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I. Introducing WITNESS’ pioneering TRC Follow-Up Project

1. The TRC Follow-Up Project was conceived as an advocacy campaign to push for the implementation of the recommendations made in the final report of the Sierra Leone Truth and Reconciliation Commission (TRC). WITNESS, having produced a video entitled “Witness to Truth” to accompany the TRC report, helped to found the TRC Follow-Up Project in May 2005 and spent the ensuing eight months working closely with its local partners to drive the process forward. This report has been prepared by Gavin Simpson, the WITNESS consultant based in Sierra Leone, to describe the diverse contributions made by WITNESS, and the progress of the TRC Follow-Up Project as a whole, up until his departure from Sierra Leone at the end of December 2005.

2. It should be noted that the TRC Follow-Up Project built directly upon the success of WITNESS’ earlier initiative in Sierra Leone, known as the “Witness to Truth” project. During this earlier initiative, WITNESS provided funding and institutional support to four non-governmental organisations (NGOs) based in Sierra Leone to conduct distribution and public education activities using the “Witness to Truth” video. In the course of twelve months, these four WITNESS partner NGOs staged 85 screenings across Sierra Leone and distributed around 1,100 copies of the video. Over 20,000 viewers from a broad cross-section of society attended screenings of “Witness to Truth” and many of them were spurred into action in support of the TRC recommendations. (N.B. For a full assessment of the “Witness to Truth” project, please see Gavin Simpson’s separate WITNESS Final Report of December 2005.)

3. Accordingly, the TRC Follow-Up Project sought to translate the successes of mass video sensitisation into a programme of high-level advocacy that would ultimately catalyse positive social change.

4. Another important objective for WITNESS during this project was to consolidate existing partnerships - and build new partnerships - with local NGOs and human rights defenders in Sierra Leone. By working closely alongside local civil society, WITNESS would help Sierra Leoneans to improve the quality of their advocacy strategies, form stronger and more influential networks of contacts, and enhance the use of video and communications technology in their work. This underpinning theme of the project gave real meaning to the expression “capacity-building”. Whilst not equipping Sierra Leonean partner organisations with video cameras and other technology - at least for the time being - the TRC Follow-Up Project was designed to endow them with a range of new skills, approaches and experiences, which in the long-term may prove to be even more valuable to them.

5. For WITNESS’ part, the very conception of the TRC Follow-Up Project bore testament to some of this organisation’s most outstanding qualities. It reaffirmed WITNESS’ unrivalled ability to harness video as a key component of a powerful advocacy campaign; it established WITNESS’ unswerving commitment to a process of transitional justice in the face of considerable adversity; and, most of all, it vindicated WITNESS’ unquestionable pioneering spirit. To all those who share such spirit, the following pages of this final report should demonstrate just how far we’ve come... and why it is so important that we keep on going.
II. The TRC report, the stuttering TRC process and the urgent need for action on the TRC recommendations

6. On Tuesday 5 October 2004, the Sierra Leone Truth and Reconciliation Commission (TRC) formally announced the completion of its two-year mandate in a ceremony at State House in Freetown. The event appeared to signal a successful conclusion to the work of the TRC, which was recognised by all parties as an important mechanism for accountability and restorative justice in a country that had been torn apart by war. In the climax to the ceremony, a draft, paper-bound version of the TRC report - one of ten “advance copies” flown in from Ghana - was handed over to the President of Sierra Leone, Alhaji Dr. Ahmad Tejan Kabbah.

7. The TRC report, which took nearly a year to write and compile, provides the most authoritative, impartial historical record yet of Sierra Leone’s eleven-year conflict. Its FINDINGS include a clear account of the causes of the conflict and a balanced range of pronouncements against individuals, groups and governments held responsible for committing various violations and abuses.

8. Significantly, the TRC report also contains a wide-ranging programme of RECOMMENDATIONS for reforms in vital areas such as protecting human rights, fighting corruption, overhauling the security sector and improving the democratic participation of youth and women. The central objective of the TRC recommendations is to address the underlying causes of conflict and thus to prevent another war in Sierra Leone.

9. In its response to the TRC report, the Government of Sierra Leone expressed its appreciation to the Commissioners and staff of the TRC “for the enormous effort exerted in bringing this historical work to fruition”. The official response went on to state:

   “Government is encouraged by the full vent with which the Commissioners and staff of the TRC exercised professionalism in the execution of the assigned duties. [Government appreciates] not least the judicial prowess and analytical skills used to sail through the huge volume of evidence and testimonies, both oral and documentary, upon which the findings and recommendations of the Commission were based.

   Government also recognises the nation-wide coverage of the Commission’s work, as it conducted its sessions all over the country in order to enable witnesses with diverse facts and backgrounds to participate actively in the much cherished truth and reconciliation process.”

10. The truth and reconciliation process was certainly not intended to end with the presentation of the TRC report, however. On the contrary, the recommendations contained in the TRC report have been drawn up as the blueprint for the building of a new Sierra Leone. The recommendations attempt to lay the foundations for an open and vibrant democracy in which everybody is treated as equal before the law. To most observers, the TRC recommendations represent the best hope of creating a progressive future society in Sierra Leone - and more importantly, one that is free of systematic human rights abuse and brutal civil conflict.

11. The incentive of a conflict-free future creates a strong moral imperative for the Government of Sierra Leone to implement the TRC recommendations. In addition to this argument, however, human rights advocates can rely upon one of the most robust enabling statutes in the history of truth commissions - anywhere in the world. The Truth and Reconciliation Commission Act, passed by the national Parliament in February 2000, places a number of legal obligations on the Government to act upon the content of the TRC report.
12. Most notably, the Government is legally required to implement all the TRC recommendations directed at state bodies in a “faithful” and “timely” manner. The Government must thereafter actively encourage compliance from others at whom specific recommendations may be directed. Moreover, the Government is further required to set up a robust, independent watchdog body, known as a “Follow-Up Committee”, to “monitor and facilitate” the whole implementation process. The establishment of this Committee is supposed to take place within 90 days of the presentation of the TRC report to the President.

13. At the ceremony on 5 October 2004, President Kabbah stated that his Government was “committed to taking seriously the TRC report and the recommendations contained in it”. This statement gave rise to cautious optimism on the part of civil society and the international community. The President had held out the prospect that Sierra Leone may be about to embrace the TRC report and embark upon the dramatic programme of reforms it calls for. It was reported in the local press that President Kabbah had “accepted” the TRC report.

14. However, in spite of this apparent public pledge, there were no tangible signs of implementation by Government in the ensuing six months, far less the creation of a “Follow-Up Committee” within 90 days. President Kabbah’s only vague reference to the TRC report came in a radio interview in November 2004, when he stated that he had assigned the Attorney General and Minister of Justice, Frederick M. Carew, to convene a committee to draft a so-called “White Paper”. Yet as the months rolled by, there was no further word from Government and the whole TRC process stuttered practically to a halt.

15. A major factor in this virtual standstill was the non-appearance of the final, printed, hard-covered versions of the TRC report from its publishers in Ghana. For nearly eight months after October 2004, not a single further hard copy of the TRC report arrived in Sierra Leone.

16. As suspicions grew around the apparent inactivity, various allegations of “doctoring”, “butchering” and “censoring” were levelled at the TRC Commissioners and individual TRC staff. Some said the national Commissioners were protecting the “ruling establishment” by diluting findings against the SLPP Government and obscuring the role of Chiefs in operating civil militias. Others claimed that Nigerian staff had unilaterally removed damning evidence against the Nigerian-led ECOMOG force. Conspiracy theorists had a field day.

17. The reality of the situation was that considerable further work needed to be done on some chapters of the TRC report - both in terms of their substance and, primarily, in terms of their copy-editing, footnotes and layout. A variety of factors, ranging from incompetence to intransigence, conspired to prevent the report being updated on time in the necessary fashion. As a result the half-finished, “draft” TRC chapters were left to stagnate on the computer of a baffled Pre-Press Controller at a publishing house in Accra, Ghana, awaiting some kind of decisive intervention to make them ready for publication. Only after a definitive, comprehensive edit, could the four volumes then be printed (1,000 copies each), bound and shipped to Sierra Leone.

18. The TRC Commissioners and staff must take collective responsibility for failing to deliver the TRC report to an expectant public in a timely fashion. The Commission’s credibility was severely, albeit not irretrievably, damaged. Vital time was lost for high-impact follow-up activities and the momentum of the process was squandered. Influential foreign governments, donors and international agencies - whose attention span on such a process is in any case notoriously short - went from being resolutely committed, to frustrated, to foiled. Many important TRC partners seemed to lose interest altogether.
19. The main beneficiary of the non-appearance of the TRC report was the Government of Sierra Leone. Despite the hard-hitting findings against Government in the report and the challenging programme of recommendations that Government holds the responsibility to implement, all questions and efforts to hold Government to account were for several months deflected with the simple refrain: “we will reserve comment until the final report is delivered”.

20. In short, the Government was granted unwarranted breathing space, if not a total reprieve, from having to answer serious questions raised by the TRC report. In its official response to the report, Government was able to point the finger elsewhere and simultaneously portray itself as a frustrated observer, in the same vein as the international well-wishers:

   “Government expresses its concern and regret that, since the publication and presentation of the TRC report to His Excellency the President on 5 October 2004, there has been undue delay in printing the final copies of the report and making it available to the general public at large.

   This undue delay is beyond Government’s control as the task of printing and binding the hard cover copies of the TRC report was contracted by the Commission to Graphic Packaging Limited, Accra, Ghana. Government hopes that on the assurances given by the Chairman of the Commission the printed hard cover copies of the report will be here [soon].”

21. Furthermore, many civil society organisations were handicapped from embarking upon public education and advocacy activities based on the TRC report because they simply could not gain access to the material.

22. WITNESS took the innovative step of producing CD-ROMs of selected chapters of the report to circulate with its “Witness to Truth” video. However, due to the lack of appropriate technology, the disk appeared to many recipients, in the words of one partner organisation, to be “little more than a form of furniture”. Equally, even after the publication of excerpts of the report on websites such as that of the International Centre for Transitional Justice (ICTJ), civil society refrained from making bold statements for fear that these chapters were not “final versions” or that they might be altered in the course of publication.

23. For Sierra Leone civil society organisations, a general uncertainty as to whether the final TRC report had actually been produced would persist until they laid their own hands on a printed hard copy. Notwithstanding their own shortcomings, their stance was much in line with the old adage that “seeing is believing”.

24. Accordingly, the stuttering TRC process was in something of a crisis by May 2005. The Commission had formally announced the completion of its mandate six months earlier, yet the national Commissioners were being publicly pilloried for having failed to do their work. The TRC’s budget showed that over $191,000 USD had been allocated to “public information, printing and production costs”, as well as “distribution costs” and the production of a “CD-ROM version of the report”, yet the money had dried up without account and the products were nowhere to be seen. Worst of all, the “much cherished truth and reconciliation process” - with its unparalleled levels of public participation, its years of research, investigations, hearings and hard work, and its unrivalled potential to change the course of Sierra Leone’s history - stood in real danger of being lost forever.
Meanwhile the reforms contained in the TRC recommendations continued to gain in urgency due to developments in Sierra Leone itself. By way of example, three separate incidents that directly affronted the TRC recommendations occurred within a few months of the presentation of the TRC report to the President.

First, in October 2004, the prominent newspaper editor and human rights activist Paul Kamara was jailed for the crime of “defamatory libel” based on a front-page headline in For di People that labelled President Kabbah a “true convict”. Kamara was convicted in defiance of the TRC’s “imperative” recommendations to repeal the laws that criminalise libel and to impose a moratorium on all ongoing prosecutions.

Second, in December 2004, ten men were found guilty of treason and sentenced to death, destined to languish in the squalid cells of Pademba Road Prison and uncertain of any right to appeal. The death sentences were handed down despite the fact that among the TRC’s first imperative recommendations were the abolition of the death penalty and the immediate commutation of all death sentences to life imprisonment.

Third, in January 2005, an Anti-Corruption Commission case against a high-ranking Government Minister was blocked before it reached the courts because the final decision as to whether or not he should be prosecuted lay in the hands of his close Cabinet colleague, the Attorney General and Minister of Justice. The A-G’s intervention came in direct defiance of the TRC recommendation that corruption prosecutions should not only be decided independently, but should also be prosecuted independently in the name of the Republic.

These developments were all the more pertinent in view of the TRC’s primary finding that many of the underlying causes of conflict still persist in Sierra Leone today. High among these causes are the abuse of legal powers (such as the death penalty) for political ends, the abuse of authority over security forces, elitist and unrepresentative politics, suppression of free expression (in civil society and the media), rampant corruption (especially among Government Ministers), and bad governance in general.

Thus, parallel to the stuttering TRC process, a strong impression was taking root by May 2005 that history was beginning to repeat itself. In the words of Dauda Mwakawago, the UNAMSIL Special Representative of the UN Secretary-General: “Sierra Leone is sitting on a time-bomb”.

Anyone who understands Sierra Leone’s past - and who remains well informed about its present state - must harbour deep-rooted concerns about Sierra Leone’s future. After a few years in which the bitter immediate memory of war was a potent deterrent to further violence, Sierra Leoneans are now looking ahead with increasing feelings of dread and desperation. The incumbent SLPP Government has failed to make tangible progress on infrastructural or social development and its popularity has dramatically ebbed away. Predictably, the ruling political elite is resorting to the same old instruments of oppression to scupper political opposition, suffocate dissent and preserve itself in power. Presidential and parliamentary elections are scheduled to take place in 2007 and already they bear all the hallmarks of a flashpoint for violence and unrest.

In this light, it is not mere rhetoric when we state, repeatedly, that there is an urgent need for action on the recommendations of the Sierra Leone TRC. As a matter of national and international priority, the machinery of state oppression must be dismantled and the causes of conflict must be addressed. When the Government does not take implementation forward, we must apply fresh pressure from every feasible source.
III. Advocacy strategies and Priority TRC recommendations

33. The overarching advocacy objective of the TRC Follow-Up Project is to hold the Government of Sierra Leone to account for its full implementation of the TRC recommendations. The achievement of this objective could be measured against a variety of indicators, including legislative or constitutional reforms, issuance of new regulations or executive orders, changes in working practices, or establishment of new institutions, such as the national Human Rights Commission. In every case, however, implementation demands action from Government in a manner prescribed in the TRC report.

34. In pursuit of the overarching advocacy objective, WITNESS tended to plan and work incrementally towards different “micro-objectives”. “Micro-objectives” are goals that WITNESS set for itself as the TRC Follow-Up Project evolved. Each one of these goals would be slightly more ambitious than the last, in order to reflect the progress made towards the overarching advocacy objective. Examples include securing a commitment from President Kabbah, eliciting the input of the Law Officers’ Department into a legislative drafting exercise, or garnering the support of youth and women’s groups for the TRC recommendations. Of course, all these “micro-objectives” are complementary to one another and all contribute in some way towards the implementation of the TRC recommendations. At any one time, several “micro-objectives” were being pursued in parallel.

35. The pursuit of several different “micro-objectives” made it necessary for WITNESS and its team of local NGO partners to develop a range of different advocacy strategies to suit different scenarios and different target groups. For example, in pursuit of policy pledges or commitments, WITNESS would organise high-level, small-group meetings with Government officials or international agencies, where the team would convene in advance to devise an agenda with talking points for every participant. In contrast, in pursuit of broad-based popular support for the project, members of the team would appear on radio talk shows or hold video screenings in public settings, preparing themselves to respond to whatever questions might come their way.

36. For the purposes of this report, the activities undertaken during the TRC Follow-Up Project have been organised into six main categories of advocacy strategies, listed below.

37. First, WITNESS adopted a constructive but determined approach to its dealings with Government and pursued a strategy of encouraging incremental, public GOVERNMENT COMMITMENTS as to the processes and timeframes by which it would implement the TRC recommendations.

38. Second, WITNESS deployed its field consultant to facilitate strong, strategic links with local CIVIL SOCIETY and to assist in networking, training and building capacity among existing and new partner organisations.

39. Third, WITNESS and local civil society groups such as Conflict Management and Development Associates (CMDA) and Campaign for Good Governance (CGG) jointly pursued further STRATEGIC PARTNERSHIPS among the donor community and other international agencies. In particular, this advocacy strategy was geared towards elevating the TRC recommendations onto the agenda of the biannual Consultative Group (CG) meeting in London in November 2005, at which the Government would appeal to its donors for fresh funding.
40. Fourth, WITNESS conceived and lent considerable support to the strategy of instigating LAW REFORM independently in the public interest, rather than waiting indefinitely for the Law Officers’ Department or the Law Reform Commission to produce draft legislation.

41. Fifth, WITNESS led the flagship strategy of carrying video advocacy to key DECISION-MAKERS at the heart of the legislative and executive branches of government. Most notably, WITNESS set its sights on staging an advocacy event in the Sierra Leone Parliament, the body with the primary responsibility for enacting new legislation on the TRC recommendations and for monitoring Government’s compliance with existing laws.

42. Last but not least, WITNESS continued in its efforts to stimulate AUDIENCE ADVOCACY from all corners of Sierra Leone society - and indeed from all corners of the world. By screening the video “Witness to Truth”, or playing its soundtrack on the radio, or streaming excerpts of it on the website, WITNESS urged its audiences to become agents for positive social change. Ultimately, this strategy depends on people signing petitions, writing letters, or demanding answers from their elected representatives at community level.

43. Cumulatively, these six strategies created a formidable campaign for the implementation of the recommendations. They also ensured a busy life for the WITNESS consultant, which was replete with unexpected challenges and rich in diversity. A typical week could entail: several meetings with project partners from local non-governmental organisations; regular phone calls or briefing discussions with Government representatives or members of Parliament; long evenings spent writing official letters and e-mails or re-reading passages from the TRC report; and often one or two screening events, sometimes involving travel to the Provinces. Managing the project and maintaining excellent working relationships with people of all different backgrounds, professions and political persuasions made this consultancy a full-time pursuit.

44. One of the first initiatives on which the members of the TRC Follow-Up Project collaborated was the effort to identify a set of priority TRC recommendations that could form the backbone of an advocacy campaign. After all, nobody would be aroused or activated by a call to implement the TRC recommendations if nobody knew what those recommendations were. Moreover, for the purposes of policy-makers and international analysts, it was deemed necessary to capture the essence of the TRC recommendations in a “bite-sized” or “bullet-point” format. According to one diplomat who welcomed this initiative of the TRC Follow-Up Project: “scarcely anyone in a position of real power or influence has time to read more than two or three pages”.

