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report

Negotiating peace in Sierra Leone: Confronting the justice challenge

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The Centre for Humanitarian Dialogue is an independent and impartial foundation, based in Geneva, that promotes and facilitates dialogue to resolve armed conflicts and reduce civilian suffering.

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The International Center for Transitional Justice assists countries pursuing accountability for past mass atrocity or human rights abuse. It assists in the development of integrated, comprehensive, and localized approaches to transitional justice by working closely with organizations and local partners around the world to strengthen this emerging field. Priscilla Hayner is Director of the ICTJ's Peace and Justice Programme and head of the ICTJ Geneva office.

1 Introduction and overview

The 1999 peace agreement between the armed opposition and the Government of Sierra Leone received considerable international attention. It ended a war renowned for its brutality, with a rebel force that seemed to lack any clear political ideology or aim. The peace accord is often remembered internationally for the blanket, unconditional amnesty granted to all warring parties, which met strong international condemnation.[1]

Despite the attention given to the accord, and the huge efforts of implementation by the United Nations and others, there has been no close study of the negotiating dynamics and influences over the three months of talks that led to the final accord. This article intends to fill this gap. Based on interviews with many of those directly involved in the talks, and focused especially on issues pertaining to justice and accountability, this account tracks the discussions and varying influences that finally resulted in the Lomé Accord of 1999.[2] It also assesses the impact of this accord in the following years, from 1999 to mid-2007.

The unexpected moment that helped to define the Sierra Leone justice framework came at the signing of the accord on 7 July 1999, in Lomé, Togo. The blanket amnesty in the accord presented a considerable challenge for the UN representative to the talks, as UN policy prohibited him from signing an agreement that granted amnesty for serious international crimes. The UN representative's decision to add a disclaimer to the agreement – an agreement that had been carefully negotiated over the previous three months – wasn't taken until the day before the actual signing ceremony. None of the other delegates knew of it in advance.

As copies of the agreement were passed around for signature, everyone was surprised to see the following notation written next to the UN signature in the margin of one of the copies:

> The United Nations holds the understanding that the amnesty and pardon in Article IX of the agreement shall not apply to international crimes of genocide, crimes against humanity, war crimes and other serious violations of international humanitarian law.[3]

1 This paper is based on extensive interviews undertaken with many individuals involved in the Lomé peace talks and other close observers. In-country interviews were undertaken jointly with Kristina Thorne of the Centre for Humanitarian Dialogue in August 2006. Additional research assistance was provided by Isaac Lappia.

2 The text of the Lomé Accord can be found at www.usip.org/library.

3 *See* UN Document S/1999/836, Par. 7. This is often cited as the wording of the UN disclaimer, but as neither the UN nor others reportedly have a copy of the marked-up document, it must be considered an approximation, based on reports from the UN representative and others at the time.

Rebel leader Foday Sankoh had signed the document before the UN representative. When he saw the UN notation he was taken aback, and said, to no one in particular, 'What does this mean? Are you going to try us?' No one answered, and the signing ceremony continued.

The implications of the UN disclaimer were left open. It provided hope to those fighting the country's entrenched impunity and to those expecting formal judicial proceedings for the atrocities committed during the war. It also left the rebels suspicious of the intentions of the international community and the government. The possibility that the former rebels might in the end somehow be held to account was still hanging in the air through the first difficult, slow-moving months after the peace agreement was signed.

News of the amnesty was received differently inside and outside Sierra Leone. The abuses of the war had been so atrocious, and the war itself seemingly so senseless, that some, particularly internationally, saw an amnesty as profoundly unacceptable. As the UN disclaimer made clear, such an amnesty was also generally considered to be outside the bounds of international law and acceptable practice. The amnesty was less of a surprise at the national level. A broad amnesty was considered a virtual pre-condition by many of the national actors attending the peace talks, even before it was discussed by the parties. As explained below, almost none of those present, including the human rights advocates, now believe that a peace agreement would have been possible without some provision of amnesty for past crimes.

In many respects Sierra Leone presents a 'worst-case' context for trying to preserve international standards of justice while negotiating peace. Two primary factors made it all but impossible for the government to avoid granting amnesty to the rebel forces: the military weakness of the government, and the real threat of prosecution and punishment. First, the talks began just three months after the Sierra Leone capital, Freetown, had been overrun by the rebels, resulting in the destruction of much of the city and the killing, maiming or raping of thousands. The rebels controlled over two-thirds of the country. Meanwhile, much of the government's army had joined with the rebel forces after a coup two years previously. Military defence of the government was provided primarily by West African forces of ECOMOG, predominantly Nigerians, and Nigeria had already warned that it was likely to withdraw its troops from Sierra Leone after its imminent presidential elections.[4] When the talks began, the Sierra Leonean government had virtually no choice but to find a negotiated solution, or face the prospect of further attacks on the capital against which it would have had little defence.

