues ran to Liberia and they fought alongside the forces of Charles Taylor and they also fought in Côte d'Ivoire. We were all very much afraid that we would be arrested, tried, and jailed. If they could order the arrest of General Issa Sesay, no one was safe, so we slowly disappeared from the communities, and went to those where we were not known. It was not an easy period for us. It was truly at that point we realized that the RUF was no longer powerful and that the revolution had failed, and we were all on our own.¹¹⁶

The effects of such sequencing on ex-combatants' behavior should have been anticipated by those who designed the processes, as one of the principal reasons for including the amnesty clause in the Lomé Peace Agreement had been to prevent ex-combatants' fear of prosecution. A more robust public-awareness campaign could have yielded better understanding of and greater participation in the process.

Furthermore, whereas former RUF combatants were scared, former Kamajors expressed indignation and dissatisfaction with the way their leaders were treated, which fostered their negative perception of the process and disinclination to participate. Their frustrations were exacerbated by the death of their leader, Hinga Norman, and the sentencing of both Allieu Kondewa, the High Priest of the Kamajors, and Moinina Fofana, the military commander of the Kamajors and the CDF, to 30 years' imprisonment, including time already served. These feelings were reflected in their dissatisfaction with and lack of support for the SLPP in the 2007 elections.¹¹⁷

In the long run, however, criminal accountability helped to establish a more *inclusive* rule of law, one that affords at least some redress for victims of past injustice. In this way, the Special Court provided a means to try and jail the leaders of the groups that committed grave crimes against the citizens of Sierra Leone. One victim of the war said:

¹¹³ Based on interviews conducted for this study.

¹¹⁴ Jacobus Cilliers, Oeindrila Dure, and Bilal Siddiqi, International Initiative for Impact Evaluation, "Can the Wounds of War Be Healed? Experimental Evidence on Reconciliation in Sierra Leone," Impact Report 75 (2018), 8.

¹¹⁵ Based on interviews conducted in September and October 2019. Lawrence Sesay was involved in awareness-raising programs launched by both the National DDR Commission and the SCSL to sensitize ex-combatants on the mandate of the court.

¹¹⁶ Interview conducted in Makeni on September 14, 2019.

¹¹⁷ The Prosecutor v. Moinina Fofana, Allieu Kondewa (the CDF Accused) (Sentencing Judgment), SCSL-04-14-T, Special Court for Sierra Leone, 9 October 2007.

I always thought that those who killed my wife and my children were above the law. I wanted to see the leaders of the RUF and the AFRC arrested and jailed but was not confident knowing the history of our country and the way powerful people escape justice. The day Charles Taylor was arrested and brought to Sierra Leone was my happiest day. That was the day all my anger and pain disappeared. He will spend the rest of his life in jail and for me that is enough.¹¹⁸

One of the reasons most Sierra Leoneans accepted the SCSL was the court's emplacement within the country, availing them the opportunity to witness the trials. Many members of civil society groups, including victims, were able to witness the hearings, and some of them even served as witnesses against those who had perpetrated violence against them. Even though Charles Taylor was subsequently transferred to The Hague, the fact that he was initially brought to Sierra Leone was important.¹¹⁹

The truth commission promoted inclusion to the extent that it was participatory. Indeed, some people saw the commission as the most accessible and people-centered transitional justice mechanism to address the concerns of most Sierra Leoneans.¹²⁰ One Sierra Leonean transitional justice expert explained how the hearings "brought together some of the victims and those who perpetrated violence against them; that process provided an indication of how reconciliation could be promoted by those who witnessed them and they helped to promote local awareness."¹²¹ Crucially, the hearings helped to promote an awareness of human rights and an understanding that no one is above the law. Focus group discussants indicated, for example, that Sierra Leoneans are much more knowledgeable about issues relating to their rights, which they are now demanding more than they did before. They claimed that this consciousness began with the outreach and public education activities of both the TRCSL and the SCSL. Most recently, institutions such as the LAB and the Human Rights Commission embarked on similar drives to enhance Sierra Leoneans' knowledge about and awareness of human rights. A hairdresser in Bo, in southern Sierra Leone, explained:

The first time I heard the word "human rights" was during a TRC meeting in Bo. I was confused and was asking those around me to explain to me what the man was trying to say. Then I later came to know that people such as Hinga Norman were to be tried because of human rights violations, then I started asking more questions to know what human rights is about. Now we have the Legal Aid where we go all the time to ask for help and guidance when our rights are abused. There is a lot we know now that we did not know before 2002.¹²²

This claim was corroborated by a staff member of the LAB, who stated that the board could not keep up with the demand for justice-related services—people inundate LAB offices across the country.¹²³

118 Interview conducted in Kenema on October 6, 2019.

119 Ibid.

120 Interview conducted via Skype on October 7, 2019.

121 Interview conducted in Freetown on September 2, 2019.

122 Interview conducted in Bo on September 22, 2019.

123 Based on interviews with staff members of the LAB at the headquarters in Freetown.

The truth commission's reach, and therefore its effect on inclusion, however, was limited. The broad-based rural population of the country, especially those in remote and isolated communities, did not participate, leaving a gap in the reconciliation process for which the TRC has been widely criticized.¹²⁴ An amputee who lived in Mato Village, Bombali District, in the north during the TRC process, but who now lives in Makeni Town, said:

I never heard of the TRC, and the other amputees that I know also did not hear of it. We were in Mato, which is in Sierra Leone, but no one reached us. They knew we were there but maybe our stories and need for justice was not important to them. We are hopeless and destroyed but no one cares. The TRC should have reached us and hear the little we had to say and help us heal. I still hurt every day and my scars are a constant reminder of what happens to innocent people when the state does not care.¹²⁵

According to truth commission staff members, the institution's ability to reach isolated and remote communities was hindered by the limited resources that were available to the commission and the fact that most of its activities were conducted in major cities, towns, and chiefdom headquarters, with participants transported to those locations, although some communities outside of these centers were also targeted. This arrangement was partly a result of contextual factors. At the time, for example, most parts of the country were not fully accessible, and some towns and villages remained empty, with their populations still residing in internal displacement camps. Although the TRC and the Special Court may not have directly engaged some of these communities, proxy groups such as the UN and civil society organizations were involved in sensitizing the public.