45. In order to make the process as participatory and inclusive as possible, WITNESS invited several of its partner NGOs to congregate in Freetown at the office of Conflict Management and Development Associates (CMDA). Over the course of three days, a broad and diverse array of organisations sent representatives to sessions at CMDA, including: Campaign for Good Governance (CGG); Centre for Co-ordination of Youth Activities (CCYA); Centre for Democracy and Human Rights (CDHR); Forum for African Women Educationalists (FAWE); Forum for Democratic Initiatives (FORDI); Sierra Leone Court Monitoring Programme (SLCMP); Women’s Forum; Legal Access through Women Yearning for Equality Rights and Social Justice (LAWYERS); and the Young Men’s Christian Association (YMCA). The three-page consensus document that grew out of these working sessions has since been circulated to a diverse national and international readership and has won many new supporters for the implementation of the TRC recommendations. It is reproduced on the following three pages.
PRIORITY TRC RECOMMENDATIONS

INTRODUCTION

The clearest frame of reference for choosing priority recommendations can be found in the TRC Recommendations chapter itself, at paragraph 15. This paragraph states:

“The Commission has opted to focus on recommendations that serve to establish and safeguard certain rights, principles and values... These rights, principles and values are those that have not as yet been established in Sierra Leone or are under serious threat.”

Later in the chapter, at paragraph 31, there is another clear statement about the basis on which to choose priority recommendations:

“The Commission has prioritised the recommendations to address the underlying causes of the conflict.”

Thus, when Conflict Management and Development Associates (CMDA), WITNESS and members of several different Sierra Leonean organisations came together to select the most pressing priority recommendations for advocacy purposes, the following criteria were identified:

1. A priority recommendation must pertain to an identifiable right, principle or value that has not yet been established in Sierra Leone or is under serious threat. A right would be considered to be under “serious threat” if, for example, action(s) by the state since the release of the TRC report have jeopardised or breached that right.

2. A priority recommendation must strike at the heart of one or more of the underlying causes of conflict, as identified by the TRC. High among these causes are the abuse of legal powers for political ends, the abuse of authority over security forces, elitist politics, rampant corruption, suppression of free thought or debate, and bad governance in general.

3. A priority recommendation must be easily understandable and immediately actionable. It should be expressed in as short and punchy a form as possible to allow it to be effectively communicated to the public. It should not require a huge shift of state resources or a long period of planning in order to be fulfilled.

4. There should only be a handful of priority recommendations, perhaps seven at most. Each one should be accompanied by just two simple bullet points: the first stating the right(s) or principle(s) to which it pertains; the second stating the “root cause(s)” it addresses.
PRIORITY TRC RECOMMENDATIONS

PART I

1. ABOLISH THE DEATH PENALTY FROM SIERRA LEONE’S LAW BOOKS
Paragraph 54 (page 126) of Volume Two: Recommendations

“The Commission recommends the abolition of the death penalty and the immediate repeal by Parliament of all laws authorising the use of capital punishment.”

- safeguards the right to life and sends a powerful signal that Sierra Leone is ready to break with the cycles of violence that have characterised its past
- addresses the long-standing abuse of legal powers to eliminate political opponents

2. REPEAL THE LAWS THAT CRIMINALISE LIBEL AND OTHER FORMS OF EXPRESSION
Paragraph 79 (page 132) of Volume Two: Recommendations

“The Commission recommends that the laws creating the offences of seditious and criminal libel should be repealed. Criminal sanctions in the sphere of expression should be avoided. Conduct aimed at inciting violence or lawless conduct is dealt with elsewhere in the criminal laws of Sierra Leone.”

- safeguards freedom of expression, particularly on the part of the media and civil society
- addresses the suppression of dissenting ideas and the suffocation of genuine public debate

3. AMEND THE LAW TO HAVE CORRUPTION CASES PROSECUTED INDEPENDENTLY
Paragraph 279 (page 161) of Volume Two: Recommendations

“The Commission recommends that the Anti-Corruption Commission (ACC) should be permitted to pursue its own independent prosecutions in the name of the Republic of Sierra Leone. Prosecution of corruption cases should be free of any scope for political interference. The Commission recommends that the ACC Act 2000 should be amended to include a provision deeming prosecutions undertaken by the ACC to be in the name of the Republic.”

- establishes the principle of independence in the anti-corruption fight
- addresses the pervasive scourge of corruption in the public sector and the interference of the executive in accountability mechanisms
4. LEGISLATE FOR MEANINGFUL POLITICAL REPRESENTATION OF YOUTH AND WOMEN

Paragraphs 313 (page 167) and 349 (page 172) of Volume Two: Recommendations

“The Commission recommends that all political parties be required to ensure that at least 10% of their candidates for all public elections are youths AND ... that at least 30% of their candidates for all public elections are women. Legislation should be enacted to make these quotas legal requirements. Such stipulations will require all political parties to nurture and develop meaningful participation of women and the youth.”

- establishes the right of youth and women to be voted for; safeguards the values of representative democracy
- addresses the long-term exclusion of youth and women from the decision-making process and their marginalisation in the wider society

5. ADOPT NEW CONSTITUTIONAL PRINCIPLES OF NATIONAL SECURITY AND RECLASSIFY THE PARAMILITARY DIVISION WITHIN THE SIERRA LEONE POLICE

Paragraphs 199 (page 150) and 203 (page 151) of Volume Two: Recommendations

“The Commission is of the view that new principles governing national security ought to be adopted in Sierra Leone. Those in power must never again use national security as an excuse to deploy security forces for political ends. These principles include:

• The Sierra Leone Army must be the only lawful military force in Sierra Leone. There should be no other military or paramilitary force under the guise of any other institution, including the police.

The existence of the Operational Support Division (OSD) within the police is contrary to the proposed National Security Principles.”

- safeguards the principle of neutrality in state security; safeguards the citizens’ right to security forces that are professional, disciplined and representative of all the people
- addresses the abuse of authority over the security forces by governing regimes and their arbitrary deployment against political opponents or innocent civilians in the name of national security
IV. The visit of Angelina Jolie with WITNESS in May 2005 and some unprecedented Government Commitments

46. Film star Angelina Jolie is one of the biggest stars in the world of entertainment, with a global following of millions of fans. WITNESS Executive Director Gillian Caldwell secured a tentative commitment from Angelina to support WITNESS’ work in Sierra Leone when they met at the World Economic Forum in Davos, Switzerland. Yet neither party could have imagined how this partnership would blossom into a joint visit to Freetown and a high-impact week of advocacy activities in May of 2005. Gillian and Angelina breathed new energy and focus into the whole TRC process and inspired afresh all those associated with WITNESS in Sierra Leone. To a great extent, their visit was the foundation upon which the TRC Follow-Up Project was built.

47. On Tuesday 10 May 2005, WITNESS brought Angelina together with three leading representatives of its key local NGO partners. The three were Paul James-A llen of National Forum for Human Rights (NFHR) [N.B. Paul is now with Conflict Management and Development Associates (CMDA)], Gibril Massie Bah of Centre for Democracy and Human Rights (CDHR) and Charlie Hughes of Forum for Democratic Initiatives (FORDI). Over a “strategy breakfast” at the Bintumani Hotel, the team harmonised its advocacy strategy and a line of approach for the landmark events of the following day.

48. The principal focus of Angelina’s visit was to secure actionable commitments from the Government of Sierra Leone with regard to the TRC recommendations. For this purpose, WITNESS had arranged a rare private audience with the highest authority in the land, His Excellency the President Ahmad Tejan Kabbah. The meeting would be followed by a public press conference later in the day.

49. Moreover, WITNESS sought to generate a renewed interest and sense of momentum in the TRC process, particularly among civil society and the international community. For this purpose, WITNESS jointly organised the national stakeholders’ conference entitled “Where Are We Now? - Taking Stock of TRC Follow-Up Activities”, at which the “Witness to Truth” video would be screened and input into TRC follow-up initiatives would be canvassed from the hundreds of participants present.

50. At the Bintumani strategy breakfast, it was agreed that the advocacy objectives, or types of Government commitments being sought, should be divided into two levels. These would reflect the both the global and domestic significance of the quest to have the TRC recommendations implemented.

51. From an “international perspective”, the key objectives were:

- To secure a pronouncement from the President of a definitive timeframe for the issuance of the Government White Paper on implementation of the TRC recommendations; and

- To assure the President that there is significant international interest in and backing for the implementation of the TRC recommendations; and to call on all international allies and donors, including the UN and the other Moral Guarantors of the Lomé Peace Agreement, to make fresh funds available specifically to assist Government in the implementation process.
52. From a “national perspective”, the key advocacy objectives were:

- To secure **direct civil society input into the production of the White Paper** on the implementation of the TRC recommendations; and

- To have the President **commit to the establishment of the TRC Follow-Up Committee**, as provided by statute, to facilitate and monitor the implementation of the TRC recommendations.

53. Wednesday 11 May 2005 stands as a formidable milestone in the TRC Follow-Up Project. In the morning, Angelina Jolie and TRC Deputy Chairperson Justice Laura Marcus-Jones joined WITNESS Executive Director Gillian Caldwell, WITNESS consultant Gavin Simpson and four key civil society representatives to meet with the President of Sierra Leone, Ahmad Tejan Kabbah. The WITNESS / TRC delegation was granted an hour-long private audience at State Lodge with the President and two other top Cabinet officials, namely the Attorney-General, F. M. Carew, and the Minister for Presidential Affairs, Dr. Sheku Sesay.

54. In a quite astonishing meeting that confounded the prevailing scepticism of the WITNESS / TRC delegation, President Kabbah spoke in an apparently candid fashion about his Government’s position towards the TRC process. He handed the civil society representatives an internal Cabinet paper as a token of his transparency while discussing Government deliberations. Then, in the crux of the discussion, the President stated **firm Government commitments on ALL FOUR of WITNESS’ advocacy objectives**.

55. On the definitive timeframe for the issuance of the White Paper, President Kabbah said:

> “**At most two weeks from the date of my receiving the final report, Government will publish the White Paper.** We have already read and studied the original report. We will simply be looking at what ways the amendments [made in Ghana] may have affected the content. But I don’t think that will hold up the publication of the White Paper. I am not jumping the gun but as soon as the report arrives we are ready to move forward.”

56. On the call to international allies for fresh funding for the recommendations, President Kabbah said:

> “**We will welcome your support for fresh funding - in fact, I have already approached some of the external forces identified by the Commission in its report.** I have sent word through the appropriate channels to elicit the commitments we wish to include in the White Paper. I have even taken it to the level of the African Union and I expect to make an announcement in about two weeks’ time... But I know my people here too well [to make an announcement today]. If I make a statement on funds they would expect me to backdate the cheque. They want everything one month in advance.”

57. On the question of direct civil society input into the production of the White Paper, the President was somewhat more reticent at first:

> “A White Paper is Government’s reaction to the report. The White Paper is our responsibility. We involved the UN [in the process] in order to achieve objectivity and transparency.”
58. Nevertheless President Kabbah conceded that Government would accept representations from local civil society actors, including those present at the meeting:

“If civil society comes with a view, we will take it into consideration. It’s a national matter, so we want to get as wide a perspective of it as possible. Look - we are trying to practise democracy here. You come forward, you prepare what you have and give it to the Attorney General. He will make comment on your proposals to him. Every citizen has a right to say: “we don’t agree with this or that” in the White Paper. Only when I give my presidential assent does it become law.”

59. Finally, in responding to a question from Paul James-Allen about the TRC Follow-Up Committee, President Kabbah urged the civil society members to ally themselves with Government:

“We have accepted that we should establish a Follow-Up Committee as envisaged in the statute. I want to assure you that we are all in this together, so let us not have any difference of opinion. To compound our past mistakes by operating separately would be a grave error. Let us prepare ourselves properly.”

60. The WITNESS / TRC delegation left State Lodge pleasantly surprised. They proceeded immediately to the national stakeholders’ convention, where WITNESS and Angelina Jolie delivered hurriedly revised public statements to reflect the unexpectedly positive outcomes of the presidential meeting. At lunchtime, the WITNESS consultant received an SMS text message from the First Secretary of the British High Commission in Sierra Leone, who had listened carefully to the proceedings. It read:

“Good stuff. Extraordinary commitments from Kabbah on publication and White Paper. Let’s talk once the visit’s over. Take care.”

61. In the afternoon, a press conference was held at the British Council. Members of the national and international press were in attendance, along with diplomats, parliamentarians and provincial delegates. Angelina Jolie and the local WITNESS NGO partners shared the podium with two top-level Government representatives: the Attorney General F. M. Carew - who is the Minister responsible for producing Government White Papers - and the official Presidential Spokesman Khanji Daramy. Mr. Daramy restated the Government’s commitments from the earlier meeting decisively in public. He also went on to make the following comments:

“The Government approaches the TRC very seriously and the President went beyond the bounds of normal procedure today in order to release to the visiting delegation a Cabinet instruction from the Attorney General regarding the White Paper.

When we have goodwill people, and particularly Ms. Angelina Jolie, pursuing these issues to ensure that we leave the past behind, we must be motivated by their support to do whatever is required. Ms. Jolie is matching her words with passion and action. She says she is going to be with us through and through. From a governmental point of view, we must respond by putting the institutional structures in place and seeing the TRC recommendations into reality.”
The mission of Angelina Jolie with WITNESS in Sierra Leone drew unimaginable levels of public and media interest both nationally and internationally. The WITNESS website featured a dedicated web-log or “blog” by Executive Director Gillian Caldwell and became a hive of activity for Internet junkies all over the world, desperate to know more about Angelina’s contributions and the TRC Follow-Up Project more generally. Influential radio stations including the BBC World Service (London) and Radio UNAMSIL (Freetown) reported on the visit and described the advocacy objectives of the TRC Follow-Up Project. Eminent US broadsheet “The San Francisco Chronicle” ran a feature article including the following quote from a telephone interview with WITNESS consultant Gavin Simpson in Sierra Leone:

“I see Angelina as the perfect humanitarian advocate. She brings an immense amount of international focus and attention with her, but she never seeks to use it for her own benefit. On the contrary, she sends the spotlight directly to civic society advocates and makes them more effective and powerful in their own society.”

The benefits of this mission were diverse and multi-faceted. The WITNESS consultant is especially keen to emphasise the “re-energising” impact that Angelina Jolie’s endorsement had on the local WITNESS partners in civil society. By involving them in such high-profile advocacy work, WITNESS rewarded and validated their ongoing efforts at grassroots level. It made them feel valued and provided an important boost to their self-confidence. Ultimately it also enhanced their effectiveness as human rights advocates.

In a similar vein, the visit succeeded in unifying a wide range of actors in the NGO community, many of whom otherwise barely see eye-to-eye. The WITNESS consultant attributes this unprecedented sense of common purpose to a universal recognition - thanks largely to Angelina’s grace and humility - that the future of the country is too precious to place in jeopardy on account of self-importance. Some issues - such as the TRC recommendations - simply must transcend the petty bickering that all too often limits the effectiveness of Sierra Leone civil society.

For her part, Angelina Jolie made a compelling address to the people of Sierra Leone at the press conference of 11 May 2005. Angelina’s words testify to her commendable personal commitment, and they help to lend international resonance to the advocacy objectives of the TRC Follow-Up Project:

“The strength and the spirit of the people has overwhelmed me. I don’t know if I could go through eleven years of war with such strength and spirit and continue to fight for family and human rights in the way that Sierra Leoneans do. The WITNESS video moved me into action immediately and made me come to Sierra Leone at this time. It is a compelling film that goes beyond what we see on our nightly news. It shows so vividly why it is important for us to continue working here.

Now I want to see the TRC report on the President’s desk and I want to see the White Paper. As soon as those processes are in motion and the Government takes those steps, as they plan to, then I will shout from the rooftops, and work day and night to encourage the international donors to come here. I will be working with WITNESS and our local partners to make sure this issue does not drop off the agenda.”
V. The long-awaited Government “White Paper” and the completion of the TRC report in Ghana

66. With hindsight, the visit of Angelina Jolie with WITNESS in May 2005 achieved an impact far greater than anyone involved with the TRC Follow-Up Project could have imagined. In the two months immediately after the visit, more progress and publicity was achieved for the TRC process than had been made in the previous eight months. Importantly, by the end of July 2005, both the long-awaited Government “White Paper” and the (even longer-awaited) final, printed, hard-covered versions of the TRC report were published and made available in Sierra Leone.

67. The means by which these targets were reached, however, were far from conventional or expected. WITNESS and its local partners went to great lengths to ensure that they fulfilled everything asked of them on 11 May 2005. Yet the Government of Sierra Leone continued to act in relative isolation, with little regard for the input of its proclaimed partners, or the potential mutual benefits that such a partnership might bring.

68. WITNESS invested considerable resources into ensuring that the TRC report was edited in Accra, Ghana to the highest possible standards, printed and bound in record time, and transported to Sierra Leone by United Nations air freight. WITNESS consultant Gavin Simpson travelled to Ghana on two separate working trips and personally oversaw the whole publication process. In total he spent approximately six weeks at the offices of Graphic Packaging Ltd in Accra, Ghana between May and July 2005.

69. The first mission to Ghana took place almost immediately after Angelina Jolie’s visit, on 23 May 2005. WITNESS consultant Gavin Simpson (a former researcher for the Sierra Leonean TRC) accompanied the TRC Chairman, Bishop Joseph C. Humper, to a series of meetings in Accra to determine the state of affairs regarding the TRC report and the extent of the work that remained to be done. Gavin then worked day and night for three weeks, from 26 May to 20 June 2005, in order to complete the editing, footnotes, captioning and layout of all four volumes of the TRC report. The last of these volumes was approved by Graphic’s Pre-Press Controller, Peace Gadogbe, on Monday morning, 20 June, and Gavin returned to Sierra Leone the very same afternoon to prepare for the delivery of the TRC report.