Second, it was clear to all that, without an amnesty, the threat of prosecution and punishment was considerable. Just five months earlier, 24 people had been executed for taking part in the coup of 1997 or the illegal regime that followed in 1997–98. Many others had been sentenced to death, having been

4 In addition, the civil defence militias were providing some defence against the rebels, especially in the area where the government's party was particularly strong, in the south and in part of the eastern region.

convicted of treason in civilian courts.[5] The leader of the rebel forces, Foday Sankoh, was among them. His case was on appeal when the government agreed to release him from jail, provisionally, in order to attend the peace talks in Togo in April 1999.[6]

An additional factor was the intense pressure from the Sierra Leonean people, who bore the brunt of the rebel violence, for the war to be brought to an end by whatever means necessary. The rebels made it clear to the people that without amnesty there would be no peace. The public also believed that the war was the product of decades of bad governance, which reduced hatred of the rebels. The public support of forgiveness for the rebels unexpectedly strengthened in the face of continued human rights abuses, which the government could not stop or control. Statements like 'Give them what they want as long as they agree to stop killing us' were common at the grassroots level.

Apart from the amnesty, the peace agreement included some other limited measures for addressing the abuses of the past. It called for a broad inquiry into the truth of past human rights violations, and for reparations for war victims. It also established a process, though slow-moving over the following years, to demobilise combatants and normalise governance. It was notably silent on other elements of accountability and justice-related reforms, such as vetting of the security forces, or reforming an extremely weak judicial system. Some of these elements developed independently of the peace accord over the following years. However, Sierra Leone today still struggles with massive challenges pertaining to the rule of law and accountability.

Partly because of the weakness of the national justice system, a Special Court for Sierra Leone was created in the years following the Lomé Accord. Despite important justice efforts, some of which began with the Lomé Accord, there is still a very significant accountability gap, pertaining not only to past crimes, but also to ongoing justice challenges, including continuing charges of corruption. The concerns for Sierra Leone's future, with some observers worried that further violent conflict may emerge, are partly based on the lack of progress and reforms in the area of justice.

5 Those convicted of treason in civilian courts were appealing their sentence when they were freed from prison during the rebel assault on Freetown in January 1999, along with about 1000 other prisoners. Aware of the threat of attack, authorities removed Sankoh from the prison just beforehand; it was rumoured that he was taken to a nearby ship. Some reportedly turned themselves back in, to be cared for in prison by the International Committee of the Red Cross, and to await their formal release with the signing of the peace agreement.

6 There was no logical person to take Sankoh's leadership position at the talks, and without his direct involvement it was expected that the talks would not bear fruit. This sentiment was confirmed by the deal-breaking role he himself threatened to play at the talks. It became clear to all that there would be no peace deal without his buy-in, and thus extraordinary efforts were made to win his support in the final hours. When Sankoh arrived at the talks, international supporters of the negotiations provided him with satellite phones to communicate with his forces in-country. When further massacres took place, he was directly confronted with photographic evidence, and acknowledged for the first time that perhaps the RUF was responsible. US Ambassador Joseph Melrose has written that Sankoh's demands for unconditional pardon 'almost caused the talks to end before they had begun', and that 'the position that the clemency was related to a peace agreement was not satisfactory to him and he often resorted to describing himself as a "prisoner of peace"' (Joseph H. Melrose Jr, 'The Sierra Leone Peace Process' in Eileen F. Babbitt and Ellen Lutz (eds), *Human Rights and Conflict Resolution in Context*, Syracuse, NY: Syracuse University Press, forthcoming).

2 Background to the 1999 talks

The civil war in Sierra Leone began in 1991, with rebels fighting as the Revolutionary United Front (RUF). The RUF entered Sierra Leone from Liberia, where it had the support of a powerful Liberian rebel leader, Charles Taylor. Taylor was believed to continue supporting the RUF in the years that followed, including after he was elected president of Liberia in 1997. Profits from RUF-controlled diamond mines also fuelled the war. While the political ideology of the RUF was never very clear, its members cited endemic and massive corruption and bad governance as their reasons for taking up arms.