Nevertheless, the truth commission did not fully integrate local community members or victims and provided limited support to reparations and to medical and psychosocial support to victims. The director of the Center for Accountability and Rule of Law stated:

While the transitional justice processes were useful in terms of stimulating debate about accountability and truth-seeking at the national level, they did not do enough to ensure justice and reconciliation for the vast majority of citizens, especially those most affected by the conflict. The transitional justice process could have been more participatory and inclusive and the SCSL could have done better to ensure that victims' voices were recognized, and their social and economic needs were catered for in the judgments handed down by the Court.¹²⁶

Claims such as these, describing the failure to amplify victims' voices and to adequately address victims' economic and social needs, are common among the major criticisms of the overall process. In the view of a former staff of the TRCSL, this is a valid criticism but not necessarily the commission's fault:

124 Cilliers, Dure, and Siddiqi, "Can the Wounds of War Be Healed?," 8.

125 Interview conducted in Makeni on September 15, 2019.

126 Interview conducted on September 22, 2019.

There was very limited focus on the needs of the victims after their participation in reconciliation processes. There was no connection in practice between the activities of the TRCSL and the provision of reparations for victims. At the end, the process was not properly planned and provided for, so the victims were not provided with the support they needed. The process left the victims bitter and angry. However, the TRCSL cannot be blamed for anything, as we carried out our mandate and left the rest to the government to roll out the reparations program. We had nothing to do with that and indicated in the report that victims' needs should be addressed.¹²⁷

The TRC recommendations emphasized the provision of reparations for victims, which would have granted essential support for the restoration of their dignity; however, in the end, most victims were left to deal with their challenges virtually unaided. This neglect had further emotional, physical, and psychological impacts, as some victims turned to begging to take care of themselves and their families. One recipient of the interim relief payment, who lived in Makeni, said:

When I was told that I was going to be given Le 300,000, I did not know whether I should cry or just lie down and die. I lost all I worked very hard for in life. I was tortured by the RUF, with some of my family members killed. What I was going to get at the end was Le 300,000. I took it as I had nothing to eat by then.... I felt more pain on the day that I was provided the Le 300,000 than all the pain that I felt during the war. It was a big let-down, a big disappointment. It was clear that the government was not interested in helping to transform the lives of the victims of the war.¹²⁸

Such disregard by government officials echoed the political elites' prewar approach to citizens, affecting the relationship, interactions, and trust between the government and its citizens. In the words of another victim:

We were let down, we were broken. We had hopes that were shattered. Our leaders do not care about us. They are concerned only with what has to do with them. Several victims have died out of disappointment. We are all broken, badly disappointed.¹²⁹

Eventually, NaCSA worked with approximately 55,000 war victims, out of the hundreds of thousands of people who were directly affected by the conflict.¹³⁰ How NaCSA arrived at that number remains unclear, but it was obvious that a significant percentage of war victims were neglected by the process, particularly those (again) in remote and isolated communities whom sensitization campaigns may not have reached. The failure on the part of the reparations program to help rehabilitate and transform the lives of the victims often left them hurt and with limited resilience to deal with everyday challenges.

127 Interview conducted on August 28, 2019.

128 Interview conducted on September 11, 2019.

129 Interview conducted in Kenema on October 9, 2019.

130 Abdul K. Koroma, *Crisis and Interventions in Sierra Leone* (Sierra Leone: Andromeda Publications, 2004).

The SCSL had a budget of over US\$300 million to try 13 people. In contrast, the reparations program, which involved tens of thousands of people, was given a budget of US\$8.5 million. Further, most of this budget was used to cover administrative costs, leaving a very small amount to provide benefits for the victims.

A related criticism is that the government and the international community prioritized support to the ex-combatants, through the provision of assistance such as reinsertion and reintegration packages and training, over reparation to victims.¹³¹ The DDR process was vital to the peacemaking and peace-building efforts at the end of the war, but its failure to adopt a community-based approach, alongside the failure of the government to initiate victim-focused programs, created the impression that ex-combatants were being given preferential treatment over victims.¹³²

As indicated above, local actors such as civil society organizations and religious and traditional leaders did play a major role in providing healing and rehabilitation support through prayers, counseling, and traditional ceremonies that fostered acceptance of ex-combatants and reconciliation between victims and perpetrators of violence. These models remain very supportive of the reintegration process and healing and reconciliation in some communities. The effect is viewed as minimal, however; the peace-building process needs a national program to better target multiple communities across the country and let them own and lead the healing process.

For instance, Fambul Tok's activities contribute to promoting reconciliation and preventing the escalation of conflict in communities in which they work. According to a gender activist in Kailahun:

Fambul Tok is doing a lot in local communities in Sierra Leone. They continue to understand that there are organizations that are truly interested in promoting peace and reconciliation in this country. After the TRC no one ever came back to us to address unresolved cases and tension in our communities. So we were very happy when Fambul Tok started working with us, and many people have had their grievances heard, with efforts made at reconciling them with those who offended them.¹³³

Despite Fambul Tok's significant progress in targeted communities, however, the government and its development partners need to invest more in the provision of psychosocial and livelihood support for victims.

A multiyear study of Fambul Tok's reconciliation program found different types of impacts at the social and psychological levels. Although it did not lead to the reduction of crime and conflicts within villages, the program did lead to

greater forgiveness of those who perpetrated violence during the civil war. Furthermore, respondents were found to be more trusting of ex-combatants, and social networks became stronger as people sought more help and advice from each other. Individuals

¹³¹ Based on focus group discussions held in Makeni and Bo in September 2019.

¹³² Laurie Nathan, University of Birmingham International Development Department, "No Ownership, No Commitment: A Guide to Local Ownership of Security Sector Reform" (2007), 88.

¹³³ Interview conducted in Kenema on October 6, 2019.

residing in treated villages also became more community oriented in their behaviour: they joined more organisations like parent–teacher associations and contributed more to public goods.

At the same time, however, the program “undermined psychological well-being and left lasting psychological damage. In particular, individuals in treated communities scored worse on three psychological measures: anxiety, depression and post-traumatic stress disorder.” The authors of the study concluded that “confronting past war experiences may prove traumatic by reopening old wounds.”¹³⁴

This effect could stem from the fact that local approaches are usually less vetted and may not necessarily take into consideration the processes’ psychological effects on the victims. Open discussions about atrocities suffered by individuals may lead to flashbacks and trauma, which if not addressed may have significant implications for the victim. Discussing the challenges that usually affect local transitional justice processes, a former staff member of the TRCSL, who has been monitoring these processes in Sierra Leone, stated:

Some of the approaches adopted at the local levels have been in use for decades and not necessarily framed to address post-war transitional justice needs. This has led to the methods used having implications for victims, who may suffer from psychosocial and mental health challenges as a result of the insensitivities surrounding the approach used. Thus, local approaches have to be supported to be user-friendly, with psychosocial support mechanisms put in place for victims who may require them.¹³⁵

Such gaps must be taken into consideration when supporting traditional transitional justice mechanisms to ensure that the concept of “do no harm” is fully integrated into healing and reconciliation processes.