70. TRC Chairman Bishop Humper wrote to Government informing them of these developments. His letter was intended to assist the Government in planning the release of its White Paper. The TRC report was expected to be delivered, Bishop Humper wrote, “not later than the first week of July 2005”. He went on to dispel the rumours of significant amendment to the Commission’s findings and recommendations by stating:

“I can assure you that there is only ONE VERSION of the TRC Report. It will be essentially the same report that was presented to the President on 5 October 2004. The only difference would be that the expected report would reveal the professionalism required in producing a report like ours. The substance of the report will be the same in its entirety.”

71. Meanwhile Government was being placed under increasing pressure by DfID, the EU and other influential donors to demonstrate a more proactive approach to addressing the dire state of human rights and bad governance.
Its next move stemmed not from pragmatic policy considerations, but from a desperate urge to do something “in the light of great concern expressed both locally and internationally”. It took everyone by surprise.

72. In the evening of 27 June 2005, a document entitled “White Paper on the Truth and Reconciliation Report” was delivered to the studio of the national broadcasting service, SLBS, and to a handful of local press houses. The document bore no official crest, it was strewn with grammatical and typographical errors, and it filled barely 17 pages of text with a size 16 font. In this highly unusual manner - without fanfare or formal notice to any official institution - the “TRC White Paper” for which the nation had been waiting slipped quietly into circulation. The first that the TRC Chairman, the WITNESS consultant, the EU Delegation, the US Embassy and the British High Commission heard of it was when excerpts appeared in Wednesday’s newspapers!

73. To compound the anomalous nature of its release, the content of the “White Paper” was enormously disappointing. Contrary to what President Kabbah had stated in his meeting with Angelina Jolie and WITNESS on 11 May 2005, the document did not appear to be the product of months of deliberation by a high-level committee of legal minds, said to include the Solicitor-General, the Attorney-General and the Vice President. Nor did it show evidence of any serious, informed input by the Human Rights Section of UNAMSIL, despite confirmation by both the President and the UN that a senior Human Rights Officer had contributed.

74. In a radio interview some time later (16 September 2005) the Attorney-General, Frederick M. Carew, gave an indication as to the possible reason behind the timing of the White Paper’s release. He also seemed to contradict the President’s earlier assertion about the meticulous preparations put into the White Paper, and declared that this document - or at least this version of the document - was put together in a hurry:

“You see, the Government White Paper had to be done hastily because the internationally community was asking questions as if the Government was a playing a game. We had been waiting to see if the original report issued by the Commission and the [final] printed report were the same. But then we were under so much pressure, so we had to issue out the White Paper.”

75. Whatever the conception of the TRC White Paper, it does not meet the benchmark set by the TRC report. It does not appear to grasp the seriousness of the issues at hand; it treats the TRC process with contempt. First, the document seems to highlight reforms - most of them donor-driven - that are already in place, rather than committing to actions the Government plans to take in response to the TRC report. Second, in cases where certain TRC recommendations appear to have been accepted notionally or in principle, there is no mention of any timeline or technical framework for their actual implementation. Last and most disturbingly, the Government asserts the right to dismiss certain TRC findings out of hand and reject certain TRC recommendations outright. The Government has no legal right to do either of these things.

76. An example of the Government’s dishonesty in the White Paper can be found at page 6, in the section entitled “Re:- Arbitrary Detention”. The TRC’s findings on arbitrary detention were based upon months of interviews and investigations. WITNESS and other NGOs hold documentary evidence to prove that there were still several persons who were being held illegally in state custody at the time the White Paper was released. Yet the Government chose simply to offer the following weak and untenable denial:

“Government, in its reconciliatory efforts, has adopted policies against arbitrary detention… Government asserts and informs its nationals and the international community that there are currently no
arbitrarily arrested and incarcerated persons in the country, and that it has no intention to go against the practices identified and recognised both within national and international law.”

77. An example of the Government’s disingenuous approach to the White Paper can be found at page 8, in the section entitled “Re:- Women”. The TRC made extensive recommendations to address the suffering of women during the conflict. The TRC began by demanding that the President, in his capacity as Head of State and ‘Father of the Nation’, should “offer an unequivocal apology to [women and girls] on behalf of the government and preceding governments in Sierra Leone”. This recommendation was partly premised on the finding that the present Government contributed in great measure to violations and abuses against women. Yet the Government brushed off any suggestion of its own culpability and instead stated unconvincingly:

“Government does acknowledge the enormity of the suffering of women and girls caused by the war, with particular reference to torture, rape, sexual abuse and sexual slavery... Further Government wishes to express its unreserved regrets and sympathy to all who have in one way or the other been subjected to these indignities. Government is committed to redressing these indignities...”

78. An example of the Government’s disregard for the rule of law in the White Paper – bearing in mind its legal obligation to implement all the recommendations without exception – can be found at page 5, in the section entitled “Re:- Death Penalty”. The TRC recommended the removal of the death penalty from Sierra Leone’s law books and the immediate commutation of all death sentences to life imprisonment. The historical evidence proves overwhelmingly that the death penalty has been abused as a political tool by successive governments and that its retention is based purely on political considerations. In the White Paper, the Government seems to confirm its intention to keep Sierra Leone in a state of fear: its argument amounts to saying “we’ve been killing ourselves for the past ten years or more, so we’re not going to stop now!”:

“Government wishes to state that Sierra Leone has just emerged from a decade-long armed conflict with attendant wanton killings of individuals and the commission of various atrocities, and as such [Government] does not accept the Commission’s call for immediate abolition of the death penalty...”

79. Inevitably, the cautious congratulation and statements of support that greeted the publication of the White Paper were soon replaced with criticism and calls for revision. The first response, quite rightly, came from civil society. The response took the form of a letter penned jointly on Friday 1 July 2005 by four coalitions of local organisations - the Civil Society Alternative Process (CSAP), the Civil Coalition on Truth and Reconciliation (CCTR), the National Forum for Human Rights (NFHR) and the Truth and Reconciliation Working Group (TRWG). The letter, addressed to President Tejan Kabbah, stated:

“The ‘White Paper’ is vague and non-committal. It does not reflect any serious engagement on the part of your Government with the TRC’s comprehensive programme of recommendations. It does not address the issues of greatest concern to the people of Sierra Leone. Indeed, it fails to indicate any strategy or timeframe for the implementation of the few TRC recommendations your Government purports to accept.

If this ‘White Paper’ is intended to represent Government’s definitive response to the TRC report, then in civil society’s view it is a non-starter.”
80. On Thursday 14 July 2005, the Integrated Regional Information Network (IRINnews.org) of the United Nations carried a report on the issuance of the White Paper from its correspondent in Dakar, Senegal. The report was headed “Civil society criticises ‘vague’ government plan for post-war reform” and carried several excerpts from the above-mentioned letter. It also quoted Marieke Wierda, Senior Associate at one of WITNESS’ strongest partner organisations, the International Centre for Transitional Justice (ICTJ). Ms. Wierda said:

“Progress is always going to be incremental in these kinds of complex conditions, and no-one expects a radical turnaround. But we can expect a serious commitment to change. It is an issue of political will.

What we are seeing here is very much a ‘business-as-usual’ mentality. This ‘White Paper’ is a peek into the mindset of the current government. It is a government that does not tend to welcome stringent debate.”

81. The IRIN News article also contained the following paragraphs detailing WITNESS’ position in Sierra Leone:

“Gavin Simpson, Freetown-based consultant for the human rights watchdog group WITNESS in New York, said the white paper appeared to have been put together hastily. Its release could simply be a sop to the international community, which has been pushing for concrete steps to stamp out corruption and improve governance in Sierra Leone, he said.

‘I think the Government has put this paper out to appease the international community,’ Simpson said. ‘But by anyone’s standards it is a document that is fundamentally lacking.’

WITNESS, which uses video to expose human rights abuses, is working with local and national NGOs throughout Sierra Leone to circulate its film ‘Witness to Truth’ – a graphic video version of the TRC report.

Simpson said he was guardedly optimistic that the white paper would turn out to be a starting point for the discussion of reform and act as a springboard for civil society to have further input into the policy-making process. ‘I would like to see it as a beginning, not as an end,’ he said.

82. In the same spirit of encouragement and collective action – rather than confrontation – WITNESS decided to write a formal letter to President Kabbah in response to the White Paper. At the same time, WITNESS worked closely with Angelina Jolie to prepare a similar, personal letter from Angelina to the President. This joint initiative was intended to achieve two principal aims. First, the letters were meant to acknowledge the gracious co-operation of the President in agreeing to meet on 11 May 2005 and thank him for making good on his pledge to publish a “TRC White Paper”. Second, the letters were designed to express disappointment over the content of the paper and state the need for Government to come up with a new draft, more in line with the programme of reforms set out in the TRC recommendations.

83. After back-and-forth discussion in August 2005 involving WITNESS Executive Director Gillian Caldwell, Angelina Jolie and WITNESS consultant Gavin Simpson, the texts were completed and signed in early September. An appointment was arranged with the protocol staff at State Lodge. On 10 September 2005, WITNESS consultant Gavin Simpson hand-delivered two advocacy letters to President Kabbah.
84. The first letter, from Angelina Jolie, reflected that she had been “very moved and encouraged by [President Kabbah’s] commitments” in the meeting of 11 May 2005. It then went on to provide Angelina’s reaction to the publication of the White Paper and her hopes for the remaining months of 2005:

“I was thrilled to hear the news that the ‘TRC White Paper’ was issued on 27 June 2005. But I was disappointed on reading it. **There were almost no new commitments made in the paper, and I feel strongly that further steps need to be taken before I can begin encouraging donor governments and agencies to make the needed contributions.**

I am joining my friends and allies in civil society in urging you to revisit the ‘TRC White Paper’ and propose further measures that demonstrate your genuine commitment to moving the country forward. As soon as a revised and strengthened ‘TRC White Paper’ is before Parliament, I am prepared to do all I can to help ensure that your government has the support it needs to make bold reforms for Sierra Leone’s future.

[...] Please stand with me, and with the people of Sierra Leone, in a commitment to ensuring a lasting peace by implementing the many recommendations made by the TRC.”

85. The second letter, from WITNESS Executive Director Gillian Caldwell, reiterated the sentiments of Angelina’s letter and made a decisive case for Government to re-think its strategy towards the TRC process:

“How, unfortunately, the ‘TRC White Paper’... has fallen short of our expectations. The document does not do justice to the detailed programme of reforms outlined in the TRC report.

Your Excellency, I urge you to revisit the ‘TRC White Paper’ and propose a more detailed, comprehensive set of measures that demonstrates your genuine commitment to moving the country forward. **If the momentum is to be maintained, it is essential that your Government sets out a clear legislative agenda for the implementation of the TRC recommendations and places it before Parliament for approval in the shortest possible time.**

[...] As soon a revised and strengthened ‘TRC White Paper’ is placed before Parliament, we will go to the United States Congress and other influential donors to seek funding and support to help your Government implement the TRC recommendations.”

86. The two letters preceded a busy period of contact with the State Lodge protocol office. WITNESS and Angelina Jolie attempted to secure a meeting with President Kabbah while he was attending the 60th Session of the UN General Assembly in New York, although ultimately the meeting could not be scheduled due to time constraints. Nevertheless, WITNESS succeeded in making its favoured next step in the TRC Follow-Up Project clear to Government. There needed to be a consultative process involving civil society to produce an alternative legislative proposal to the ‘White Paper’ and have it presented before Parliament. Ideally the President would endorse and actively support this process, but on an issue of such legal urgency and national importance, there could be no waiting around indefinitely for Government to take the lead.
87. In the midst of formulating its next steps on the advocacy front, WITNESS achieved closure on the long-running saga of publishing the TRC report. On Sunday 24 July 2005, WITNESS consultant Gavin Simpson boarded a United Nations cargo flight from Accra International Airport containing the final shipment of TRC reports and CD-ROMs. This flight was the culmination of three weeks of further work in Ghana, during which Gavin had kept up the pressure on the printers, binders and airports logistics staff to have the TRC report delivered to Sierra Leone in the shortest possible time.

88. The overwhelming feeling of relief Gavin experienced upon taking off from Accra with the finished TRC reports on board is one that he will never forget. When the flight landed at Lungi International Airport in Sierra Leone, Gavin helped to offload the boxes containing the TRC report into a set of containers at the side of the runway. With that symbolic gesture, he put to rest an issue that had been the source of considerable personal and professional importance to him, dating back to his time as a lead researcher in the TRC itself. With the report delivered, Gavin and WITNESS could focus single-mindedly on making the TRC’s vision become reality.

89. On 9 August 2005, Bishop Joseph C. Humper, the Chairman of the Truth and Reconciliation Commission (TRC), wrote a poignant e-mail to his fellow Commissioners and selected TRC staff. Bishop Humper expressed his view of the historic publication of the TRC report as follows:

“I am delighted to inform you that on 8 August 2005 we held the official launching ceremony of the TRC report at the Miatta Conference Hall in Freetown.

With that event, we can declare that at long last the long-awaited TRC report (hard cover) has been made available to the public. On the same day the TRC website (www.trcsierraleone.org) was established and made the TRC report globally accessible.

I want to seize this opportunity to express my unreserved thanks and appreciation to all of you who spent endless hours to ensure the production of the TRC report. All of us are quite aware of the hurdles we encountered in the process. But for the unrelenting and unwavering determination of us all, we might have found it difficult to get the fruits of labours realised.

In particular I want to single out Gavin Simpson, who spent endless hours to have the final report airlifted to Sierra Leone. I also want to acknowledge the incredible support provided by WITNESS to bring the production process to its conclusion.

We now look forward to the implementation of the TRC recommendations faithfully and timeously by the Government... The public now appreciate our work. It is our hope that the victims will benefit from our recommendations through Government’s firm action on them.”

90. Perhaps most important of all, the delivery of the TRC report removed all the previous barriers of caution, or excuses, put up by civil society to forestall their undertaking effective follow-up work. From August 2005, WITNESS’ work with local civil society in the TRC Follow-Up Project began to take massive strides forward.
VI. **CIVIL SOCIETY: WITNESS’ contributions to networking, training and capacity-building**

91. WITNESS’ made its first contribution towards a sustainable, long-term strategy for Sierra Leonean civil society to undertake TRC follow-up work in December 2004. In a meeting at the Empire State Building in New York on 20 December 2004, WITNESS discussed a variety of options for follow-up activities and funding. Partners in the conversation included Corinne Dufka from Human Rights Watch, Mona Khan from the Fund for Global Human Rights and the former Head of Investigations at the TRC, Howard Varney. In the exchange of correspondence that followed the meeting, it was agreed that WITNESS and its consultant Gavin Simpson would assist in devising the concept for a co-ordinated TRC Follow-Up Project to be taken on and implemented by local NGOs.

92. By late May 2005, building upon the renewed sense of purpose created by Angelina Jolie’s visit and the stakeholders’ conference of 11 May, several key figures in Sierra Leone civil society had decided to commit themselves to working on the TRC Follow-Up Project. They included Taziff Koroma, a former TRC researcher and academic of over 20 years’ standing, Paul James-Allen, one of the driving forces behind the WITNESS partner organisation National Forum for Human Rights (NFHR), and Abraham John, an educationalist and author on transitional justice with over ten years’ experience. Together with Gavin Simpson, these Sierra Leonean activists drew up a proposal to reconstitute an existing organisation called Conflict Management and Development Associates (CMDA) as a dedicated TRC follow-up vehicle.

93. CMDA has existed since 2000 as an NGO that specialises in making “well-timed, strategic interventions” into the process of post-conflict transition. Its founders - four local civil society members - had identified critical gaps in the co-ordination and effective delivery of projects supposed to strengthen the practice of good governance and the promotion of human rights in Sierra Leone. In particular, they had concluded that poor information sharing, a lack of transparency and a dearth of transferable skills among existing NGOs were hampering collective progress. It was a conclusion that accorded substantially with WITNESS’ analysis of the shortcomings in civil society’s approach to TRC follow up.

94. CMDA’s stated mission is “to engage the population of Sierra Leone in more open, interactive and progressive relationships with one another, and with the executive, legislative and judicial branches of government”. CMDA strives towards a democratic and pluralistic society based on values such as fairness, tolerance, human dignity and respect for human rights. This profile - along with the proven calibre of the people would form CMDA’s core team - fitted the bill for a national organisation to take the lead in implementing TRC follow-up activities. WITNESS endorsed CMDA as a key partner in the TRC Follow-Up Project and helped CMDA to secure a grant of $30,000 from the Fund for Global Human Rights to act as the lead implementing organisation.

95. In conjunction with CMDA, WITNESS enlisted the support, in varying degrees, of around 15 further civil society organisations for the TRC Follow-Up Project. They included Campaign for Good Governance (CGG), Centre for Co-ordination of Youth Activities (CCYA), Centre for Democracy and Human Rights (CDHR), Conciliation Resources (CR), Forum for African Women’s Educationalists (FAWE), Forum for Democratic Initiatives (FORDI), Sierra Leone Court Monitoring Programme (SLCMP); Women’s Forum; Legal Access through Women Yearning for Equality Rights and Social Justice (LAWYERS); and the Young Men’s Christian Association (YMCA). Effective partnerships were also formed with the Sierra Leone Association of Journalists (SLAJ) and the Bar Association.
96. In effect, the TRC Follow-Up Project helped to create a network of shared responsibility among local civil society groups. WITNESS and CMDA recognised at an early stage that the TRC recommendations encompassed too broad a range of thematic areas for any single organisation to deal with them all authoritatively on its own. Even a cursory glance at the Recommendations chapter in the TRC report shows that the recommendations are divided into 17 separate headings with themes as diverse as “The Protection of Human Rights”, “The Security Services”, “Fighting Corruption”, “Children”, “External Actors”, “Mineral Resources” and “Reparations”.

97. As a result of this thematic diversity, WITNESS and CMDA decided that different partners could be brought into the network to advocate for different recommendations, depending on the strategic value of those recommendations to the organisation in question. For example, advocating for the recommendations on “Women” was a responsibility shared with Forum for African Women’s Educationalists (FAWE) and the Women’s Forum. Similarly, advocating for the recommendations on “Youth” was a responsibility shared with the Centre for Co-ordination of Youth Activities (CCYA) and the Young Men’s Christian Association (YMCA).

98. The scope of the network formed by the TRC Follow-Up Project served to emphasise the universal relevance of the TRC recommendations to all sectors of Sierra Leone civil society. Whether an organisation works in education or healthcare, anti-corruption or police reform, reconciliation or overhauling the judiciary - there are invariably measures of interest to it within the TRC recommendations programme. WITNESS attempted to capitalise on this universal relevance to encourage organisations from starkly different backgrounds to nevertheless network together in pursuit of the same advocacy goals.