It has become obvious over time that the failure to use and support more homegrown healing and reconciliation methods limited the potential to foster inclusion in the country. More locally inclusive approaches could have succeeded in providing the effective psychosocial support that both victims and perpetrators of violence required. Furthermore, such approaches are more sustainable because they are locally owned, accessible, cheaper, and easily acceptable by local people. The lack of local support affected the healing process and undermined the moral fabric in many families, which is manifested through the growing spate of violence among children and young people across the country.

The emergence of gangs and cliques and the growth of the Ataya Base culture (Ataya Bases are local coffee booths where young people meet to drink Chinese tea and talk about their dissatisfaction with the system as well as their hopes and dreams) clearly indicate the need for pragmatic and more inclusive approaches to dealing with the frustrations and grievances that exist in the country. This will require meaningful political will and investments in education, career development programs, and agriculture to open up employment opportunities for children, young people, and women. In addition, initiatives should be developed to lift people out of poverty and restore their dignity and respect.

134 Cilliers, Dure, and Siddiqi, “Can the Wounds of War Be Healed?,” ii.

135 Interview conducted via Skype on November 11, 2020.

Understanding the Past, Catalyzing Long-Term Reform

Preventing the recurrence of past wrongs requires understanding what happened and why it happened. A significant contribution of the truth commission to the prevention in Sierra Leone, therefore, is the production of a report that offers clear descriptions of the root causes of the war and the nature of violence and outlines possible ways to address those causes. A former senior staff member of the TRCSL stated:

The TRC did what it was supposed to do, given the limited resources and time frame within which it worked. It did a good job in addressing the root causes of the war. Every Sierra Leonean has the opportunity of reading about what went wrong and why we ended up in 11 years of violence. The report is the best report ever written on Sierra Leone.¹³⁶

Audiovisual materials were also produced by the TRC to enable those who could not read or write to understand the provisions of the report. However, most homes in the 2000s lacked electricity, radio, and television, and so it may have been difficult for many people to access the materials.

A gender activist said:

The report provided a very detailed picture of the actors, their level of involvement in the conflict, the types of crimes that were committed, when they were committed, and who committed them. It provided a clear picture as to what should be done to address the root causes of the conflict and to ensure the non-recurrence of a civil war in Sierra Leone. So practically, all that was needed in relation to truth-seeking by the government and people of Sierra Leone were provided to them by the TRCSL. It was left with us as a people to use what we had to right the wrongs that had occurred.¹³⁷

Even though the public already had a certain level of general knowledge about the war, the TRC report provided crucial information, especially about the emergence, characteristics, and ideology of the RUF; about the local and international actors that were involved; and about the manner in which the different factions conducted themselves during the conflict. A Sierra Leonean transitional justice expert explained it thus:

The truth-seeking component of the TRC's work is vital to fostering prevention of any future conflict. Most people would have tried to seek revenge had they been denied the knowledge of the factors behind the conflict and who perpetrated violence against them and their communities. That knowledge alone has healing powers.¹³⁸

Based on this increased understanding of the past, the truth commission recommended institutional building and reform processes that represented important contributions toward prevention in Sierra Leone. The impacts of these reforms can be seen at the levels of both national and local institutions.

¹³⁶ Interview conducted in Freetown on January 13, 2020.

¹³⁷ Interview conducted in Freetown on September 24, 2019.

¹³⁸ Interview conducted in Freetown on September 2, 2019.

Some participants in focus group discussions indicated, for example, that they have more confidence in the military now because it has not been involved in hostilities or scandals that would have negative consequences on its general image.¹³⁹ Other participants cited the professional manner in which the military conducted itself during previous elections and when called on to help support the police in maintaining security within the country. The internal restructuring of the police force and the community-based approach it has adopted have also gone a long way in restoring public confidence in the force. However, confidence may be eroding more recently as police officers have again become more heavy-handed and the force is clouded with allegations of being used by politicians as an instrument of coercion. Momodu Kamara, a bricklayer in Freetown, claimed:

With the end of the war, the police made a very good attempt at changing into a respected and people-friendly force, however that changed. Since 2013, the police, especially the OSD [Operational Support Division] and the traffic officers are behaving contrary to the expectation of the public. They are eager to fire teargas and beat people when there is any confrontation between them and young people. Politicians have control over the police and the court and that is not good for our country. This has to do with every government since independence. The trust is dying and this needs to change if we are to continue enjoying peace and stability in Sierra Leone.¹⁴⁰

A significant component of direct prevention work has resulted from the creation and decentralization of security- and justice-related structures, which are fundamental to identifying and addressing potential conflicts at the regional, district, and chiefdom levels. According to a grants manager of the Access to Security and Justice Program:

One of the most formidable approaches to the prevention of violence in local communities in Sierra Leone is the establishment of structures such as the LPPBs and the PROSECs [Provincial Security Committees], DISECs [District Security Committees], and CHISECs [Chiefdom Security Committees]. These structures have succeeded in addressing conflicts that have escalated in several communities in the country. In spite of the funding challenges, they continue to function and they are very much part of the communities in which they exist. This is a very good example of a sustainable approach to the provision of security- and justice-related services, especially as they use alternative dispute resolution [ADR] mechanisms that are accessible and affordable.¹⁴¹

The LPPBs are one of the most pragmatic local policing approaches used to prevent or respond to conflicts before they escalate in local communities. An LPPB member explained how they contribute to conflict prevention:

139 This perception may be changing, especially with recent developments such as the human rights–related concerns over the manner in which the military handled the April 29, 2020, alleged prison riot, which led to the death of over 30 inmates. See Abdul Rashid Thomas, “Freetown Correctional Centre Publishes Report into Pademba Road Prison Riot,” *Sierra Leone Telegraph*, July 8, 2020.

140 Interview conducted in Freetown on February 2, 2020.

141 Interview conducted in Freetown on January 14, 2020.

The LPPBs contribute to preventing several crimes and conflicts in several parts of Sierra Leone on a daily basis. There are several communities where the police cannot reach and there are several others that they do not have the capacity to police. As such they rely on the LPPBs who report every threat they suspect in their communities, arrest criminals and take them to the police, and educate community members on their rights and how they could contribute to crime and conflict prevention in their communities. They get very limited support but work very hard on a daily basis to keep Sierra Leone safe.¹⁴²

The different LPPB units play early warning roles alongside conducting alternative dispute resolution (ADR) activities related to family, land, community, and other disputes, which were identified by the TRC report as factors that contributed to revenge attacks during the war and that continue to undermine peace and security in local communities. The members of the Community Security Volunteers program also carry out night watches in their communities and ensure that criminal activities are disrupted.¹⁴³ However, the LPPB and its substructures report major crimes such as rape and murder to the police. They also work with the Legal Aid Board (LAB) on ADR programs, with the aim of decongesting the courts and ensuring that minor complaints and conflicts are addressed. The lack of such systems and processes in prewar Sierra Leone heightened tensions and the desire for revenge, which then played out during the war. The structures now serve as an outlet that is vital to reducing tension and violence at the lower levels.

Other decentralized national security structures, such as the Provincial Security Committees, the District Security Committees, and the Chiefdom Security Committees, contribute to the prevention of conflict through proactive approaches that encourage the collaboration of community stakeholders—especially traditional and religious leaders—in their activities. A crucial component is the early warning data that are provided by actors such as the LPPBs to the different security committees, which allows them to take necessary actions. The LAB's main services encompass the provision of legal advice, representation, and education to its target groups; a total of 214,476 people, including non-Sierra Leoneans, have benefited from the project from its inception in May 2015 to December 2018.¹⁴⁴

Decentralized structures' use of ADR has succeeded in helping communities access justice and address critical challenges that in the past remained unaddressed and led to community members resorting to taking justice into their own hands. This was largely the case before and during the war, with some of the victims of injustice joining armed groups to seek revenge. The current existence of such structures also contributes to community members' knowledge of justice, human rights, and the rule of law. The mainstreaming of civil society and community leaders into these processes has further provided a level of institutional legitimacy and acceptance among community members that is imperative to their success.

While decentralization has been essential at the local level, Sierra Leone's experience has also contributed to security-reform and conflict-prevention structures at the regional level. Conflicts and transitional pro-

142 Interview conducted in Freetown on August 30, 2019.

143 Based on comments by LPPB and Community Security Volunteers members who participated in focus group discussions that were conducted in the regions visited.

144 Legal Aid Board, "Legal Aid Board Annual Report 2018" (2019).

cesses in Sierra Leone, Liberia, and Cote d'Ivoire have helped to inform and shape the approach of ECOWAS to building an effective preventive regime in West Africa. According to Thelma Ekiyor:

The eruption of civil wars in Liberia and Sierra Leone necessitated the regional institution to prioritize the promotion of peace and security as prerequisites for regional integration; the main justification for its foundation. ECOWAS is recognized for possessing the leading peace and security architecture on the continent. The spate of violent civil wars in the nineties in West Africa provided the impetus for the regional institution to develop a viable structure for deterring, mitigating and preventing a resurgence of violence.¹⁴⁵

The Peace and Security Infrastructure within ECOWAS is meant to help member states overcome internal and regional threats. In the wake of elections in the Gambia in December 2016, a multipronged approach by ECOWAS, including preventive diplomacy and a show of willingness to use force, sent a clear message that eventually led to President Yaya Jammeh leaving the country in early 2017.¹⁴⁶

In addition to justice and security reforms, the Kabbah government also chose, in response to the recommendation of the Truth and Reconciliation Commission, a “route of political decentralisation to open up the political space and improve inclusiveness, as a way to address one of the root causes for conflict,” according to the World Bank.¹⁴⁷ The introduction of such a decentralization program may have stemmed from the need to open the socioeconomic and political space in the country and at the same time make the government more accountable to the people. As indicated earlier, frustrations and grievances related to exclusion, the centralization of government, and an elite-based approach to governance contributed to the eruption and prolongation of the civil war. There was, then, a need for not just the devolution of power but also, again recommended by the TRC, the deconcentration of service provision as a means of promoting an open, inclusive, accessible, and participatory governance system in the country.

The local councils created by the Local Government Act 2004 have succeeded in establishing a platform for the inclusion and participation of local community members in council-related activities. Community members vote for council representatives during local council elections. The establishment of systems and structures geared toward strengthening democracy and good governance appears to be opening up socio-political space, which promotes inclusion and participation in leadership and decision-making processes at the local level. Local and city councils promote interaction and service delivery, which the autocratic and gerontocratic systems in prewar Sierra Leone prevented. Although these systems are contending with serious technical and financial challenges, sometimes coupled with a lack of political will, their presence and activities have nonetheless succeeded to some extent in bringing power closer to the people.

The creation of the Anti-Corruption Commission has contributed greatly to curbing the perception of impunity in relation to the misuse of state resources. The ACC provides ways for citizens to report acts of corruption, and the arrest of senior government officials sends a strong message that no one is above the

145 Thelma Ekiyor, “ECOWAS Conflict Prevention Framework (ECPF): A New Approach to an Old Challenge,” West Africa Civil Society Institute (WACSI) op-ed (2008), 3–4.

146 Christof Hartmann, “ECOWAS and the Restoration of Democracy in the Gambia,” *Africa Spectrum* 52, no. 1 (2017): 85–99.

147 World Bank, “Project Appraisal Document to the Government of Sierra Leone on a Proposed Grant on Institutional Reform & Capacity Building Project” (2004), 1.

law and that culprits will be arrested and investigated. The increased powers that the commission gained in 2019 are also expected to greatly help in strengthening the fight against corruption and the misuse of state resources. According to the United Nations Development Programme and Justice Sector Coordination Office 2019 “Public Perception Survey on Security and Justice Services,” Sierra Leonean citizens now have sufficient knowledge about and understanding of anti-corruption issues as well as the connections between corruption, underdevelopment, and conflict, at least in part as a result of the ACC’s work. Between 2015 and 2019, Sierra Leone made significant progress in the fight against corruption, and in 2019 the country was ranked third in Africa in Transparency International’s Global Corruption Barometer survey report on citizens’ perceptions of general progress made against corruption.¹⁴⁸ Sierra Leone moved 10 places in the Transparency International Corruption Perception Index, from 129 to 119, from 2018 to 2019.

Critics of the increasing powers of the ACC, however, argue that the body has been used by successive governments as an instrument of oppression and for the intimidation of political opponents. One of these critics, a businessman in Freetown, stated:

Every government appoints an ACC boss that could be used by the president and his cronies to act against people who are perceived to be political opponents. Even though the commission makes a good effort in fighting corruption, there have been several instances where politicians determine who should be pursued and whose case should be compromised. An effective way to minimize corrupt practices and injustice by the ACC is to have the commission become fully independent, with commissioners not appointed by the president. The current perception needs to change if the credibility of the work of the ACC is to be maintained.¹⁴⁹

ACC staff members vehemently dismiss such critiques as unfounded and contend that the commission has always worked based on its mandate. Claims like these may indeed be difficult to verify, but they indicate that the commission should do much more to be seen as a neutral and credible institution that is not used by political elites to curb their opponents, and the government should do more to ensure and demonstrate its independence and separation from the executive branch. The ACC remains one of the most vibrant institutions in the country, progressively contributing to the prevention of the non-recurrence of violence by fighting economic, financial, and other, related crimes.