99. The other major consideration in networking closely together was that it would help local civil society groups to get their message across more effectively. In the past many organisations would simply mount ad-hoc, individualistic calls to Government, which ultimately proved futile and easy to dismiss. The TRC Follow-Up Project instead tried to achieve consensus among its members before making any statements in public. It was an effort to develop a strong, unified and consistent advocacy voice, of which the Government will take notice and whose input will influence policy-making processes.

CIVIL SOCIETY WORKING SESSION ON THE ‘TRC WHITE PAPER’

100. One of the first efforts at forming a unified position among the members of the TRC Follow-Up Project was the Civil Society Working Session on the TRC White Paper. CMDA hosted the session on Monday 19 September 2005, with some 20 participants in attendance from many of the above-listed partner organisations.

101. The original objective of the session was “to produce and agree upon a collective civil society response to the White Paper, reflecting the consensus of all the participants present”. CMDA planned to deliver this response to the Government, the media and the international community in order to “reflect the serious concerns shared by most human rights NGOs” and to form “part of the continuing advocacy campaign to push for the implementation of the TRC recommendations.”
The participants in the working session were cautiously optimistic that such a response might have an impact on Government, particularly in the light of an apparent invitation for civil society to become involved, made by the Attorney-General F. M. Carew in his interview for the IRIN News article in July 2005:

“If civil society wants to give input [based on the White Paper], they are free to submit it and the Government would take that input into consideration in implementing the TRC recommendations.”

Thus a lively and very constructive debate on the White Paper ensued. A roundtable format was used, with every participant receiving a copy of the White Paper and a “skeletal draft” of the civil society response, which they could annotate to reflect the content of the discussion. CMDA Associates Paul James-Alen and Taziff Koroma led the discussion, referring to particular passages in the draft text and soliciting comments from the floor. WITNESS consultant Gavin Simpson offered limited contributions based on his knowledge of the rationale behind some of the more contentious recommendations. The session lasted for four hours and - unusually in Sierra Leonean meetings - almost everyone stayed (and stayed awake) until the end.

The product of the session was a ten-page critique, offering detailed responses on almost every paragraph of the White Paper. The main consensus sentiment was one of abject disappointment that the Government had used its White Paper to obfuscate and dodge its legal obligations, rather than to explore constructively the means by which the TRC recommendations could be put into practice. The critique highlighted crucial omissions in the White Paper, urged the Government to make good on the few pledges it had made and extended several offers of assistance in areas where the excuse for non-implementation was lack of resources. The critique ended with the following passages:

"Civil society trusts that this White Paper is not the Government’s final policy document on implementation of the TRC recommendations. Simply stated, we believe that the people of Sierra Leone deserve better and we know that the Government of Sierra Leone can do better.

A new process should now be devised to seek comments and feedback from the public. We in civil society stand ready to make input into a more comprehensive and detailed ‘TRC White Paper’ and we look forward to engaging directly with Government in the coming weeks."

Nonetheless, the most gratifying element of the Civil Society Working Session on the TRC White Paper turned out not to be the consensus document it produced, but the evidence it seemed to yield of a more strategic mode of thinking. Having typed up the critique, CMDA reflected on its advocacy strategy in consultation with WITNESS and other partners, including the International Centre for Transitional Justice (ICTJ), and decided not to deliver the document to the Government or to circulate it to the press. It was felt that to deliver such a critique might prove to be counter-productive, because it would cast civil society as adversaries of the Government, rather than its allies (despite the conciliatory tone of the concluding passages). Upon reflection, it was felt that Government was more likely to be irritated by the critique than spurred into action by it - despite the rhetoric of the A-G.

CMDA instead shared the critique only among its fellow NGOs, for their use in ongoing advocacy and public education activities to highlight the deficiencies of the White Paper. This approach demonstrated growing maturity and self-assurance on the part of civil society - both of which are, in themselves, evidence of enhanced capacity to effect social change.
107. One week after the working session, on Monday 26 September 2005, WITNESS helped to arrange another valuable networking opportunity for the TRC Follow-Up Project, this time on an international scale. In addition to WITNESS, the local civil society groups were joined by Marieke Wierda and Kelli Muddell from the International Centre for Transitional Justice (ICTJ), who were visiting Sierra Leone in an effort to gauge the extent and likely success of civil society efforts to see the TRC recommendations implemented.

108. ICTJ offered the participants - representing about five different organisations - some excellent advice with regard to the timing and nature of their interventions into Government policy-making processes. The forum then developed into an experience-sharing exercise, where anecdotes of successful and unsuccessful civil society initiatives in Sierra Leone were compared and contrasted with the lessons of other post-conflict states.

109. In particular, the members of the TRC Follow-Up Project were eager to know how TRC follow-up work had been done in other countries, and with what results. ICTJ pointed out that problems had arisen almost everywhere with the implementation of TRC recommendations. Indeed, if Sierra Leone were to succeed in having legislation passed or the Constitution amended, it would become an example for others to follow. Thus, civil society should identify ways of helping the process forward rather than indulging in petty points-scoring with Government or with one another - after all, Sierra Leone had the opportunity to make history.

110. It was in this forum that members of the TRC Follow-Up Project came to an important decision as to their engagement with Government in the ensuing months. There would be no more confrontation in the form of loaded press releases or letters taking the Government to task. Instead the TRC Follow-Up Project would seek to lend substantive assistance to Government in a spirit of common purpose. The glaring reality of the Sierra Leone situation is that Government needs to benefit from capacity-building initiatives just as much as civil society does. Therefore, as WITNESS and ICTJ later discovered, there are times when civil society is better advised to take a “hands-on” approach to policy reform than it is to take the “gloves off” in barracking the Government for failing to implement the reforms itself.

CIVIL SOCIETY “YOUTH CALL-TO-ACTION” DAY

111. Another aspect of WITNESS’ capacity-building role in Sierra Leone has been to help smaller organisations with limited resources to realise their ideas for new, more ambitious programmes. In particular, WITNESS has been eager to work with small organisations when they have requested assistance in incorporating video into their advocacy activities. A good example of this form of collaboration was the “Youth Call-to-Action” around the TRC recommendations, which took place on Wednesday 16 November 2005.

112. This initiative grew out of WITNESS’ work with scores of young people in various different settings. On the one hand, it was a natural extension of WITNESS’ formal co-operation with groups like the Centre for Co-ordination of Youth Activities (CCYA) during the TRC Follow-Up Project. On the other hand, it was actually conceived during informal discussions with a group of youths after a video screening in the East End of Freetown. The youths were adamant that more people of their age should be encouraged to watch films that enhance their awareness of what is happening around them and demonstrate how they can contribute to social change.
Such discussions led the WITNESS consultant to include a “Youth Call-to-Action” Day in the schedule for “TRC Follow-Up Week”, which was planned for mid-November. He invited a variety of youth organisations to contact him with ideas as to how they could use the WITNESS video to create a successful forum for youth. The first partner to come forward was the Young Men’s Christian Association (YMCA), whose National Youth Secretary Aiah Kpakiwa wrote to WITNESS on 25 October 2005. The letter stated:

“We kindly request to hold a screening of ‘Witness to Truth’, the TRC video documentary, during the YMCA week of prayer... which brings together membership of YMCA and YWCA from all over Sierra Leone.

We propose to designate the day of the screening, 16 November 2005, as our “Youth Call-to-Action” Day. This day will give young people the opportunity to look at issues that are affecting their socio-political development and work out how they can constructively address these issues. We believe the WITNESS video will be the right tool for an afternoon session (2.00pm to 5.00pm), to start our membership talking about the TRC recommendations.”

WITNESS welcomed this display of genuine initiative from grassroots youth. WITNESS was especially encouraged that the proposed afternoon’s events at YMCA would also bring together the membership of three other civil society groups: the Young Women’s Christian Association (YWCA), the Centre for Co-ordination of Youth Activities (CCYA) and the Sierra Leone Youth Empowerment Organisation (SLYEO). Thus it represented a natural network of youth, converging around issues of mutual concern.

In line with its capacity building role, WITNESS loaned the YMCA all the necessary screening equipment, including video projector, large screen and audio system. WITNESS also helped to design the programme of speakers after the film, culminating in an open floor debate about the TRC recommendations. The event was a tremendous success, attended by around 200 young men and women, many of them from Provincial branches of YMCA and YWCA, some from as far away as Kono District. Two local newspapers covered the event, gaining vital press exposure for the “Youth Call-to-Action” Day and the TRC Follow-Up Project in general.

The focus on youth was augmented by a complementary event on the same day, kindly hosted by the Public Affairs Office of the United States Embassy in Freetown. The US Charge d’Affaires opened the event by congratulating WITNESS and its partners for such inventive and inclusive advocacy activities using the video. WITNESS consultant Gavin Simpson then introduced the TRC Follow-Up Project to an audience including about 50 youths, as well as NGO representatives working in youth empowerment, inter-faith bodies, market women’s organisations, educationalists and business people from the technology sector.

The screening of “Witness to Truth” at the Embassy was followed by a question-and-answer session that lasted for nearly two hours. The heads of several participating organisations made statements – many of them prepared in advance – about what they foresaw as the integral role for youth in seeking implementation of the TRC recommendations. This session, like the rest of “Youth Call-to-Action” day, showcased the incredible potential of young people in Sierra Leone to participate in processes to effect social change, particularly in view of their extraordinary level of engagement in complex political issues. WITNESS can be proud that many of the most promising, inspirational exchanges among the civil society members of tomorrow were stimulated by the “Witness to Truth” film and the difficult questions it poses for Sierra Leone’s future.
“TRC SENSITISATION TRAINING” FOR CIVIL SOCIETY

118. On Friday 18 and Saturday 19 November 2005, UNAMSIL Human Rights Section organised a two-day workshop at the UN Headquarters, in the Mammy Yoko Hotel in Freetown. The objective of the workshop was to train a large number of civil society delegates from each of the twelve Provincial Districts, plus Freetown, to use the final report of the TRC - and the “Witness to Truth” video - in their public education and advocacy work at community level. In recognition of the significant expertise and experience brought to bear in the TRC Follow-Up Project, UNAMSIL asked WITNESS to conduct this training in conjunction with its local NGO partners.

119. All the civil society participants in the training were selected to attend the workshop by their respective District Human Rights Committees. Each delegate would be required to go back to his or her Committee after the workshop and pass on the skills and techniques acquired to the other Committee members. For this reason, the workshop was styled as a “Training of Trainers”, or TOT, activity, which it was hoped would have a significant “multiplier effect” across the country.

120. WITNESS consultant Gavin Simpson led the training workshop on behalf of the TRC Follow-Up Project. The training team also included Momoh Taziff Koroma, another former TRC researcher, who is now Associate Director of Conflict Management and Development Associates (CMDA). In addition, the heads of two of Sierra Leone’s leading civil society organisations joined the team, bringing considerable knowledge and experience from the field. First, Valnora Edwin, the Acting Co-ordinator of Campaign for Good Governance (CGG); second Charlie Hughes, the Director of WITNESS partner organisation Forum for Democratic Initiatives (FORDI).

121. A total of sixty-eight (68) delegates attended the training workshop for the full two days. They represented civil society organisations with a diverse range of backgrounds and programmes. They included advocates for gender equality (like 50 / 50 and the Women’s Forum) and prominent Provincial human rights groups (like Centre for Democracy and Human Rights (CDHR) and United for the Protection of Human Rights (UPHR). They also included media outlets (like Talking Drum Studios and Radio Maria) and legal assistance initiatives (like Timap for Justice and Youth Crime Watch. There was enthusiastic engagement and participation from all quarters, particularly during the group work and the interactive sessions. The training covered a representative cross-section of Sierra Leonean civil society as a whole.

122. This training workshop also saw the first use of the “Witness to Truth” video as a training tool. The team used a novel approach to the video, dividing the film into the different sections of the DVD and screening each section to correspond with a broader discussion of that aspect of the TRC report. In addition, during the interactive sessions, participants were asked to prepare presentations that they could deliver to rural communities to introduce them to the video. Several of the participants demonstrated a real flair for public oratory, not to mention good use of humour to get their message across. One female delegate from the outlying Kailahun District held up a VHS cassette and said to the audience: “this might look like a small block of plastic to you, but it holds inside it more magic than the juju bush!”
123. The training format worked extremely well and seemed to convince the UN that the video should become an integral part of any TRC sensitisation efforts conducted by the United Nations mission in Sierra Leone. The following excerpts of the UN’s official training report (dated 28 November 2005) testify to the impact that the WITNESS video had during the workshop - and perhaps on sensitisation strategies throughout civil society:

"The TRC video version, “Witness to Truth”, was used to complement the presentations of the facilitators. “Witness to Truth”, which was produced by the US-based NGO WITNESS, provides a powerful and thought-provoking insight into the TRC process. The film contains harrowing footage of the conflict, moving testimonies of Sierra Leoneans to the TRC and a compilation of findings and recommendations from the final TRC report. It creates a compelling case for implementation of the TRC recommendations...

For the purposes of this training workshop, the DVD of “Witness to Truth” was a particularly convenient and useful tool. The DVD is divided into twelve (12) different chapters, each of which can be played on its own or in selected compilations. The facilitators began by showing the opening chapter, entitled “The Role of the TRC”, which features the TRC Chairman, Bishop Joseph Humper, articulating the components of the TRC mandate. The video proved to be very effective throughout the workshop, as it allowed the participants to learn about the TRC process “first-hand” from its key players and witnesses.

The strengths of the WITNESS video in conveying the narrative and findings of the TRC report were perhaps best illustrated during the morning session on the second day. Two sections of the video, entitled “The Military and Political History of the Conflict” and “The Nature of the Conflict” were shown, including some of the most moving testimonies of the entire film. Delegates became much more animated in response to these filmed testimonies and seemed to nod approvingly at some of the conclusions made in the video’s narrative. Afterwards, many delegates remarked how the footage reminded them of incidents they themselves had experienced during the war.

The video made it clear that the war’s most defining characteristic was its self-destructive nature. The overwhelmingly majority of abuses were committed by Sierra Leoneans against Sierra Leoneans. It was a war measured not so much in battles and confrontations between combatants as in attacks upon civilian populations. With observations like these, the video left the participants in a mood of sombre reflection...

[At the end of the workshop]... the UNAMSIL Human Rights Section implored the newly trained trainers to work together to conduct at least one sensitisation activity on the TRC report and recommendations in every Chiefdom before the end of the year. Each of the District Human Rights Committees has been given at least one copy of the ‘Witness to Truth’ video for this purpose. There is no doubt that in equipping these civil society trainers with the skills and materials they need to perform their task, WITNESS has done a great service to the process of transitional justice in Sierra Leone."
VII. **STRATEGIC PARTNERS:** Screenings and Interactive Forums with donors and international agencies

124. An anomaly of the post-conflict “democracy” in Sierra Leone is that the Government is much more concerned about its accountability to foreign donors than about its accountability to the Sierra Leonean people. It is perhaps inevitably so when Government relies on foreign aid for 70% of its annual budget. This situation must be taken into consideration when planning an advocacy campaign that relies upon Government accountability and adherence to rule of law for its success. There is no greater leverage in policy-making processes in Sierra Leone than the pressure applied on Government by donors or international agencies to act in a particular way.

125. The TRC Follow-Up Project therefore set out to enlist the key foreign donors and international agencies in Sierra Leone as allies - or “strategic partners” - in pushing for the implementation of the TRC recommendations. The partners targeted included the British High Commission (along with DfID, the UK Government’s international development agency), the US Embassy (including USAID), the EU Delegation, the United Nations Development Programme (UNDP) and the UN High Commissioner for Human Rights (OHCHR) through the Human Rights Section of UNAMSIL.

126. It was hoped that such strategic partners would use their regular high-level meetings with Government officials to ask more searching questions about progress on TRC implementation. As time passed without signs of implementation, it was then hoped that donors could begin to apply pressure on Government to comply with its legal obligations under the TRC Act and, ultimately, make their future funding contributions “conditional” upon the implementation of some or all of the TRC recommendations.

127. Early in the TRC Follow-Up Project, the WITNESS consultant identified deadlines or “marker dates” by which important steps forward would have to be made. For the planned use of leverage from donors and international agencies, the key dates were 29 to 30 November 2005. This two-day period was the rescheduled date of the Consultative Group (CG) meeting, which would bring together all Sierra Leone’s key donors around one table in London and extract pledges and plans from them for assistance to Sierra Leone in the years ahead. This event was set to cast a major international spotlight on Sierra Leone and offered the perfect opportunity for strategic partners of the TRC Follow-Up Project to hold the Government to account on its (non-)implementation of the TRC recommendations.

128. With the CG meeting looming, WITNESS and its NGO partners had just a few months to forge meaningful strategic partnerships. It was decided that such partnerships should be initiated by inviting the lead persons within each donor or agency to attend a screening of the WITNESS video “Witness to Truth”. Attendance at such a screening would introduce these lead persons to the subject matter in a professional, non-confrontational manner and would demonstrate the authority of WITNESS and its partner organisations to talk about TRC follow-up issues. Having made a good first impression, the TRC Follow-Up Project would then arrange to hold a so-called “Interactive Forum” with each of its targeted strategic partners individually.
129. An “Interactive Forum” would typically take the form of a small-group meeting involving the key power brokers (Ambassadors, Heads of Mission, unit heads only) within the donor or international agency. It would be a concentrated two-hour discussion with plenty of scope for exchange of perspectives. During such a forum, the TRC Follow-Up Project team would give a clear and concise outline of the project’s principal aims and objectives and propose their step-by-step strategy towards those objectives.

130. Representatives of the donor government or agency present were then expected to make position statements and pledges, as well as asking questions, with regard to the implementation of the TRC recommendations. Based on these responses, the TRC Follow-Up Project team would canvass potential areas of co-operation and seek to establish a timeline for further briefings.

SCREENINGS AND “INTERACTIVE FORUMS” WITH THE UK GOVERNMENT

131. One of the most sustained strategic partnerships established by the TRC Follow-Up Project was with the Government of the United Kingdom, principally through its Foreign and Commonwealth Office (FCO). The outpost of the UK Government’s FCO in Sierra Leone is the British High Commission, which exercises considerable diplomatic sway over the policies and planning of the Sierra Leone Government. Moreover, the UK Government’s Department for International Development (DFID) is one of the country’s foremost donors and has tremendous influence in the affairs of institutions like the Anti-Corruption Commission (ACC) and the Justice Sector Development Programme (JSDP). Last but not least, the UK Government had agreed to host the CG meeting in London in November 2005 and was therefore in control of the agenda for those key talks.

132. The partnership with the British High Commission was instigated by an invitation to attend the screening of “Witness to Truth” and the stakeholders’ conference at the British Council Auditorium on 11 May 2005. The British High Commissioner, Sir John Mitchener, attended the screening in person and was accompanied by both the First Secretary and the Second Secretary of the High Commission. This high-level delegation stayed throughout the screening and the ensuing discussion, which was dedicated to taking stock of progress made in TRC follow-up activities. The First Secretary WITNESS afterwards to convey the satisfaction of the High Commission with the programme and to express support for WITNESS’ ongoing efforts.

133. Subsequently, WITNESS and its civil society partners were able to arrange three successive Interactive Forums with high-level members of the UK Government. On each occasion, visiting members of the Foreign and Commonwealth Office (FCO) from London joined the forum, along with BHC First Secretary James Roscoe. The discussions allowed the UK Government to gain an in-depth understanding of the objectives and advocacy strategies of the TRC Follow-Up Project, and in many instances to provide invaluable strategic support.

134. The first forum took place on 25 July 2005. The British delegation was briefed on the delivery of the TRC report from Ghana, provided with an analysis of the Government “White Paper” from civil society’s perspective and informed of the likely components of the TRC Follow-Up Project’s advocacy strategy. In attendance were the Desk Officer for Transitional Justice Mechanisms from the FCO War Crimes Section and the FCO Legal Adviser on War Crimes, both of who were visiting Sierra Leone on a short fact-finding trip.
The second forum took place on 20 September 2005, hosted by the fully-formed team of Conflict Management and Development Associates (CMDA) at their office in Freetown. The two-hour meeting developed into arguably the most fulfilling of all the discussions held with strategic partners during the TRC Follow-Up Project. In attendance was the Head of the FCO Justice and Rule of Law Team, an esteemed diplomat with a wealth of experience in many countries around the world. He asked difficult, probing questions of the local advocates and seemed to bring out the very best in them. He was extremely well-versed in the deficiencies of the White Paper and provided lucid reasoning as to why the Sierra Leone Government had issued such a document. He agreed to raise the TRC Priority Recommendations with the Solicitor General and to facilitate a meeting between the TRC Follow-Up Project and the Law Officers’ Department with the British High Commission’s support. He remained an active strategic partner by e-mail after his departure.

The third forum took place on 24 November 2005, again at the CMDA office. This was the critical period in which the parameters of the discussion at the CG meeting were being finalised and civil society had its last chance to make a case for the TRC recommendations. In attendance was the FCO Sierra Leone Desk Officer, who met with many members of the Government delegation to the CG before attending the forum. It was during this meeting that the UK Government informed the TRC Follow-Up Project team that, while the TRC recommendations would certainly be raised as a point of scrutiny at the CG meeting, there could be no further elements of “conditionality” attached to funding pledges to the Sierra Leone Government.

The upshot of these interactive forums was that the TRC recommendations were elevated onto the agenda for the landmark CG meeting, but the Sierra Leone Government could not be denied funding from the meeting on the basis that it has failed to implement any or all of the TRC recommendations. This result has to be regarded as an advocacy triumph, albeit that the optimal outcome would have been to achieve funding “conditionality” based on the extent of implementation of the TRC recommendations.

The strategic partnership has yielded longer-term benefits for the TRC Follow-Up Project in any case. First, the British High Commission has pledged to lend its full support to efforts to have enabling legislation for the TRC recommendations passed in the Sierra Leone Parliament. Second, the UK Government has pledged to consider (non-)implementation of the TRC recommendations as a possible element of “conditionality” on funding for Sierra Leone at the next CG meeting when it takes place in 2007. The achievement of this latter pledge should remain as one of the outstanding objectives of the TRC Follow-Up Project in the months ahead.

SCREENINGS AND “INTERACTIVE FORUMS” FOR THE US GOVERNMENT

Another vital strategic partner proved to be the United States Government, principally through its Embassy in Freetown and its active USAID presence in Sierra Leone. A variety of key staff from the US Embassy attended the screening of “Witness to Truth” on 11 May 2005 and quickly made contact with the WITNESS consultant afterwards to enquire about the possibility of dedicated briefings on the progress of TRC follow-up.
140. After a series of e-mail exchanges and telephone conversations, the WITNESS consultant worked closely with the Political and Economic Affairs Officer, Rachael Doherty, to organise a two-part TRC follow-up programme for the US Embassy. The plan was to hold a large-group screening of “Witness to Truth” first, to enable all the Embassy staff, both national and international, to learn about the TRC process and the ongoing public education activities run by WITNESS and its partners. One or two days after the screening, the Embassy would then convene a more focussed, small-group “Interactive Forum”, at which members of the TRC Follow-Up Project would hold high-level discussions on issues of implementation and common concern.

141. On Friday 14 October 2005, “Witness to Truth” was screened to a large audience in the Martin Luther King Jr. Library, the biggest available auditorium at the US Embassy. A crowd of nearly 200 people attended, including the US Ambassador, various Section Heads and all the local and international staff members. The event was run jointly by WITNESS and CMDA. The US Ambassador to Sierra Leone, Thomas N. Hull, introduced the screening with the following words:

"Today we’re hosting a very important presentation - in the form of a video prepared by WITNESS - that reflects the tragedy of war in Sierra Leone.

We thought it was particularly important for us to have our local employees present at this screening. Though it undoubtedly brings back painful memories for them of what went on during the war, the video also gives them an opportunity to talk about their impressions of truth and reconciliation and the entire process in the country.

For the Americans present - those who have not experienced this extremely traumatic period in Sierra Leone’s history - the movie provides an opportunity to understand better what our employees, and their country, have been through. I urge all of you to watch carefully."

142. After the screening, a moving plenary discussion took place for nearly an hour, including reactions, responses and comments from the floor. Sierra Leoneans and Americans alike asked pertinent questions and gave poignant testimonies of their own experiences. WITNESS presented several copies of the video to members of the audience and also left various formats in the US Embassy library for borrowing purposes. In delivering the vote of thanks, US Ambassador Hull said:

"Thank you so much to WITNESS for sharing your work with us - it’s work that is of great importance and great interest to everyone in Sierra Leone."

143. WITNESS and CMDA returned to the US Embassy on 17 October 2005 for a two-hour “Interactive Forum” to engage the backing of the US Government for the advocacy objectives of the TRC Follow-Up Project. The US Ambassador chaired the forum. In attendance were also the Director of USAID, Christine Scheckler, the Political and Economic Affairs Officer, Rachael Doherty, the Public Affairs Officer, Brenda Soya, and the USAID Democratic Governance Officer, Abdulai Jalloh. The TRC Follow-Up Project team presented advocacy priorities from among the TRC recommendations, discussed a proposed approach towards enabling legislation in Parliament, and sought guidance as to how to approach Government in advance of the CG meeting.
144. This forum with the US Embassy yielded several positive outcomes on the advocacy front. Most importantly, the US Ambassador accepted a position paper on implementation of the TRC recommendations to incorporate into his preparation for the CG meeting in London. This paper, which was jointly prepared by the US Embassy and the TRC Follow-Up Project, later formed the basis of a briefing to a Congressional Committee on Africa at the US Congress in Washington, DC.

145. WITNESS was subsequently invited to a further forum on 16 November 2005 hosted by the Director of USAID, Christine Scheckler. This occasion, held over dinner at a private residence, afforded the WITNESS consultant an opportunity to provide much more background detail to the formulation of the TRC Follow-Up Project and WITNESS’ involvement in it. In attendance was the US State Department Desk Officer for Sierra Leone, who was visiting Freetown for the first time having recently been reassigned from his Liberia brief. Both the Desk Officer and the USAID Director made notes on their discussions with WITNESS as to the priorities for investment and project planning arising out of the TRC recommendations. As a member of the US delegation to the CG meeting less than two weeks later, the USAID Director said she gained a lot from this forum.

SCREENINGS AND “INTERACTIVE FORUMS” FOR OTHER AGENCIES

146. The tried and trusted formula for “Interactive Forums” was applied to a further five strategic partnerships between July and late November 2005, in advance of the CG meeting. A key partnership was formed with the European Union Delegation, including forums on 25 July and 14 November 2005. EU Head of Delegation Jeremy Tunncliffe travelled to the CG meeting with a full set of briefing materials from the TRC Follow-Up Project and provided valuable donor feedback upon his return. Similarly, the team made a presentation to a high-level meeting of Section Heads at the United Nations Development Programme (UNDP) on 26 October 2005 and used excerpts of “Witness to Truth” to illustrate points about the TRC process.

147. WITNESS also established an excellent working relationship with UNAMSIL Human Rights Section, the body within the UN mission responsible for distributing the TRC report and linking with civil society on follow-up issues. The WITNESS consultant offered advice to the Human Rights Section on its creation of a shortened, simplified version of the TRC report, known as “My TRC Report”. WITNESS worked with local NGOs to organise the “TRC Sensitisation Training” for about 70 civil society delegates in November (see previous section). Moreover, the TRC Follow-Up Project team held a screening and interactive forum on 4 November 2005 at which all 16 UN Human Rights Officers were in attendance, as well as two UN Volunteers (UNVs) from Sweden and Burkina Faso, and the Head of the Human Rights Section, Benedict Sannoh.

148. As a result of these interactions, the TRC Follow-Up Project was invited to make a formal submission to the United Nations Human Rights Stakeholders’ Conference in Freetown from 6 to 8 December 2005. The conference was well attended by representatives of Government, the international community, UN agencies and civil society groups from all over the country. UNAMSIL agreed to include implementation of the TRC recommendations as a priority measure within its national plan of action on human rights and rule of law. This action plan helped to inform the mandate of the new United Nations Integrated Office in Sierra Leone (UNIOSIL), which began its work on 1 January 2006 as the successor to UNAMSIL.
The TRC Follow-Up Project also deemed it necessary to hold interactive forums with influential international NGOs whose own campaigns and advocacy activities on the global stage might exert a degree of leverage over Government. The first time WITNESS used this approach was on 11 September 2005, when “Witness to Truth” was screened for the Campaign Team of Medico International. Medico is a German NGO that has invested heavily in advocacy to hold international mining companies to account for their roles in fuelling conflict in resource-rich countries in Africa. Its Sierra Leone programme focuses on the responsibilities of the diamond industry and the role of diamonds in fuelling the hostilities. WITNESS and CMDA held a joint forum for Medico’s staff and local partners to brief them on the TRC recommendations (particularly reparations) in advance of their participation in the Amputees and War-Wounded National Conference in Freetown on 14 September 2005.

WITNESS also succeeded in linking the TRC Follow-Up Project into the ongoing Sierra Leone campaigns of Amnesty International, both through its International Secretariat and its Special Programme on Africa. WITNESS held a forum for two Researchers and two Field Officers on 6 October 2005, which facilitated a wide-ranging discussion on the best forms of intervention into post-conflict societies for international NGOs. WITNESS and CMDA subsequently met with Amnesty International on several occasions and co-ordinated advocacy positions for important events like the UN Stakeholders’ Conference and the CG meeting.

ADVOCACY POSITION FOR THE CONSULTATIVE GROUP (CG) MEETING IN LONDON

Having formed a diverse range of strong strategic partnerships in the preceding months, the members of the TRC Follow-Up Project succeeded in reviving the issue of the TRC recommendations as a matter of donor concern in time for the CG meeting, 29 to 30 November 2005. One final initiative, proposed by Amnesty International, was to issue a Press Statement from civil society on the eve of the meeting to ensure that the TRC recommendations remained high on the agenda of all the participants. A Joint Press Statement from Amnesty International, WITNESS, Campaign for Good Governance (CGG), Conflict Management and Development Associates (CMDA), Centre for Democracy and Human Rights (CDHR) and the SL Bar Association was released on 28 November 2005. In its key passages, the statement read:

"[We] wish to use the occasion of the CG meeting to highlight issues of mutual and urgent concern around Government’s lack of progress in implementing the recommendations of the TRC... Government is required by the TRC Act 2000 to [do so] in a ‘faithful’ and ‘timely’ manner. Yet more than one year after receiving the TRC report, Government has shown little sign of commitment to its legal obligations. We urge all the participants in the CG meeting to apply the utmost scrutiny to the level of progress made by Government in implementing the TRC recommendations. Such scrutiny is required in holding Government to account on its undertakings to build a modern democratic society..."

The CG meeting was primarily about the Poverty Reduction Strategy Paper (PRSP) rather than the TRC. Nonetheless, several donors at the CG referred to implementation of the TRC recommendations as being among the priorities for Government action. The TRC Follow-Up Project can draw considerable satisfaction from the fact that its strategic partners carried the message to this key forum. According to one observer:

"All in all the TRC recommendations got good airtime, good visibility at the CG... and the head of the Government delegation was forced to address the issue!"
VIII. **LAW REFORM:** Supporting the “Drafting Committee” to create a TRC Recommendations Omnibus Bill

153. During the Civil Society Working Session on the TRC White Paper in September 2005 (see Section VI), members of the TRC Follow-Up Project speculated as to potential explanations for such an unsatisfactory response from Government to the TRC recommendations. The cynical and perhaps most obvious explanation was that Government had **no political will** to undertake such an ambitious programme of reforms, particularly when it entails giving up legal powers that can conveniently be used to achieve political ends. Another suggestion in the same vein was that Government had deliberately displayed **no regard for its legal obligations** under the TRC Act and was intent on resisting all efforts at reform borne out of a TRC process that had, after all, made several damning indictments of Government in its Findings.

154. The explanations put forward by WITNESS in its TRC Follow-Up Project were somewhat more nuanced and more optimistic, however. In line with the civil society consensus approach of non-confrontation, WITNESS adopted the view that the **White Paper presented an opportunity rather than an obstacle.** Since the official Government response was so bereft of concrete measures or legal reforms, it could conceivably fall to civil society to produce a more viable, detailed legislative proposal that Government might later seek to adopt in place of its White Paper.

155. The assumption (or benefit of the doubt) behind WITNESS’ view was that Government was not directly opposed to implementing the TRC recommendations, but rather was unable to do so due to a combination of restricting factors. Among these factors were a **lack of understanding** of some of the TRC recommendations and a **lack of capacity** to produce professional draft laws that would give them effect. Furthermore, the Government had **failed to appreciate the potential “positive political capital” to be gained from putting such a modernising, progressive rights-based agenda into practice.** If WITNESS and its partners in local civil society could convince Government that implementing the TRC recommendations would be to its benefit - in political, international, financial or electoral terms - then the TRC Follow-Up Project would stand a much greater chance of making progress towards its advocacy objectives without official obstruction.

156. In a spirit of positive co-operation, WITNESS arranged meetings with the **Law Reform Commission** and the **Law Officers’ Department** in September 2005. The objectives of these meetings were to obtain a clear and up-to-date picture of ongoing efforts at law reform in Sierra Leone and to ascertain whether any progress was already being made through legislation towards implementation of the TRC recommendations. In the event that no such work was ongoing, WITNESS resolved to harmonise its objectives with these two important bodies and “relieve the burden” on them by embarking upon a law reform initiative under the TRC Follow-Up Project.

157. The **Law Reform Commission** is the body mandated to develop, improve and modernise the laws of Sierra Leone. Government referred extensively to the Law Reform Commission in the White Paper, citing important areas of the TRC recommendations - such as libel laws, citizenship and corporal punishment - that were under its review and therefore could not be commented upon. The reality of the situation, confirmed in a meeting on 7 November 2005, was that the Commission was **severely under-resourced and overburdened** with work on issues such as inheritance and land ownership: it was therefore **incapable of drafting any new legislation to implement the TRC recommendations.**
Meanwhile the Law Officers’ Department at the Ministry of Justice was far more receptive to the offer of assistance from the TRC Follow-Up Project than expected. In a high-level meeting on 28 October 2005, at which the Attorney-General, the Solicitor-General and the Senior State Counsel were in attendance, the Department made clear its position that the White Paper was not its last word on the TRC recommendations. Indeed, the Solicitor-General Tunde E. Cole told WITNESS and its partner NGOs that Government was eager to explore means of implementing the TRC recommendations, but that these means had to take into account the “context” of potential major legislative and constitutional reform. The Solicitor-General told the meeting that the area in which Government would most welcome the expertise of civil society or international partners would be in assisting with legislative drafting.

**FORMATION OF A LEGISLATIVE “DRAFTING COMMITTEE”**

From an early stage in the TRC Follow-Up Project, one of WITNESS’ primary demands was for a “clear legislative agenda for the implementation of the TRC recommendations”. Ideally WITNESS hoped that this would take the form of a proposed new law, which could then be analysed and debated before being passed in Parliament. This demand formed part of the discussion between WITNESS and the President at State Lodge on 11 May 2005. It was included in the letters of both WITNESS and Angelina Jolie to the President in the wake of the disappointing White Paper. In fact it had featured in every briefing note or set of talking points that the TRC Follow-Up Project had produced. Yet the Government was clearly not going to deliver any legislative agenda, far less a coherent, technically sound item of draft legislation that could be considered for enactment by Parliament.

Members of the TRC Follow-Up Project thus came up with the idea of forming an independent committee of skilled legal minds in order to produce draft legislation for itself. The rationale was that civil society advocates could then hold aloft the draft legislation as the tangible “end product” of their advocacy campaign. They could offer the draft legislation to Parliament in tandem with the TRC report and ask Parliamentarians to consider it for enactment. They could also take the draft legislation to the Government, through its Law Officers’ Department, and work through the provisions with senior members of the executive to establish precise areas of Government agreement and disagreement. In short, the draft legislation would remove one of the main excuses for non-implementation (i.e. “we haven’t drafted the laws yet”) and would therefore become a powerful tool in the TRC Follow-Up Project’s “advocacy toolkit”.