Despite the significant progress that Sierra Leone has made in reforming its institutions and improving its governance, more is required to ensure that the past does not repeat itself. The truth commission’s recommendations, for example, were supposed to be fully integrated into postconflict reconstruction and peace-building activities, but that would have required substantial political will, financial commitments, and efforts to involve victims in the process. Seventeen years after the publication of the TRCSL report, the provisions of its recommendations have not been fully implemented, constraining Sierra Leone’s ability to move out of the postconflict trajectory and strengthen its prevention mechanisms. A former senior staff member of the TRCSL explained:

¹⁴⁸ United Nations Development Programme and the Justice Sector Coordination Office, “Reporting on the Sustainable Development Goals: Monitoring and Evaluation Framework for Goal 16” (2019).

¹⁴⁹ Interview conducted in Freetown on August 3, 2019.

If we decide to pick it up and ensure that the recommendations are fully addressed, we could be in a good position to avoid future conflicts. However, the implementation has been ad hoc, ill-coordinated, and not treated seriously by governments. That is why we are still in a difficult place and cannot move on as a united and tension-free country. There is no political will and we are left with a good but not used document.¹⁵⁰

Many Sierra Leoneans are unaware of the TRC recommendations, some because they were too young to know about or remember them, and others because they lived in communities that were not contacted during the outreach process. Those who are familiar with the recommendations can be critical of the failure of subsequent governments to fully implement them. One senior police officer said:

Sierra Leone as a country needs serious fixing, and we know what the problems are. The problems are not very different from those that existed before and during the war. What we need to do is to comprehensively and systematically implement the recommendations. This will require sincerity and commitment by the government, with the objective being to help this country fully address the multiplicity of challenges that are not going away. Until we do that, we will be only going in circles. The answer is the TRC recommendations and we know that.¹⁵¹

The report's recommendations have been carried out in an ad hoc fashion, with successive governments demonstrating limited political will to fully implement them. This failure has contributed to the country's inability to address the historical legacies of the conflict. Consequently, what has obtained in Sierra Leone might be described as negative peace, as factors such as the marginalization of young people and women, poverty, corruption, and social injustices continue to affect the potential for sustainable peace and development. A lecturer at the University of Sierra Leone argued:

Government needs to go back to the drawing board and re-study the TRC recommendations alongside the current challenges that the country is experiencing and try to adapt those recommendations to the needs of current-day Sierra Leone. The adapted recommendations should be implemented in a very comprehensive and clear manner, with an integrated and inclusive approach used. In the past, the recommendations were not implemented as TRC recommendations, but rather agencies were working on peace-building in isolation, with no clear government agenda on the process, which is contrary to the need for a strategic approach to peace-building in Sierra Leone.¹⁵²

Civil society, academics, and the media all have roles to play in holding the government accountable for the failure to fully implement the recommendations. They should constructively engage and push the government to execute its responsibilities. This is an area where international partners could provide support in establishing and strengthening platforms that could be used to hold state actors responsible for implementing activities to promote democratic good governance, human rights, and the rule of law. Academic

150 Interview conducted in Freetown on January 13, 2020.

151 Interview conducted in Freetown on September 2, 2019.

152 Interview conducted in Freetown on August 29, 2019.

institutions, think tanks, and civil society should be conducting studies and engaging the government and public in policy debates, thereby educating the public and providing the government with evidence-based recommendations on policy directions to follow and promote.

Like the truth commission's recommendations, the Special Court's impact on long-term legal reform was also limited. The director of the Center for Accountability and Rule of Law observed: "While the Special Court was meant to be a hybrid court, not a single offence was proffered based on Sierra Leonean law, and in terms of skills transfer, it was quite limited. In the end, the many best practices of the court were not transferred to the local system."¹⁵³ In the immediate aftermath of the conflict, the national courts were probably not competent to try many of the violations that had occurred since there were no laws governing them. The country should have been given, as part of the knowledge and skills transfer process, technical support to draft and adopt laws for trying offenses related to war crimes and crimes against humanity. The knowledge and skills transfer component, however, did not have a clear focus, and hence the existing gaps in the law: Sierra Leone does not have laws related to the crimes listed above, nor laws to deal with emerging crimes such as terrorism. This is a significant flaw in relation to long-term reform, skills transfer, and the positioning of the judiciary and other related actors to strengthen justice and the prevention of violence. However, the Sierra Leoneans who worked for the SCSL benefitted from the experience of being involved with a tribunal of that nature, and most of them are using these experiences in their current fields of work within and outside Sierra Leone. For instance, Joseph Fitzgerald Kamara, the former head of the Anti-Corruption Commission, who also served as attorney general and minister of justice under the Koroma administration, was a prosecutor at the SCSL. Similarly, Claire Carlton-Hanciles, the current head of the Legal Aid Board, served as the principal prosecutor at the SCSL.

One related area in which reform has been limited is the *enforcement* of the law. A major criticism of the laws and policies that were developed to foster justice and peace-building in Sierra Leone is that they are not effective because they are mostly not enforced by state authorities. This failure to enforce otherwise good laws can be attributed to poor financing, limited human resource capacity, and lack of political will—in some cases even within the institutions that are responsible for the laws' enforcement. A teacher in Bo in southern Sierra Leone stated:

Laws could only be useful and helpful if they are enforced. What we see every day is an unwillingness on the part of government officials to be proactive in ensuring that the rights of people are protected. The police complain of not having vehicles or fuel to do their patrols or go into communities where they are needed; the courts are slow in concluding cases and people do not have confidence in them; and government does not understand that there is a difference between dealing with and preventing violations and abuses of the rights of Sierra Leoneans. We have a long way to go and what I see are people who are not very interested in doing what they should be doing.¹⁵⁴

¹⁵³ Ibid.

¹⁵⁴ Interview with Lucy Amara conducted on September 23, 2019.

Public confidence and trust in the system are undermined by the failure to uphold existing laws. As such, concerted efforts to enforce these laws would contribute to preventing impunity and promoting the rights and welfare of Sierra Leoneans.