Added legitimacy for a legislative drafting initiative was found in the TRC report itself, in the introduction to the Recommendations chapter. In contemplating possible strategies for the implementation of its recommendations, the TRC report states (at paragraph 19 of the chapter):

“The Commission proposes that Parliament enact an “omnibus Bill” to address those imperative recommendations that may be implemented by mere repeal of existing legislation or parts thereof. The Commission calls for such a law to be enacted without delay.”

Thus by producing a draft “omnibus Bill”, the TRC Follow-Up Project would be expressly advancing the achievement of the recommendations contained in the TRC report.
163. WITNESS quickly gained support for the formation of a legislative “Drafting Committee” from its main partner on the international level, the International Centre for Transitional Justice (ICTJ). WITNESS and ICTJ worked together to mobilise the necessary financial resources to support the committee. Ultimately WITNESS and ICTJ agreed to put up $8,000 USD of funding each, thus providing a total budget of $16,000 USD for the legislative drafting process. These funds would become available in early October.

164. The timeframe for the work of the “Drafting Committee” was extremely tight. WITNESS aimed to have a draft “TRC Recommendations Omnibus Bill” on the table by mid-November at the latest, in order to be able to apply pressure on the Government to coincide with the CG meeting in London, on 29 and 30 November 2005. Other important events, such as the Government’s end-of-year budget and the high-profile WITNESS benefit gala featuring the Sierra Leonean campaign in New York on 5 December, were due to follow shortly after the CG meeting. Thus it was imperative for the WITNESS consultant to devise a fast and efficient strategy for the “Drafting Committee”.

165. The central element of this “Drafting Committee” strategy was that the Committee would be housed under the “organisational umbrella” of an NGO within the TRC Follow-Up Project. The obvious choice for this role was Conflict Management and Development Associates (CMDA), WITNESS’ foremost local partner. WITNESS and ICTJ thus provided their funding for the process in the form of organisational grants to CMDA. In turn, CMDA took on a variety of additional responsibilities in overseeing the drafting process.

166. CMDA’s first responsibility was to establish the Drafting Committee itself. It was agreed that the Committee would consist of four members, all of whom would be Sierra Leonean legal practitioners with proven credentials in draftsmanship and / or human rights law. The Chairperson of the Committee was Jamesina King, an outstanding female lawyer in private practice and President of the pro-bono legal access organisation LAWYERS. Jamesina wrote parts of the Women’s and Children’s chapters in the TRC report and also had valuable prior experience in technical drafting exercises having worked as a consultant for UNDP. The second member of the Committee was Floyd Davies, a trained legislative draftsman and in-house legal expert for the World Bank-funded Decentralisation Secretariat. Third was Glenna Thompson, a member of one of Freetown’s most successful chambers and an advocate of considerable repute. Fourth was Abdul Tejan-Cole, probably Sierra Leone’s best-known human rights lawyer and President of the Bar Association. CMDA engaged each of the members of the Drafting Committee on an independent, one-month consultancy contract.

167. CMDA’s second responsibility was to continually support and monitor the work of the Drafting Committee. Support entailed paying consultancy fees to the Committee members and providing them with essential expenses for generator fuel and telephone cards. It also entailed making the CMDA office available to use as a meeting place, drop-off point and workshop location. Monitoring entailed reviewing and providing feedback on the first draft of the Bill, as well as organising regular meetings with the Committee members for briefings and to oversee adherence to their workplans.

168. CMDA’s third responsibility was to channel input from other NGOs and civil society groups into the work of the Drafting Committee. CMDA organised several meetings for this purpose and invited a variety of organisations from its civil society network to take part. In particular, groups like CGG, FORDI, CDHR and the Sierra Leone Court Monitoring Programme (SLCMP) were encouraged to play a major role in identifying key provisions for inclusion and ensuring the consistency of the draft Bill with the spirit and reasoning of the TRC.
CMDA’s fourth responsibility was to engage Parliamentarians, members of the Government (including the Ministry of Justice) and officials from bodies like the Law Reform Commission in the drafting process. The objective was to ensure efficient information sharing and engender a sense of common purpose around the work of the Drafting Committee, so that when its work was complete, influential groups in the legislature and the executive would ideally claim ownership of the Bill and support its passage into law.

A final deadline for the draft “TRC Recommendations Omnibus Bill” was set for 11 November 2005. As a result, the Drafting Committee had less than five weeks to complete its task.

**THE WORK OF THE LEGISLATIVE “DRAFTING COMMITTEE”**

The essential task (or terms of reference) of the Committee was to draft a legislative Bill to implement the recommendations made by the Sierra Leone Truth and Reconciliation Commission (TRC). The Bill had to have the character of a collective enabling instrument and would assume the working title of “TRC Recommendations Omnibus Bill”. The primary source material for the Bill would of course be the chapter entitled “Recommendations” in Volume Two of the TRC report.

The TRC divided its recommendations into three main categories, namely “Imperative”, “Work Towards” and “Seriously Consider”. The Drafting Committee was instructed to work first and foremost on the recommendations from the “Imperative” category, but also to attempt to incorporate provisions from the other categories where feasible and appropriate. The Bill would have to address in particular, albeit not exclusively, those imperative recommendations that may be implemented by repeal or amendment of existing legislation, or parts thereof, and those recommendations that may be implemented by limited amendment to the Constitution of Sierra Leone (Act No. 6 of 1991). The TRC Follow-Up Project did not want to instigate a wholesale re-writing of the Constitution, but it was accepted that certain recommendations, such as the abolition of the death penalty and the overhaul of the emergency powers regime, would necessarily impinge on some important constitutional provisions.

The Drafting Committee remained independent at all times. Input into the process from members of civil society, Parliamentarians, or representatives of the Ministry of Justice was deemed from the outset to bear the character of nothing more than advisory opinions. The Drafting Committee’s work was its own, such that the members of the Committee were only ever asked to explain and justify their work on technical and principled grounds. This clause ensured that the process was free from political interference and from being “hijacked” by the agenda of any particular NGO or agency involved.

Based on consultations with UNICEF and UNDP respectively, the Drafting Committee decided to exclude from the “TRC Recommendations Omnibus Bill” all the recommendations pertaining to children and some of the recommendations pertaining to women. These exclusions were justified by the existence of two other items of draft legislation: first, the long-standing “Child Rights Bill” pioneered by UNICEF; and second, the so-called “Domestication of CEDAW Bill”, pioneered by UNDP. The Drafting Committee obtained copies of these Bills and passed them on to CMDA for analysis. CMDA concluded that the Bills addressed the relevant areas of recommendations in the TRC report and in many instances went further than what was called for.
175. During the one-month remit of the Drafting Committee, CMDA convened a series of meetings to solicit input into the process from all the relevant stakeholders in the TRC Follow-Up Project. A total of four meetings were held for civil society groups, many of whom had already had an active part in the TRC Follow-Up Project. In addition, on 2 November 2005, WITNESS and CMDA met with the First Parliamentary Counsel Clarence Adusei, who customarily prepares all items of draft legislation for presentation to Parliament. CMDA apprised Mr. Adusei of the work of the Drafting Committee and secured his agreement to work together with its members to ensure the consistency and technical precision of the legislative Bill. CMDA also organised a group meeting with the members of the Parliamentary Human Rights Committee (PHRC) on 8 November 2005, at which 13 of the 15 members of the PHRC were in attendance. All of these meetings were important to ensure that the production of the final draft Bill would not come as a surprise to any important players in the implementation process.

THE “TRC RECOMMENDATIONS OMNIBUS BILL” AND ITS POTENTIAL PASSAGE INTO LAW

176. On 11 November 2005, a final draft of the “TRC Recommendations Omnibus Bill” was submitted. The Bill was the combined product of the work of all four members of the Drafting Committee, along with input made after the first draft by representatives of WITNESS, ICTJ, CMDA and other civil society groups. The Bill was 20 pages in length and, upon review, satisfied all parties in the TRC Follow-Up Project as a comprehensive enabling instrument for all the TRC’s “imperative” recommendations.

177. The drafting of such a Bill is a remarkable achievement and has done much to rectify the lengthy lull in the legislative process precipitated by the Government’s lacklustre “White Paper”. With such a Bill in circulation, civil society now has a definite focus for its advocacy calls to Government - not only in terms of the end result but also in terms of the process. Instead of saying merely “implement the TRC recommendations!” civil society can now say “implement the TRC recommendations by enacting the TRC Recommendations Omnibus Bill in Parliament!”

178. The “TRC Recommendations Omnibus Bill” can be passed into law in one of two ways. The conventional route for legislation is through the Law Officers’ Department, where the First Parliamentary Counsel will review and approve the Bill to the satisfaction of the Attorney-General. The Bill would then be presented to Parliament as Government-sponsored legislation, which is almost always enacted by large majority. However, this route has the disadvantages of terrible delays (the Child Rights Bill has been in the pipeline for over five years!) and the likelihood of unilateral amendment to suit the political agenda of Government.

179. The other, less conventional route is to have the “TRC Recommendations Omnibus Bill” presented to Parliament as a Private Member’s Bill. As a first step along this path, the Bill was put up for consideration by the Parliamentary Human Rights Committee (PHRC) at the end of November 2005. The PHRC must now familiarise itself with the provisions of the Bill and introduce it at a pre-legislative session of Parliament in early 2006. The Chairman of the PHRC, Dr. Alusine Fofanah, has personally endorsed the Bill and promises to be a powerful advocate for its passage into law when the Plenary debate takes place. At the time of writing, though, the success of the law reform strategy adopted by the TRC Follow-Up Project hangs in the balance.
WITNESS hopes that the incredible efforts of its partners in this initiative will be rewarded in the coming months with the passage of the TRC Recommendations Omnibus Act 2006.
IX. **DECISION-MAKERS:** Special Session of the SL Parliament on the TRC Report and Recommendations

180. An integral part of WITNESS’ agenda for social change is to take video advocacy to the seats of power throughout the world. For change to occur, we need to reach the executive offices where policies are crafted and the legislative chambers where laws are passed. This philosophy is central to the notion of grassroots empowerment. Victims and witnesses of human rights abuse are unlikely to have the chance to address key decision-makers in person, but by filming their experiences or their testimonies - and producing videos like “Witness to Truth” - WITNESS can advocate for change on their behalf.

181. In Sierra Leone, as in most countries that operate on a system of parliamentary democracy, the Parliament is a body of considerable constitutional authority. As the national legislature, it has the responsibilities to enact new legislation and ensure Government’s compliance with the laws already in place - both vital duties in the context of the TRC Follow-Up Project. Moreover, the Sierra Leone Parliament should strive to fulfil all the functions ascribed to it in this quote from the renowned Scots intellectual and social theorist John Stuart Mill:

> “The legislature acts as the eyes, the ears and the voice of the people. The proper office of the legislative assembly is to watch and control the Government; to throw light or publicity on its acts... to compel a full exposition and justification of all such acts which anyone considers questionable; to censure them if found condemnable... And in addition to this, the Parliament has an office to be at once the nation’s grievance committee.”

182. In view of the fact that success in the TRC Follow-Up Project would require the passage of new legislation, WITNESS set its sights on staging a screening of “Witness to Truth” and a debate on the TRC recommendations in the Sierra Leone Parliament in Freetown. These activities were conceived as a means of introducing Members of Parliament to the TRC report and stimulating interest and a sense of duty among them to act on the TRC recommendations. Contact with Parliament would provide the basis for the presentation and possible enactment of a draft “TRC Recommendations Omnibus Bill”. It would also galvanise Parliamentarians to ask questions of the executive and hold Government accountable for the implementation of the TRC recommendations.

183. WITNESS planned and made arrangements for an event in the Sierra Leone Parliament for two full months. Due to the ceremonial formalities and the importance of status in such institutions in Sierra Leone, working with Parliament was an arduous and time-consuming task. Every request for an appointment required an official letter on headed notepaper; every meeting required to be recorded in minutes; every decision required approval from both the Clerk and the Speaker (both of whom were often absent). The Acting Co-ordinator of Campaign for Good Governance (CGG), Ms. Valnora Edwin, was an especially valuable ally in this endeavour on account of her excellent contacts and prior experience in Parliament. WITNESS and CGG met with the Clerk, Mr. Josef Carpenter, several times during September and October 2005.

184. Eventually the TRC Follow-Up Project secured the maximum available time allocation in Parliament: the Clerk set aside one whole day in the parliamentary calendar on which no other business but the TRC report and recommendations would be considered. WITNESS and its NGO partners took full advantage of this rare opportunity and put together an agenda to showcase all the key elements of the TRC Follow-Up Project.
SPECIAL SESSION OF THE SL PARLIAMENT ON THE TRC REPORT AND RECOMMENDATIONS

185. An unprecedented Special Session of the Sierra Leone Parliament on the TRC Report and Recommendations was staged on 14 November 2005. In the eyes of the WITNESS consultant, the event has to go down as one of the great milestones in the transitional justice in Sierra Leone.

186. The session was a triumph of educating: the Parliamentarians gained clear, concise yet comprehensive knowledge and understanding of all the essential findings and recommendations contained in the TRC report.

187. The session was also a triumph of learning: members of the TRC Follow-Up Project learned an enormous amount - not all of it positive - about how the Parliament works and the prevailing attitudes that define it.

188. Most important of all, it was a triumph of advocating: through video, oratory and compelling presentation, a powerful case for the TRC recommendations was delivered to the hearts and minds of the decision-makers with the ultimate responsibility for implementing them.

189. The official parliamentary register shows that 86 Members of Parliament attended the Special Session organised by the TRC Follow-Up Project. In a legislature of just 124 members, this figure indicates that over two-thirds of Parliamentarians were present for all or part of the day’s proceedings. It should be noted that the number of people present in the chamber fluctuated during the course of the day, but turnout was nonetheless extremely respectable considering the notoriously poor attendance records of many MPs.

190. In addition to the MPs, several guests of the TRC Follow-Up Project joined the proceedings, including diplomats from key “strategic partners” such as the British High Commission, the European Union Delegation and the United States Embassy. Three Human Rights Officers came from the UNAMSIL Human Rights Section, including its Officer-in-Charge. Several media houses sent their journalists to cover the event, including Talking Drum Studios, ABC Television, SLBS Radio and Awoko newspaper.

191. After a lethargic process of registration that lasted over an hour, the Special Session was opened by its Chairperson, Honourable Mrs. Elizabeth Alpha-Lavallie, Deputy Speaker of Parliament. In her opening remarks, and in response to a comment from one MP that the session was premature because the TRC report had yet to be laid formally before Parliament, Mrs. Alpha-Lavallie said:

“To me, this Special Session is very important, even if we’ve not had enough time to prepare properly. I believe that if we are not treated to this kind of presentation, if somebody does not whet our appetites, then even taking the TRC report and reading it in full may prove meaningless.

This Session is the first stage in the process - it gives us the motivation and the background to read the TRC report and understand it. We hope that this is the first of many interactions we will be having in Parliament until we see the TRC recommendations actualised.”
192. The platform party on behalf of the TRC Follow-Up Project consisted of the heads of three key WITNESS partner organisations in Sierra Leone, namely Conflict Management and Development Associates (CMDA), Campaign for Good Governance (CGG) and Forum for Democratic Initiatives (FORDI). The title for the morning session was “Introducing the TRC Findings and Recommendations to Parliamentarians: A Call to Action”. CMDA Associate Director Momoh Taziff Koroma delivered the first speech, outlining the objectives of the TRC Follow-Up Project and reminding the Parliament of the provisions of the TRC Act 2000. He emphasised the importance of strong partnerships in achieving national development, closing with the following statement:

“A new chapter has opened in the relationship between civil society and the Parliament, which has as its cornerstone a new approach of ‘constructive engagement’. We the TRC Follow-Up partners intend to employ a different tone of engagement with this body. We’ll be non-confrontational, consultative and constructive.

We hope, in this spirit, to start a fruitful march towards our ultimate objective - the full implementation of the TRC recommendations. It is a collaborative effort to make this Sierra Leone - our only country - a better place.”

193. The next two speakers divided between them the most essential content of the TRC report. First, CGG Acting Co-ordinator Valnora Edwin presented the primary findings, based on the theme that the root causes of the conflict have still not been adequately addressed. She laid a special emphasis on the causes and antecedents to which Parliament was found to have contributed. She quoted several passages from the TRC report, including one which Parliamentarians found so resonant that they decided to read it out repeatedly during the remainder of the session:

“The Commission finds that those in leadership in government, public life and civil society failed the people of Sierra Leone. The period between independence and the start of the conflict represents a colossal failure of leadership at all levels of public life. Parliament proved itself to be a servile agent of the executive, lacking the courage and determination to resist tyranny. No enlightened and visionary leaders emerged to steer the country away from the slide into chaos and bloody civil war.”

194. FORDI Director Charlie Hughes then gave a stirring presentation on the TRC recommendations, which provoked a variety of reactions from the Parliamentarians - some supportive, some clearly antagonised. A few Parliamentarians seemed to resent the fact that the TRC recommendations are “binding”; they objected that Parliament should be independent and therefore immune from “being told what to do”. Charlie pointed out the irony in this objection: Parliament itself had approved the “binding” character of the recommendations when it passed the TRC Act 2000. He then explained the ethos behind the TRC recommendations programme, quoting another passage that received several readings in the course of the day:

“The TRC recommendations are designed to facilitate the building of a new Sierra Leone, based on values such as human dignity, tolerance and respect for the rights of all persons. In particular, they are intended to assist in creating an open and vibrant democracy in which everybody is treated as equal before the law. The adoption of the TRC recommendations will help the people of Sierra Leone to rise above the bitter conflicts of the past, which left a legacy of dehumanisation, hatred and fear. Implementation is the starting point in correcting that legacy and preventing the repetition of the conflict.”
TRC FOLLOW-UP PROJECT
Sierra Leone (West Africa)

195. The first Parliamentarian to address the Special Session delivered perhaps the best speech of the whole day. Honourable Dr. Alusine Fofanah, the Chairman of the Parliamentary Human Rights Committee (PHRC), has been a strong and consistent supporter of the TRC Follow-Up Project. He used his platform in Parliament to present a well-constructed case for Parliamentarians to back the “TRC Recommendations Omnibus Bill”, albeit without referring to it explicitly. His central arguments are captured in the following extracts from his speech:

“First and foremost, the discussion about following up on the recommendations of the TRC is a discussion about rule of law. The rule of law dictates that any legislation passed by Parliament must be adhered to. When we begin to ignore the laws passed by Parliament, or when Government begins to evade the obligations placed upon it by law, then the state is weakened and the legislature rendered redundant.