Many of the new laws that were intended to protect and promote the rights and welfare of women and girls have not translated to ensuring justice, again because they are not being enforced. Consequently, women and girls remain vulnerable to and disadvantaged by family and community members. Since the end of the war, several gender-related laws have been passed, including the Domestic Violence Act, the Devolution of Estates Act, and the Registration of Customary Marriage and Divorce Act, all of 2007, and the Sexual Offences Act of 2019. In addition, Saturday Courts were established in February 2011 and included two Magistrate Courts and one High Court; all sit on Saturdays to deal with both backlogs and new cases related to sexual and gender-based violence.¹⁵⁵ According to one observer, however:

Sierra Leone has not succeeded in enforcing laws that should protect and provide women with justice. What we have seen over the years are mere attempts, not real efforts to change what exists. The Saturday SGBV [Sexual and Gender-Based Violence] Courts supported by UNDP [the United Nations Development Programme] ceased operations due to lack of funds. Something as meaningful as justice for women, which has very minimal costs, should be in the national budget and fully funded by the government and not a donor. The failure to even continue the Saturday Court shows the lack of political will on the part of the government to enforce the laws and policies that it passes.¹⁵⁶

The seeming failure on the part of the formal justice system has led women to rely on ADR mechanisms to address the challenges they face. Women who are victims of crimes may have limited confidence in the formal justice system, or they may not have the knowledge and trust to seek redress through it. Instead, they turn to informal systems, or choose not to speak up. As a result, major crimes, such as rape, go unaddressed in local communities.

In spite of the improvements in the education system, persistent challenges in relation to limited financial and human resources have continued to affect the country's ability to achieve reform. Schools and universities, for example, still do not adequately teach children and young people about the past, especially about the war and its causes. Interviewees indicated that there was an expectation that schools and institutions of higher learning should introduce subjects on the history of the war and peace-building to educate the younger generation about them.

In August 2018, the government of Julius Maada Bio launched the Free Quality School Education with the aim of overcoming persistent challenges of access and affordability in the education sector. Article 31 of the Lomé Peace Agreement provided for free compulsory education for the first nine years of schooling, and the current and previous governments have built upon this foundation. According to Ibrahim P. Sheriff, the communications specialist in the Ministry of Basic and Senior Secondary Education:

¹⁵⁵ See UNDP Sierra Leone, "Saturday Courts Help Tackle Sexual and Gender-Based Violence in Sierra Leone."

¹⁵⁶ Interview conducted in Freetown on September 14, 2019.

The FQSE [Free Quality School Education] package means that the burden of paying school fees on parents and guardians is no more, the purchase of exercise and core textbooks is also no longer a nightmare to parents and guardians. Government gives all public schools subsidies to help them run smoothly. These subsidies include substitutions for school fees, furniture, expansion of school infrastructure, provision of school amenities such as toilet, water and sanitation facilities, as well as personal hygiene kits for girls.¹⁵⁷

The program has been affected by limited financial and human resource capacity and requires significant resources for upkeep. However, if the program is successful and continues to receive the current levels of political support, in the long run it should contribute to reducing illiteracy, unemployment, and poverty, all of which are contributing factors to violence, especially among young people in Sierra Leone.

¹⁵⁷ See Ibrahim P. Sheriff, "Sierra Leone's Free Quality Education in Perspective," *The Patriotic Vanguard*, July 30, 2019.

Challenges

Sierra Leone has taken serious steps to prevent the recurrence of civil war, but the country is constantly tested by the persistence of corruption, social injustices, and political tensions, all of which undermine the gains that have been made by transitional justice and other processes. These challenges are coupled with the limited financial, technical, and human resource capacities of the institutions and stakeholders that are responsible for implementing the TRC recommendations and other peace-building initiatives.

Young People's Marginalization

Focus group participants who were children and teenagers before the civil war see very limited changes compared to the prewar context; the main factors that led to the conflict—poverty, unemployment, illiteracy, the marginalization of young people, and other social injustices—persist today. The country, in this view, is still trapped by the historical legacies of the conflict and has not succeeded in addressing its root causes. A young man who graduated from the University of Sierra Leone five years ago expressed dissatisfaction with the system and the failure of subsequent governments to make a positive difference, especially in the lives of young people:

I left the university five years ago with high hopes, but up till now there is no job. Initially, I thought it was bad luck, until I started contacting my friends and getting the same stories from them. The lack of a job and money to care for myself affects me and my family. I leave the house every day in the morning to go hang out at the Ataya Base at Sackville Street. That is where I meet people who understand my situation, and talking with them makes me forget my pain.¹⁵⁸

Expressing his frustration at the lack of positive changes in Sierra Leone, a fruit seller in Freetown and former RUF combatant stated:

Sierra Leone has not made any progress since the end of the war. Subsequent governments pretended they wanted change, but we are back to 1991. Justice is still for the rich and not for the poor. There is so much corruption, poverty, and unemployment. Political elites only care for themselves and their families and it is the innocent Sierra Leoneans

¹⁵⁸ Interview with Foday Kamara conducted in Freetown in September 26, 2019.

that are left to die from hunger and starvation. Nothing changed, my brother, nothing changed at all.¹⁵⁹

The lack of employment in post-war Sierra Leone has been a principal reason for the emergence of the above-mentioned Ataya Bases.

Other young people have sought to reengineer the social space by establishing or seeking membership in gangs and cliques in order to gain a sense of identity and recognition, which they believe the state is denying them. This increasing intersection of socialization and violence has affected peace and security in local communities. Most of those who are involved in the gangs and cliques are young people and children with little or no knowledge of the prewar period and the war.¹⁶⁰ Gang and clique activities are now common in schools, with children attacking each other regularly in the streets of Freetown. A journalist wrote in 2016:

In the last few months, these schools have seen no respite, as their pupils attack one another for unknown reasons. The fighting has come much to the discomfort of residents in communities around the Circular Road area where all three (Albert Academy, Government Rokel Secondary School and Muslim Brotherhood Secondary School) are situated... the causes of these fighting are hard to tell, but some analysts suspect that reasons like gang supremacy and ego are at the centre of it.¹⁶¹

Violent incidents in schools and universities have led to the consistent banning of interschool activities and student union politics in the country. Although the reasons behind the growing spate of violence among children and young people remain unclear, some people believe they include factors such as poverty, weak social and moral fabrics in the home and communities (partly as a result of the war), and poor parenting.¹⁶² A teacher in Kenema argued:

Most of what is happening now could be attributed to the war. The war undermined the values and morals in homes and communities. Communities became killing grounds, parents abandoned their children, children were forcefully recruited as fighters in armed groups, and everything that could go wrong, went wrong. We ended up with increased sexual and gender-based violence in our communities, children-headed households, pregnant children, and children who became parts of criminal networks. Now those children are themselves parents and they are not passing anything of value to their children and communities have failed to play the central roles they used to play in helping children imbibe key values and morals.¹⁶³

To the extent that people blame families and communities for the growing youth violence in the country, the state has not been able to meet the growing demand for socioeconomic services, especially for young

159 Interview conducted with Aruna Mansaray, a fruit seller who was with the RUF during the war, in Freetown on September 27, 2019.

160 Based on interviews conducted in 2019.

161 Mabinty Magdalene Kamara, "Intra-School Violence in Sierra Leone," *Politico Sierra Leone*, February 16, 2016.

162 Based on focus group discussions that were conducted in the districts visited.

163 Interview with Foday Kallon conducted on October 2, 2019.

people. There is also a general perception that young people, women, and people with disabilities are marginalized by political elites; that state resources are unequally accessible and distributed; and that corruption is rife. A driver stated:

Very little has changed since the end of the war. Money is still in the hands of few people, while the bulk of the society is poor. Our people die from malaria and our children cannot go to good schools, because we cannot afford it. Their children go to good schools and live overseas, and we are not treated seriously. The youth suffer, and most women are either mere petty traders or suffer in their homes from poverty and abuses. There has never been anything for us in the system; always we are the forgotten and neglected ones, the poor ones.¹⁶⁴

As indicated above, one of the primary reasons for the country's eruption into violence in 1991 was the marginalization of women and young people. The continued denial of voice, recognition, and identity for those groups of people has immense implications for the country today. Young people have continuously indicated their willingness to participate in violence. The prevalence of gang- and clique-related violence across the country demonstrates that some young people now have the skills and awareness to easily incite their peers to perpetrate violence if they choose to. Additionally, the mobilization of young people by politicians, and their readiness to participate in violence whenever mobilized, points to their increasing vulnerability in the hands of political elites and their willingness to socialize in violence of any form. Critical to this challenge is the fact that very few activities are directed toward addressing the vulnerability of young people and empowering them to positively contribute to the growth and development of their communities. Massive unemployment, illiteracy, and women's and young people's unequal access to opportunities are leading to mounting resentment against political elites and the growth of social structures such as the Ataya Bases and gangs and cliques. In spite of all these factors, there is no major threat in terms of the potential for young people to be mobilized and to participate in large-scale violence, as was the case before and during the war. This also holds true for political elites, who use young people to intimidate their rivals but not for the perpetration of large-scale violence; they appear to understand the implications of these actions and the fact that they will be held accountable for them.

In the midst of all these challenges, the economy in Sierra Leone has been struggling for several years, yet to overcome the setback presented by the outbreak of the Ebola health epidemic between 2014 and 2016 and the fall in the price of iron ore on the world market. These two occurrences had a direct negative impact on the people of Sierra Leone, service delivery, and the general public's confidence and trust in institutions.

Political Divisions

In response to the failure to develop an integrated national approach to peace-building and to growing political and ethnic tension in the country between 2018 and 2019, the government of Sierra Leone, with

¹⁶⁴ Interview with Alie Koroma conducted in Freetown on September 27, 2019.

the financial support of the United Nations Development Programme, organized a Bintumani III conference on democratic consolidation for peace and national cohesion in Freetown in May 2019.¹⁶⁵ The fact that the government and its development partners agreed on the need for a national consultative conference points at the fragility of and gaps in the Sierra Leonean society. Political elites have succeeded in purposefully politicizing the socioeconomic space using ethnic and regional sentiments that are deepening the country's divides. President Maada Bio, in his speech opening the conference, stated:

We are gathered here today to take a major step in strengthening our democracy through a consultative conference.... Sierra Leone is not divided by religion or ethnicity. Sierra Leoneans live together, worship together, celebrate together, watch football games together, use the same markets, and live in the same communities very peacefully. The problem is that bad politicians are at the heart of the acrimony that continues to mar the social peace in this country. They make everything political—the ethnicity of people, the region they come from, what they believe in, what they say, even people's last names and the colour of clothes people wear.¹⁶⁶

What President Bio failed to acknowledge is the context within which bad politics and politicians thrive. This context is characterized by features such as poverty, unemployment, illiteracy, and a lack of identity, recognition, and voice among ordinary people—factors that were predominant among those that led Sierra Leone into an 11-year civil war in the first place. Political elites have failed to address the needs and aspirations of ordinary people and tend to engage them only during electioneering periods. All the major parties, especially the APC and the SLPP, are seen to practice ethno-regional-based politics, which is a major source of insecurity and instability in the country. One nurse argued:

The politics of Sierra Leone is based on ethnicity and regionalism. The APC has its strongholds in the northern region and the western area, while the SLPP has theirs in the south-eastern regions of the country. No matter what happens, those two parties would always maintain their strongholds, and they fan ethnic and regional sentiments to ensure that their people see the other as an enemy. This has continuously affected national unity and the tension between the two parties has increased over the years. So there is no peace in the country and it gets worse during election periods. Everything in Sierra Leone is looked at with a politics lens, never with a national lens.¹⁶⁷

The Bintumani III conference was boycotted by political parties, including the APC and the Coalition for Change, based on the conclusion that “the government was not sincere about national unity and cohesion and did not include opposition parties in the planning process.”¹⁶⁸ The chairman of the Coalition for Change said: “They had a badly organized and noninclusive program and they expected us to show up. We were not consulted and we decided not to attend.”¹⁶⁹

¹⁶⁵ See Paul Duwai-Sowa, “Perspective on Bintumani III: Sierra Leone Consultative Dialogue Conference,” *The Patriotic Vanguard*, May 26, 2019.

¹⁶⁶ Ibid.

¹⁶⁷ Focus group discussion conducted with Yeama Kamara in Freetown on September 4, 2019.

¹⁶⁸ Interview conducted with Tamba Sandy, the chairman of the Coalition for Change (C4C) Party, in Freetown on September 1, 2019.

¹⁶⁹ Ibid.

The growing mistrust and tension along political, ethnic, and regional lines in Sierra Leone suggests the need for a truly national process to promote a transformational shift in the country's postconflict peace-building work, moving from an ethno-regional approach to governance to a national approach. The perception exists that previous and current governments embarked on an ethnicization of politics, providing people from their regional strongholds with more socioeconomic and political opportunities, while denying similar opportunities to those from other regional and ethnic backgrounds. Civil society and development partners could play a crucial role in advocating for and guiding a national process to ensure that it is all-inclusive, participatory, and credible, supporting actors to become less suspicious and more willing to participate, unlike the outcome of the Bintumani III conference.

Laws and policies that promote the equitable distribution of opportunities and resources across the country could change the perception of the ethno-regionalization of politics. In addition, it can be argued that the executive should not appoint certain sensitive public positions, including the chief justice, the inspector general of police, the ACC commissioner, the commissioners of the Human Rights Commission, and the ombudsman; this separation could help to depoliticize these institutions. The current perception is that the executive has significant control over these institutions and places them under undue influence, thereby undermining their credibility. Instead, the institutions could have panels consisting of civil society partners and other essential stakeholders that would use set criteria to assess and recommend to the executive the candidates who were most qualified to hold the respective positions.