Second, to me, taking part in TRC follow-up activities is about preserving the integrity and dignity of Parliament. Most of us in this room participated in the passing of the TRC Act in 2000. Our resolution to pass such a robust piece of legislation arose from our conviction that we needed an effective TRC to move our country forward...

Our society had been devastated by bloody conflict and economic decay... our nation was on the brink of collapse. We passed the TRC Act with the intention that no effort should be spared to address the fundamental problems facing Sierra Leone... We must never forget the inspiration and significance behind that legislation. Above all, the TRC recommendations are designed to prevent the recurrence of conflict in our country. We must take heed of the recommendations to send a clear signal that we want to break with the violence, tragedy and suffering of our past.

[...] We must distinguish ourselves from past failures. We must demonstrate that we are enlightened and visionary enough to steer our country towards a peaceful, more prosperous future. In short, we must live up to our responsibilities as leaders and servants of the nation.

[...] We must fulfil our role as an oversight institution, checking and balancing the powers and the actions of the executive in a meaningful way. At least until the establishment of the national Human Rights Commission early next year, this Parliament is the chief mechanism for monitoring and facilitating Government’s efforts to implement the recommendations.

Our standard in this regard is clear: implementation should be driven by Government; it should be faithful; and it should be timely. In the case of the imperative recommendations, this implementation ought to take place immediately or as soon as possible.

Finally, I feel certain that very soon this Parliament will be asked to consider draft legislation to enact the TRC recommendations that require new or changed laws. When the time comes to review such draft legislation, we must ourselves remain faithful to the spirit of the TRC and act in the best interests of the nation. We will be considering historic changes to our laws, institutions and even our Constitution. We will face pressure from different interest groups to sway in one direction or the other, but we must stand firm.

For our role is a privilege as well as a responsibility. To paraphrase the words of the TRC report, the recommendations represent our best chance, and maybe our only chance, to build a new Sierra Leone...”
196. The climax of the day’s proceedings from WITNESS’ perspective was the Parliamentary screening of the WITNESS / TRC production, “Witness to Truth”. A large projector screen was positioned at the front of Committee Room No. 1 and a laptop computer was used to play the DVD version of the film. Fittingly, the man who introduced the film to Parliament is the Director of a grassroots organisation called CDHR, which had spent the previous twelve months conducting screenings and community meetings using the video in some of the most remote corners of the Northern Province. Gibril Massie Bah spoke smartly about the impact of the WITNESS video in bringing the outcomes of this important national process to the people. As he joined his elected representatives to watch the film, he stated:

“The film you are about to see is a historic contribution to the field of transitional justice. ‘Witness to Truth’ is the first official video version of a TRC report anywhere in the world...

By the efforts of organisations like mine in civil society, the WITNESS video has become the main resource to channel the voices of Sierra Leoneans who want to see changes happening through the TRC process. We are screening the film here today in the belief that you, the Honourable Members of our Parliament, will listen to what those voices tell you and answer them by making the changes they demand.”

197. In the course of any year, WITNESS often gains access to important groups of decision-makers in the countries where it works, as well as influential inter-governmental organisations like the United Nations. Yet there can have been few events more poignant in the course of any video advocacy campaign than the screening of “Witness to Truth” in the Sierra Leone Parliament. Here, after all, was a legislature watching, for the first time, the findings and recommendations of a body it created. Here were scores of members of a political elite being shown in graphic, horrific images the destruction that the very same political elite, under successive governments, had brought upon their country. Here was a gathering of key decision-makers being implored in compelling fashion - through the medium of video - to make decisions in favour of positive social change. And all the while the Parliamentarians were being reminded, by the scenes of atrocity and the testimonies of unimaginable trauma, that upon their decisions rest the difference between descent back into war and “never again”.

198. Yet in spite of, or perhaps because of, the tremendous poignancy of the occasion, the Parliamentary screening drew some of the most unexpected, shocking reactions to the film experienced anywhere in Sierra Leone. Some Parliamentarians actually burst into laughter at some of the personal testimonies of human rights violations and abuses contained in the video. Others made derogatory remarks about the look or manner of speaking of certain witnesses. Others called out names and insults directed at people featured from certain parts of the country - apparently in an effort to provoke the MPs from those areas who were in attendance. There was no expression of pity, far less respect, from this self-styled “august body”.

199. The Parliamentarians’ reactions stimulated profound reflection within the TRC Follow-Up Project team. Some team members opined that the laughter and other playground behaviours were perhaps (paradoxically) unusual ways of dealing with the trauma that the film invoked. They suggested that the Parliamentarians in question had probably been unsure how to respond to such challenging, intimate footage and that their reactions were signs of nervousness, insecurity or latent fear.
200. The WITNESS consultant, however, saw these Parliamentarians’ reactions as being symbolic of their detachment from the constituents they purport to serve. On the one hand the ordinary people of Sierra Leone cry and feel pain during the film - because it is all so close to home. On the other hand their “representatives” in Parliament view their plight as an abstract, distant story, which Parliamentarians mostly didn’t endure at the time (because most of them fled into exile) and now cannot imagine themselves enduring. Hence, depressingly, it seemed that the laughter of these privileged few mocked the suffering of the electorate.

201. None of which is intended to suggest that the enactment of a “TRC Recommendations Omnibus Bill” through Parliament is necessarily a lost cause. On the contrary, the professional way in which the civil society representatives from the TRC Follow-Up Project handled the Special Session served to convince the majority of Parliamentarians that the initiative is serious and its advocates mean business. The counterbalance to the laughter of a few Parliamentarians was the sober, contemplative silence with which the vast majority of their colleagues absorbed the video. The final statement before the lunch break was a spontaneous reaction to the video from Honourable A. B. Wurie:

“We are very much appreciative of this video screening. It has really whetted our appetites for the TRC follow-up process. Most of us have become very much interested in reading the TRC material in detail. And we want to ask WITNESS to make the video available to us... to use with our constituents and educate them about the TRC recommendations.”

202. The Special Session resumed in the afternoon with a guest presentation from the Officer-in-Charge of the UNAMSIL Human Rights Section, Benedict Sannoh. He presented a wide array of thought-provoking anecdotes and reflections under the heading “The important role of Parliamentarians in realising the TRC recommendations and advancing the transitional justice process in Sierra Leone”. Mr. Sannoh, a former member of the legislature in neighbouring Liberia, made several telling statements that seemed to resonate with the Parliamentarians. The following extracts demonstrate how he set out his case:

“The role of Parliament is not just to pass a law, but to follow through on that law and make sure it’s being implemented in the way it’s supposed to be implemented. That’s the onus on you now as Parliamentarians to give legal effect to the TRC recommendations.

Don’t look at civil society enemies of the Parliament - these are your allies! You need to nurture a spirit of co-operation with the TRC Follow-Up Project and identify ways for Parliament to continue working with civil society...

The civil society and the people told the TRC that they yearn for a principled system of governance - they know what they want for this country. The Parliament must give that direction to the country and help to fulfil the aspirations of the people it represents. The Parliament forms the bridge to government for the people - that is the nature of the political system...

From my work with UNAMSIL, from talking with the High Commissioner for Human Rights and other colleagues in Geneva and New York... I know that [there is certainly international goodwill for the implementation of the TRC recommendations. But there first has to be initiative emanating from Government at this end] - and that includes all of you in this legislature.”
203. The Special Session on the TRC Report and Recommendations concluded with nearly two hours of open plenary debate and statements from Parliamentarians. The TRC Follow-Up Project team had asked all Parliamentarians to read through the TRC findings and recommendations chapters during lunch and to prepare to make statements in the afternoon. Parliamentarians were asked to limit their contributions to address three questions. First, what do you see as the areas of greatest merit or resonance in the TRC report and recommendations? Second, what do you perceive as the greatest obstacles to implementation of the TRC recommendations? And third, what should Parliament do next to advance the TRC process?

204. It was gratifying to see a string of MPs taking to the podium in the afternoon with TRC reports in hand, ready to contribute. This sight was described by the WITNESS consultant as "transitional justice in action", as Parliamentarians who were previously uninformed, or cynical, about the TRC recommendations could now be heard reading aloud passages from the TRC report and stating their agreement with the conclusions and measures contained therein. At least for a handful of Members of Parliament, the TRC Follow-Up Project could be said to have changed the minds of decision-makers from cynics into allies for social change. A selection of some of the Parliamentarians’ statements is reproduced below.

205. One of the youngest members of the House, Honourable Tamba E. Kaingbanja, gave his ringing endorsement to the TRC report and called upon the Parliament to take action:

“I have never seen a historical document so precise, so concise as the TRC report. It is a very good document not only for Parliament, but also for universities, for schools and for the children yet to come up. From what I have read and what I witnessed, the TRC report contains so many lessons for everybody to learn and comprehend for the good of this nation.

Yet this report also shows us where we’ve gone wrong and where we are persistently going wrong today. The TRC has written a damning indictment of all of us, which must spur us into action. I am appealing to all my fellow Parliamentarians to carry the report and the recommendations not only into the Provinces, but also into law! ”

206. The representative of the Leader of the Opposition APC Party, Honourable Victor Johnson, was one of several MPs to express his sincere gratitude to the TRC Follow-Up Project team. He then said:

“This Special Session is timely - in fact it’s overdue. I believe the Session acts as an orientation to us. We will now go on to read the TRC report and we will take it within our hearts. Everyone in the country, and everyone in this Parliament, has lagged behind in doing what is asked of us. The Session has given us food for thought. Now it’s left with us, as trustees of the people, to deliver a good dividend to our constituents. We need to take the TRC seriously, and progress should be our watchword.”

207. After reading several paragraphs from the TRC report, Honourable Sidie Tunis concluded:

“On the whole the TRC report is a great document. The Commission has done a great job for this country. There are so many telling comments and many more statements that must make us examine ourselves. The TRC has got it absolutely right and we must learn the lessons of today’s session.”
208. A cautious note on the enactment of a “TRC Recommendations Omnibus Bill” came in the contribution from Honourable J. Q. B. Sawi, who expressed his reservations as follows:

“I see every aspect of the recommendations contained in the report of the TRC as being very vital and important to the development of this country. But is Government willing to accept all the recommendations? Up to now, all our draft laws and enabling procedures have been coming from central Government. Do we have the resources, the facilities and the willpower to do things differently this time?”

209. One of the leading female Members of Parliament and also the Deputy Chair of the Parliamentary Human Rights Committee, Honourable Dr. Bernadette Lahai, used her statement to refer to the next steps required if the TRC recommendations are to become law:

“This Session has enabled us to understand the TRC report and to appreciate what we as Parliamentarians should be doing to make the recommendations into legislation. We hope that we can now call upon the TRC report to be laid before Parliament in the official way. If such a step is agreed upon, and the right procedure is followed to lay a “TRC Recommendations Omnibus Bill” before Parliament, then in fact we’ll even need a more detailed pre-legislative session after that. So we thank you for your efforts today and welcome you as our partners on the long road ahead.”

210. Finally, in delivering the vote of thanks from the participants, another female Parliamentarian, Honourable Dr. Fatmata Hassan, summarised many of the sentiments expressed by her colleagues:

“Parliament is indeed very grateful for the work of the TRC - for the people who have worked tirelessly, who have lived through the stories as if it were affecting them personally. Thank you to all of you who organised the Session today; thank you for being there for Sierra Leone. As Parliamentarians, we have to speak up, even if it doesn’t affect us directly. That is the lesson the TRC has taught us, and the legacy it has left for Sierra Leone.

After going through the war, and after the truth and reconciliation process, now we have to concentrate on education, education, education all the way. Education to tell our people about our past. Education to stand up and separate the truth from the wrong. The TRC report and the film “Witness to Truth” are really a job well done for Sierra Leone and a great contribution to education.

We Parliamentarians will study the TRC report carefully and we’ll work with you tirelessly in the follow-up phase because, after all, we are Sierra Leoneans and we care about the future of our beloved country. What we have heard here today will be replicated to our people, to our constituents and to our children... and that will help us make a better Sierra Leone.”

211. The statements reproduced here reflect the most relevant commentary from Parliamentarians. It should also be reported, however, that many MPs used the platform provided by the Special Session to bemoan their lack of finances and resources to be able to do their jobs. The TRC Follow-Up Project notes that the institutional capacity of the Sierra Leone Parliament is still alarmingly low.
Nevertheless, the message of the day was about what can be achieved with relatively few resources if one merely demonstrates the requisite good intent. The TRC Follow-Up Project was keen to emphasise that the lack of resources was not what brought the conflict; rather, on the Parliamentarians’ part at least, it was the lack of enlightenment, vision and - most importantly - representativeness. Thus, in delivering the vote of thanks on behalf of the organisers, WITNESS consultant Gavin Simpson chose to emphasise the importance to the Parliamentarians of being representative. He used the frame of video advocacy, and in particular the unusual reactions of some Parliamentarians to the WITNESS video, to pose a clear challenge to the Members of the Sierra Leone Parliament in the closing contribution to a monumental day’s proceedings:

“With WITNESS and its partners in civil society, many of us in the TRC Follow-Up Project have been holding screenings of ‘Witness to Truth’ throughout the country for the last twelve months. In general, in the communities we visit, we meet with audiences glued to the screen, comforting each other in empathy with the plight they see described... and in most cases, crying, from the heart, because they see themselves represented in the video.

Today in Parliament, as all of you saw, there were no tears. There was a degree of restlessness, perhaps discomfort; but at times there was even some amusement at the experiences depicted or narrated on film. I have not seen such amusement in the reactions at community level. In fact, it might surprise you to learn that the only time we have ever previously heard laughter was at the statements of Parliamentarians in the video, who people thought were talking insincerely.

So my question is: can you claim to represent your constituents, and will you stand up to represent those people when you come to consider draft legislation on the TRC recommendations?

We in the TRC Follow-Up Project are asking you to consider the reforms that will soon be presented to you in a very sombre fashion. The building of a new Sierra Leone is a task that is incumbent upon all of us - it is an issue of collective responsibility. But those in whom responsibility is vested by the Constitution must above all stand up and represent those whose eyes, ears and voices they claim to possess.”

The Special Session on the TRC Report and Recommendations provided an invaluable first-hand insight into the mindset of Sierra Leone’s legislators. It was also, on balance, a crucial first step forward in the effort to gain their support for the enactment of the “TRC Recommendations Omnibus Bill”.

The experience also demonstrated, however, that the Parliament of Sierra Leone is a volatile beast. It will require sustained, well-judged tactical lobbying to secure the passage of the desired implementing legislation for the TRC recommendations through this assembly. It will require much more than that to instil the right principles and ethics into these Parliamentarians’ personal conduct. The advocacy strategy of working directly with the decision-makers registered an important success with this unprecedented Special Session in November 2005... but a Parliament of Sierra Leone that even remotely resembles the legislature of John Stuart Mill’s conception remains a decidedly distant prospect.
X. **AUDIENCE ADVOCACY:** Rousing a public “call to action” through TV, radio and letter-writing campaigns

215. Many of the advocacy strategies described in this report - strategic partnerships, law reform initiatives, sessions with decision-makers and so on - tend to play out far away from the public eye. Indeed, such is the nature and pace of the reforms pursued by the TRC Follow-Up Project, its efforts would probably seem largely invisible if they were restricted to workshops with lawyers and policy wonks, or high-level private meetings with Parliamentarians and Cabinet members. Thankfully, though, WITNESS’ work is generally far less about closed-door, hushed conversations and far more about **rousing large-scale, highly visible public campaigns that break the silence and open doors.**

216. In Sierra Leone, as has been pointed out in previous WITNESS reports, there is no tradition of public access to information or knowledge. There is no culture of openness and transparency. There is no track record of citizens holding the Government to account because they cannot gather the material they need to mount legal challenges or lobby decision-makers. The freedoms of expression and association are largely meaningless. In a country with a literacy rate of barely one in ten (10%), it is difficult to avoid the impression that powerful members of the political elite find it convenient to quell the flow of information and suppress the truth. As the TRC points out in its recommendations under the “Freedom of Information” heading:

> “Information empowers. It is for this reason that repressive governments are secretive.”

217. WITNESS began its partnership with the Sierra Leone Truth and Reconciliation Commission (TRC) in 2003 because of its commitment to spreading the message of the TRC report. The TRC was a national process of truth telling, reconciliation and transformation; yet the majority of the population stood in jeopardy of missing out on the TRC’s key messages because of their inability to understand and participate. WITNESS’ most important efforts to solve this problem were to produce the “Witness to Truth” video and to undertake a nation-wide distribution and public education programme in conjunction with local civil society. However, it was also crucial to **move beyond mere educating, into the realms of activating.**

218. Accordingly, WITNESS undertook a variety of activities to catalyse ‘audience advocacy’ around its Sierra Leone TRC Follow-Up Project. This two-pronged strategy begins with **reaching new audiences** - whether by screening or broadcasting the video, playing its soundtrack on the radio, or streaming excerpts of it on the website. It then follows up by **urging active participation from audience members** in the campaign for social change - in this case, urging their involvement in the effort to secure the implementation of the TRC recommendations.

219. The ultimate goal of “audience advocacy” is to generate a mass “call-to-action”, which reaches those in power and moves them into carrying out reforms. Sometimes this “call-to-action” can be implicit, borne out of well-timed media coverage that gets people talking, or clever ‘message management’ in public appearances. On other occasions, the “call-to-action” is addressed directly, explicitly to government, either through written petition or through spoken demands for answers at community level. The following pages report the impact of both methods of ‘audience advocacy’ during the TRC Follow-Up Project in Sierra Leone.


**“CALL-TO-ACTION” TELEVISION BROADCASTS**

220. Harnessing new forms of communications technology in Sierra Leone is a difficult proposition because of the lack of electrical power, let alone the lack of modern technological infrastructure. Ten of the twelve provincial Districts of Sierra Leone have no electricity supply and in many cases people do not bother to install any form of electrical wiring in their homes because they cannot afford generators. In Bo and Kenema Districts, the supply from a shared hydroelectric scheme is confined to the headquarter towns. In Freetown, the supposed hub of the National Power Authority grid, electricity rarely appears more than once or twice a week, for a few hours at a time. The WITNESS consultant has experienced some periods of up to two months of persistent blackout. Fuel-powered generators are popular among the middle-class elite, but too expensive for the urban masses.