Many respondents see the need for another, better-planned national consultative conference, with all stakeholders fully involved throughout the process. Organizations such as the UN and ECOWAS could play a central role in bringing the actors together and ensuring that the conference is used as a platform for them to express their grievances and provide recommendations on approaches to promote peace and reconciliation at the national and local levels. A lecturer at the University of Sierra Leone described the proposed process:

The National Consultative Conference should be designed to provide tangible outcomes that would feed into policy development processes that would enhance sustainable peace-building in Sierra Leone. The process has to be geared towards having a frank assessment of where Sierra Leone is coming from, where it is at the moment, and where it intends to go. It should be a transitional justice approach in itself and should last for about a week, with all actors providing testimonies on why the country has been trapped in tension and unable to move out of the postconflict trajectory in the last years. Recommendations should be tied to concrete policies with the aim of fully rolling them out. Alongside this, communities should own the process and local methods have to be used to ensure sustainability.¹⁷⁰

Such a conference could be used to push the government to draw on the TRC recommendations to develop policies to strengthen peace, security, and stability in Sierra Leone. However, the process for this should be depoliticized and clearly defined in the constitution; as such, the government should seek to complete the constitutional review process that was halted in 2017.

170 Interview with David Massaquoi conducted in Freetown on September 28, 2019.

In addition to a national conference, political dialogues among political parties, with international partners present, could address the concerns of opposition parties. The current spate of violence and tension could be related to the relevant actors' failure to sincerely engage at bilateral levels between the government and opposition parties.

The media and civil society were crucial to the transitional justice process as they played a leading role in entities such as the TRC Working Group and the Special Court Interactive Forum. The Outreach Section of the SCSL worked with both the media and civil society organizations to popularize the activities of the court. In addition, the UN created a radio station that was used to engage key partners and educate the public about issues related to peace and security in the country. However, although these projects made a positive contribution to both the search for and the achievement of peace in Sierra Leone, subsequent post-war governments have taken deliberate measures to politicize the media and civil society to ensure that they are less critical of the government and serve the interests of political elites. As a result, rather than holding the government accountable for its actions and educating Sierra Leoneans about their rights and responsibilities, contributions that are vital to the success of the state, the media and civil society are seen to feed into the country's divisions. A former middle-level commander of the RUF said:

The media and civil society are part of the problem in Sierra Leone. They are not politically neutral and no longer stand for the truth. The gap that existed due to an ineffective civil society and media was filled by musicians who became the voice and the conscience of the Sierra Leonean society. The songs that musicians such as Emerson, Pupa Banja, and Jungle Leaders have sung on issues such as corruption and bad governance have succeeded in promoting public awareness and positive change. Civil society and the media should ensure that they are not used by politicians.¹⁷¹

The 1965 Public Order Act and its seditious libel component has been used by subsequent governments to muzzle and keep the media and civil society silent. Between 2003 and now, the most vocal critics of the government have been musicians, deepening the perception that both the media and civil society organizations are compromised by the government. Preventing the recurrence of violence requires the full involvement of the media and civil society, whose members must be trained, mentored, coached, and supported to carry out their responsibilities in a professional and transparent manner.

The media and civil society work alongside institutions such as the Human Rights Commission, the National Commission for Democracy, and the National Council for Civic Education and Development to promote civic education. However, the latter two institutions (and ones like them) have been less vibrant in the last decade and will require technical and financial support to function efficiently and effectively.

¹⁷¹ Focus group discussion conducted in Freetown on September 5, 2019.

Conclusion

The 11-year civil war had devastating consequences for Sierra Leone as thousands of innocent people were killed and the majority of the population was either directly or indirectly affected by the atrocities committed by the various fighting forces. The transitional justice process that was initiated in the immediate post-war period was geared toward addressing the root causes and historical legacies of the conflict and identifying how to prevent the recurrence of impunity and violence in the country.

This study concludes that the transitional justice processes made significant progress in the search for truth and for justice for the victims. This work included

- the indictment and trial of the people who bore the greatest responsibility for the crimes that were committed;
- truth-seeking efforts and the facilitation of reconciliation between victims and perpetrators of violence;
- the production of recommendations that were geared toward promoting sustainable peace and security in the country;
- the reform and establishment of vital institutions designed to provide essential services for Sierra Leoneans; and
- the adoption of laws that were aimed at protecting and promoting the rights and welfare of Sierra Leoneans.

The process has nevertheless been criticized for the failure to adequately adapt to the local context. This omission denied the country the opportunity to use homegrown approaches that would have been accessible to a larger number of victims and perpetrators of violence and at the same time would have been cheaper and more sustainable. The government has also not provided the political will and resources required to comprehensively implement the recommendations that were made in the TRC report.

In spite of the challenges and controversies, the transitional justice process has succeeded in making major contributions to preventing the recurrence of violence and the persistence of a culture of impunity that permeated the country before and during the civil war. Sierra Leone has held four presidential and general elections with smooth transitions. The decentralization process is providing citizens with the space and voice that was denied them in prewar and wartime Sierra Leone, and the decentralized security structures, alongside agencies such as the LAB, are successfully expanding access to justice and maintaining peace and security in local communities. Communities are involved in security- and justice-related activities and are using the platforms that have been established to promote early warning systems and ADR as means of

preventing and addressing conflicts in their earliest stages. People have a strong awareness of the consequences of igniting violent conflicts, a message that is transmitted by civil society and the media during elections and when there is political tension in the country. And, people are much more aware of and likely to claim their rights and demand that their leaders be held accountable for their actions.

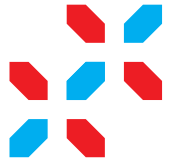
The experience of Sierra Leone has also had positive effects on other countries in the Mano River Basin and the rest of West Africa. Importantly, the role played by ECOWAS during the conflicts and the transition processes in Sierra Leone and Liberia informed the setting up of ECOWAS's current peace and security infrastructure, which seeks to prevent impunity and violent conflicts in the region. Such a proactive approach to prevention has strategically placed ECOWAS as one of the most formidable Regional Economic Communities in Africa.

In order to further enhance the gains that have been made, the government and its development partners must shift their approach: They need to recognize that the root causes and the historical legacies of the war remain largely unaddressed. Factors such as poverty, corruption (perceived and real) and bad governance, and the ethno-regionalization of politics continue to undermine or threaten peace and security in Sierra Leone. A more comprehensive approach to sustaining peace and development should be adopted, revisiting the TRC recommendations and adapting them to meet the country's current challenges, and at the same time addressing the historical legacies of the conflict. This will require enormous political will and resources, involving grassroots and community-based approaches to transitional justice to help heal a still deeply traumatized and poverty-stricken society.

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