221. Understandably, therefore, only a very small percentage of Sierra Leoneans own televisions. Even within the capital city Freetown, an educated ‘guess-estimate’ says that roughly 1% of the urban population - about 12,000 people - have access to televisions in their homes. Much more commonplace are so-called “video centres” or “canteens”, at which large crowds can gather in communal settings (usually corrugated iron shacks at the roadsides of main thoroughfares) and watch television together. By far the most popular entertainment choices are European football (soccer) matches and late-night ‘Nollywood’ films from Nigeria. However, on weekday evenings before the 10.00pm news broadcasts, most of the hundreds of video centres in Freetown broadcast the regular television networks to the public. This large-scale communal viewing probably swells the viewership figures by between 50,000 and 100,000 people, depending on factors such as the time of year and the weather.

222. Therefore - with a certain margin of error accepted - a programme broadcast on a Tuesday evening, with no European football matches taking place, in the prime slots between 8.30pm and 10.00pm could be expected to reach an approximate television audience of 70,000 people. This was the audience targeted by WITNESS when it arranged its “call-to-action” TV broadcast of the video “Witness to Truth” in mid-November.

223. **“Witness to Truth” was broadcast four times on Sierra Leone television in three weeks, between 15 and 29 November 2005.** The film received its premiere airing on Tuesday 15 November on the independent ABC-TV network. The Krio language version of the video was used. It was preceded by a 30-minute, pre-recorded panel discussion about the TRC findings and recommendations, as well as the work of the TRC Follow-Up Project. The discussion, also held entirely in the Sierra Leonean Krio language, featured WITNESS consultant Gavin Simpson along with key civil society partners Valnora Edwin of CGG and Abraham John of CMDA. The total broadcast time of the WITNESS-sponsored programme was 90 minutes, produced professionally in the studios of ABC-TV.

224. ABC-TV followed up its premiere with repeat broadcasts on Tuesday 22 November and Tuesday 29 November. On each occasion, ABC-TV broadcast the 30-minute panel discussion and the WITNESS film “Witness to Truth” in full, from 8.30pm to 10.00pm. The network also played several advertisements for the programme during its primetime broadcasting on other evenings and weekends during this three-week period.
225. In addition, “Witness to Truth” was aired on Wednesday 16 November 2005 on the state television network, the Sierra Leone Broadcasting Service (SLBS-TV). The film was part of a two-hour pre-recorded programme, which featured an interview with Valnora Edwin of CGG and an archived panel discussion (originally aired in December 2004) with WITNESS consultant Gavin Simpson and Paul James-Allen of CMDA. This programme was due to be repeated in the annual “SLBS-TV highlights” series in late December 2005.

226. In order to engender a sense of community participation in the “call-to-action” television broadcast, WITNESS and CMDA set up their shared office in Campbell Street, Freetown, to host a big-screen showing of ABC-TV on Tuesday 15 November. Approximately 20 people from the local St. John community were invited to come to the office and watch the broadcast – free refreshments included! When the programme finished, the group engaged in a long and lively debate about the content of the film, raising issues of particular relevance to the mass urban population, such as the 6 January 1999 invasion of Freetown. The discussion of the film seemed to carry far wider reverberations due to the sensation that similar exchanges were taking place in other homes, cafes, video centres and canteens all over Freetown.

227. These television broadcasts invoked the “audience advocacy” strategy in two main ways. First, they gave maximum public exposure to some of the TRC Follow-Up Project’s key civil society advocates to talk to their fellow Sierra Leoneans about the campaign to implement the TRC recommendations. In this sense, being on television was like speaking to a huge community meeting, putting out the message for thousands of people to hear and adopt in their own advocacy initiatives. Among the television audiences may even have been key decision-makers who heard the “call-to-action” directly.

228. The second main benefit was that the television broadcasts got people talking about the TRC findings and recommendations on an unprecedented scale. Indeed, for a few weeks in late November and early December, the WITNESS consultant formed an impression that suddenly everyone was talking about the TRC! - in the bank, in local offices, restaurants or cafes, and even in crowded public transport, people approached the WITNESS consultant to comment on the “Witness to Truth” film or ask whether he was the same person who had been featured on the TV programme the previous evening. This level of general discussion, all of it taking place in “open spaces” rather than “invited spaces”, gave the Sierra Leonean public a necessary sense of ownership of the TRC follow-up process that had earlier been lacking.

NATION-WIDE “CALL-TO-ACTION” RADIO BROADCASTING

229. The principal medium of news, current affairs, music and other broadcasting in Sierra Leone is the radio. Battery-powered, hand-held radios are more common than mobile telephones and walkmans on the streets of Freetown and the other headquarter towns. It is not uncommon to see crowds of passers-by, particularly young people, huddling around radio sets on street corners whenever a programme of interest is on air. Practically every household in Freetown seems to have access to a radio - and most drivers of public transport vehicles play the radio non-stop from morning till night whilst collecting and dropping off passengers. There are up to thirty radio stations across Sierra Leone, many of them locally-based in the outlying Districts. Simply put, if you want to say something meaningful to the people of Sierra Leone, you have to say it by radio.
230. During “up-country” trips to the Provinces, WITNESS participated in several radio talk shows with its local civil society partners. For example, on Saturday 3 September 2005, WITNESS consultant Gavin Simpson joined Gibril Massie Bah of CDHR and Reverend Usman Fornah, a former TRC Regional Co-ordinator, to appear on a show entitled “Witness to Truth” on Radio Maria in Makeni. This one-hour evening show was organised by CDHR to mark the end of its series of screenings and community meetings in the Northern Province under WITNESS’ earlier “Witness to Truth” project. All three guests were given the opportunity to talk at length about the impact of the video screenings and the objectives of the accompanying TRC Follow-Up Project. The timing of the show was ideal for the purposes of audience advocacy: there was a vastly increased listenership because Makeni was hosting the Annual Party Convention of the ruling SLPP party that weekend. Many of the estimated 30,000 radio listeners in Makeni and the North were attending the SLPP Convention the day after this talk show and therefore had an immediate opportunity to ask questions of influential politicians based on what they had heard. There is a slim possibility that the President himself – staying overnight in Makeni for the Convention - may have tuned in!

231. Similarly, on Tuesday 18 October 2005, WITNESS took part in a weekly public education broadcast for the Eastern Province on Radio Koadia in Kono District. The main interviewee on the 30-minute slot was FORDI Director Charlie Hughes, who was staging a screening of “Witness to Truth” in Koidu Town the following day. Charlie talked about the TRC Follow-Up Project and issued an open invitation to the public to attend the FORDI screening. As this slot is one of the few outlets of local news in one of Sierra Leone’s largest townships, it is estimated that it attracts up to 50,000 radio listeners in Kono and the East. It was gratifying to speak to viewers at the screening the next day who said that they had decided to attend because they had heard about it on the radio.

232. The largest “call-to-action” radio broadcast, however, was timed to coincide with the television broadcasts during the mid-November “TRC Advocacy Week”. WITNESS arranged for the only two radio stations with nation-wide reach - Radio UNAMSIL and SLBS Radio - to broadcast the soundtrack of the video “Witness to Truth” on the evening of Tuesday 15 November 2005. Both UNAMSIL and SLBS broadcast mainly out of Freetown, but each has a network of partner stations across the 12 Districts. Thanks to good preparation on the part of the respective Programme Managers and helpful collaboration with Talking Drum Studios, the “Witness to Truth” programme was broadcast simultaneously across each of these networks. The broadcast is thought to have reached a national radio audience of 250,000 people.

233. The stimulus to “audience advocacy” was further enhanced when the TRC Follow-Up Project team took part in an additional one-hour radio discussion programme called “TRC Talk” for Radio UNAMSIL. The programme featured UNAMSIL’s chief moderator, June-Rose Johnson, and a panel of four civil society advocates, including Momoh Taziff Koroma of CMDA, Valnora Edwin of CGG and Gibril Massie Bah of CDHR. It was originally broadcast live on Tuesday 15 November 2005, which allowed listeners to phone in and ask questions about TRC follow-up activities. Subsequently the whole programme was repeated at different hours of the day on Radio UNAMSIL over the ensuing weeks. Perhaps on an even larger scale than the television broadcasts, the use of radio served to galvanise the public discourse around the TRC recommendations. It also led to a notable increase in public calls for Government accountability in the press, the NGO community and - most satisfyingly - in the street corner society.
Like most WITNESS projects around the world, the TRC Follow-Up Project in Sierra Leone boasted an interactive component for world-wide web-users through the materials posted on the WITNESS website. Visitors to witness.org could access a dedicated “Rights Alert” on the “Witness to Truth” video. There they could view excerpts of the film, read the Story of the historical and contextual background to the TRC, and click on to a series of Links to other sites with useful information on Sierra Leone. From the perspective of “audience advocacy” the most important part of the “Rights Alert” was the “ACT NOW!” section, which offers visitors various ways of taking action in support of implementing the TRC recommendations.

In August 2005, WITNESS updated its “ACT NOW!” options on Sierra Leone to reflect the progress made since the original campaign was launched in December 2004. The most direct action available to visitors to the site was to write advocacy letters to key decision-makers in Sierra Leone with responsibility for implementing the TRC recommendations. The website provides two sample letters, or templates, which can be downloaded and printed off for this purpose. The first is addressed to President Kabbah and states:

“The recommendations of the TRC provide your Government with a once-in-a-lifetime opportunity to make a positive and lasting social change in Sierra Leone. In my opinion it is exactly the kind of change that is needed to steer the country towards a more peaceful and progressive future.

After watching the WITNESS video ‘Witness to Truth’, I am lending my voice to the campaign to see that the recommendations contained in the TRC become reality.

[...] I am disappointed that your Government’s ‘White Paper’ is silent on so many issues and does not display any commitment to reform. It does not do justice to a matter of such overwhelming national importance and the people of Sierra Leone deserve better.

[...] Your Excellency, you have often asserted that your Government is committed to the rule of law and the promotion of a human rights culture. The best way to prove your credentials is to seize this unique opportunity and proceed courageously with implementation of the TRC recommendations.”

The second letter is addressed to Attorney-General Frederick M. Carew and expresses many of the same sentiments contained in the letter to the President. It includes the following statements:

“The governance and human rights record of the SLPP Government during your term as Attorney-General depends largely on your ability to implement the TRC recommendations.

When the TRC report was published in August, I saw the recommendations as a unique opportunity to make a whole host of positive changes... Now I hope to see those changes become reality.

The ‘TRC Recommendations Omnibus Bill’ should be placed before Parliament for consideration in the shortest possible time. By enacting and implementing the TRC recommendations you will do a great service for your country.”
237. It is difficult to estimate how many visitors to the WITNESS website might have taken the time to print off one or both of these letters and send them to Sierra Leone. Every year WITNESS receives thousands of e-mails from dedicated human rights defenders - from the heads of commercial organisations, to performance artists, to schoolchildren - who express their support for particular campaigns and pledge to take follow-up action. In a possible indication of impact, WITNESS was informed by a member of the President’s protocol staff at State Lodge that he had personally taken delivery of several WITNESS advocacy letters addressed to the President. When asked how many, he was uncertain, but replied “more than twenty, I’m sure”.

238. Only the President and the A-G know the exact numbers of “ACT NOW!” letters sent and received in the course of the TRC Follow-Up Project, and only they know what effect these letters have had. But therein lies the beauty of “audience advocacy”. A WITNESS ally or supporter anywhere in the world can start a private correspondence with the President of Sierra Leone. None of us knows whether his or her letter might be the one that makes a difference. And if the President takes the action we are calling on him to take, each one of us feels that we may have contributed to social change in our own small way.

239. The climax of WITNESS’ international campaign around the TRC Follow-Up Project came with the staging of the WITNESS Annual Benefit Gala in New York on 5 December 2005. The event focussed attention on the future of Sierra Leone and featured presentations from Angelina Jolie and Ishamel Beah, a former child soldier who now advocates for the exclusion of minors from all forms of conflict. In the course of a highly successful evening, WITNESS’ guests from all sectors of society made their own contribution to “audience advocacy” in Sierra Leone by signing special “call-to-action” advocacy letters addressed to President Kabbah.

240. WITNESS collected over 100 advocacy letters from the WITNESS Benefit Gala, each of them marked with the name, title, country and signature of an international “audience advocate”. The letters contained the following compelling call to action, directed to President Kabbah:

“As you know, many of the factors that caused the conflict are still present in Sierra Leone today. If these causes are not addressed immediately and robustly, it will not take long for the country to slide into another terrible conflict. Now is the time for you to take courageous and urgent steps to make the TRC recommendations a reality. I am joining WITNESS and its local NGO partners in this call to action -

• We urge you to lend your personal support to the TRC Recommendations Omnibus Bill that seeks to enact all the TRC’s “imperative” recommendations.

• We further urge you to champion the Bill in its passage through Parliament and to ensure that the resultant Act is faithfully and meaningfully followed.

241. On 20 December 2005, these letters were hand-delivered to President Kabbah at State Lodge in Freetown. The presentation of this package was an example of “audience advocacy” at its best. It ensured WITNESS’ full-time presence in Sierra Leone finished on a high note at the end of December 2005. It symbolised the passing of the gauntlet to local civil society to continue the campaign in 2006.
XI. WITNESS talking points on essential next steps for the TRC Follow-Up Project

242. WITNESS urges its local civil society partners in the TRC Follow-Up Project to continue the campaign into 2006 with the same level of intensity and imagination demonstrated throughout the twelve months of 2005. WITNESS puts forward these talking points for consideration in shaping future advocacy strategies:

FACTS

- The draft of the TRC Imperative Recommendations Omnibus Bill 2005 has now been completed and is presently being circulated among senior law officers, Parliamentarians, donor representatives and members of the Government in Sierra Leone.
- The Bill contains provisions to enact all the key “imperative” TRC recommendations and already has broad support among the legal profession and the human rights community.
- HOWEVER, THE GOVERNMENT HAS NOT YET CLAIMED OWNERSHIP OF THE BILL, nor committed to the process of passing it through Parliament and enacting it as law.

NEEDS

- Now we NEED A PUBLIC DECLARATION OF SUPPORT FOR THE BILL from the highest authorities in the land, ideally from the President and the Vice President.
- THE GOVERNMENT MUST DEMONSTRATE ITS COMMITMENT TO THE TRC RECOMMENDATIONS BY CHAMPIONING THE BILL IN ITS PASSAGE THROUGH PARLIAMENT and also setting out measures by which the new Act will be faithfully and meaningfully followed.

FACTS

- The Consultative Group (CG) meeting concluded in London on 30 November 2005 with combined international pledges of $800 million over three years to support the Sierra Leone Government in its implementation of the Poverty Reduction Strategy Paper (PRSP).
- Implementation of the TRC recommendations is contained as a priority measure under Pillar One of the PRSP and is thus included in the Government’s PRSP commitments.
- HOWEVER, THE GOVERNMENT HAS NOT YET OUTLINED ANY TIMEFRAME OR TECHNICAL FRAMEWORK FOR THE IMPLEMENTATION OF THE TRC RECOMMENDATIONS within the PRSP.

NEEDS

- The Government must ESTABLISH WITHOUT DELAY AN INTER-MINISTERIAL FORUM - WITH SUPPORT FROM CIVIL SOCIETY - TO MAP OUT A COMPREHENSIVE IMPLEMENTATION PLAN, including assignment of responsibilities, progress indicators and clear timelines.
- The International Community - particularly the UK Government, the World Bank and the other agencies that hosted the CG meeting - should HOLD THE GOVERNMENT TO ACCOUNT FOR IMPLEMENTING THE TRC RECOMMENDATIONS BY INSTALLING IT AS AN ELEMENT OF FUNDING “CONDITIONALITY” FOR THE NEXT CG MEETING IN 2006-2007.
XII. Concluding thoughts on the TRC Follow-Up Project

243. Everyone who has worked or spent time in Sierra Leone in the past two years would surely testify that WITNESS’ video screenings, civil society partnerships and pioneering advocacy activities have to a great extent defined the TRC follow-up phase. As has been demonstrated in the pages of this report, there were times when the TRC process stuttered, times when it seemed that the TRC report would never materialise, and times when the TRC recommendations looked like a hopelessly lost cause. WITNESS’ passion, vision and strategic innovation have come to symbolise why the TRC process - through its report and recommendations - has not only overcome those hard times, but in fact has kept growing from strength to strength.

244. Thanks to WITNESS, the TRC report is more visible than ever before. Tens of thousands of Sierra Leoneans in all corners of the country have seen “Witness to Truth”. WITNESS secured the delivery of thousands of hard copies of the TRC report from Ghana. The essential content and the essential messages are reaching the places they need to reach - from the lowliest village hall to the corridors of power.

245. Thanks to WITNESS, the TRC findings are more meaningful than ever before. The visual images of “Witness to Truth”, replayed in hundreds of homes, offices and auditoriums throughout the country, have captured the imaginations, hearts and minds of their audiences. Sierra Leoneans understand when they are told that the causes of conflict persist all around them. They understand when they are told that fundamental changes must be made if they are “never again” to experience the suffering of war.

246. Thanks to WITNESS, the TRC recommendations are more actionable than ever before. A viable piece of draft legislation - a “TRC Recommendations Omnibus Bill” - is in the pipeline to Parliament. The Government faces strong and sustained pressure from its electorate and its donors to be accountable on its legal obligations. All parties are starting to grasp the practical realities of implementation.

247. Perhaps, some might say, WITNESS’ TRC Follow-Up Project could have achieved more. There are aspects to any experience, not least in Sierra Leone, where one asks whether change can take place faster.

248. Yet we should always remind ourselves that there has NEVER BEFORE been a project of this nature, designed to precipitate such wholesale, positive social transformation in Sierra Leone.

249. In that light, the achievements documented in this report are not just “remarkable because they seemed so unlikely eight months ago”. They are remarkable because they reaffirm our belief that the course of history in even the most troubled of nations can be challenged and changed by noble values and honest toil.

250. The WITNESS consultant leaves Sierra Leone determined to continue striving to make a brighter future for its people. To WITNESS he expresses his sincere thanks for the privilege of being involved in this incredible project. To his colleagues in Sierra Leone civil society he sets a challenge: “never again” means never giving up - considering the progress we’ve made, just imagine what we can achieve if we keep on going.

---------- END OF FINAL REPORT ----------

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