As the war in Sierra Leone broadened in reach and increased in intensity over subsequent years, the cruelty of the war's abuses also intensified. Sierra Leone became widely known around the world for the RUF's practice of amputating limbs of civilians, leaving some to live, for the purpose of spreading terror. Much of the country's population was displaced during the course of the war. Children and women particularly suffered, with many children forced into fighting, and many women raped or forced into marriage. It was later shown, by the Truth Commission, that government-affiliated forces were also responsible for serious atrocities, although in lesser numbers.[7]

The first peace process between the government and the RUF was initiated in late 1995, culminating in an agreement signed in Abidjan, Côte d'Ivoire, in November 1996. Initiated by the NGO International Alert, the process was taken over by the Organisation for African Unity (OAU) in the summer of 1996. The agreement contained an amnesty for the RUF, provisions for transforming the RUF into a political party, withdrawal of regional forces within three months, expulsion of the private security firm Executive Outcomes, and provisions for electoral, judicial and police reform as well as for the protection of human rights. The accord did not reach a proper implementation stage, in part because RUF leader Sankoh refused to allow UN peacekeepers or monitors to be deployed after the expulsion of Executive Outcomes. Fighting resumed less than two months after the accord was signed.[8]

In 1997, a military coup overthrew the government, which was forced into exile in neighbouring Guinea. The new military government, referring to itself as the Armed Forces Revolutionary Council (AFRC), invited the rebel RUF forces to join it in government. The AFRC/RUF government was cruel and abusive. The armed forces that roamed the country, often looting and

7 The Truth and Reconciliation Commission was established as a result of the Lomé Accord.

8 See Lansana Gberie, 'First stages on the road to peace: the Abidjan Process (1995–96)' in *Accord: Paying the Price: The Sierra Leone Peace Process*, Conciliation Resources, September 2000 (available at www.c-r.org).

raping, were popularly referred to as 'sobels', a word derived from the concept of soldier-rebels, since it was now virtually impossible to distinguish between the two groups. In early 1998, the forces of the Economic Community of West African States Monitoring Group (ECOMOG) beat back the military regime and put the legitimate, exiled government back into power.[9] Much of the country's existing armed forces fled with the 'sobel' regime, leaving the reinstated government with little military force of its own.

Throughout 1998, the reinstated Sierra Leone government continued trying to defeat the rebels militarily, and continued rejecting the idea of a negotiated solution. This changed in January 1999, when the RUF and ex-AFRC launched an offensive on the capital, Freetown. After great damage, death and mayhem, the ECOMOG forces again repelled them from the capital, as they had just a year earlier. Realising the strength of the rebels and the weakness of the government forces, and under considerable pressure from the international community to negotiate, the government finally agreed to talks. The international pressure went so far as the UK suggesting it had conditioned military aid on a commitment from the Sierra Leone government to pursue a 'twin-track' policy that included diplomacy and dialogue as well as continued military efforts.[10]

In preparation for the peace talks in early 1999, a large three-day consultative conference brought together the political leadership, traditional leaders and representatives of civil society to debate the terms of a peace agreement. The conference was organised by the National Commission for Democracy and Human Rights, a government body, and followed extensive regional consultations that this Commission had undertaken throughout Sierra Leone over the previous two months.[11] The conference conclusions on questions of justice and power-sharing were different from what was ultimately agreed in Lomé. The conference consensus statement concluded that 'In the interest of peace, national reconciliation and unity there should be an amnesty for all combatants, but cases of serious human rights violations should go through the proposed Truth and Reconciliation Commission.'[12]

Specifically, the conference statement called for the leader of the RUF, Foday Sankoh, to 'go through the due process of the law', but suggested that the president may use his powers to pardon Sankoh, on the condition that he fully

9 The Economic Community of West African States is the regional political body for West Africa. ECOWAS was centrally involved in trying to end or alleviate the Sierra Leone war throughout the 1990s. ECOWAS formed ECOMOG in 1990 to provide a structure for joint military defence efforts in the region, first in Liberia, and later Sierra Leone and elsewhere.

10 This position of the UK government is outlined explicitly in comments by the British High Commissioner, Peter Penfold, in remarks to the National Consultative Conference on the Peace Process in Sierra Leone (*The Road to Peace: Report of National Consultative Conference on the Peace Process in Sierra Leone*, Volume 1, Freetown: National Commission for Democracy and Human Rights, April 1999, pp. 50–51). For a more in-depth description of some of these dynamics, see Michael O'Flaherty, 'Sierra Leone's Peace Process: The Role of the Human Rights Community,' *Human Rights Quarterly* 26 (2004), pp. 32–33.

11 While this was a large conference targeted in part to incorporate civil society input, there was some complaint that key members of the national human rights community were not invited. Some wondered whether this was an intentional strategy to weaken the voice of those most strongly opposing any proposals for amnesty and impunity (interviews by author, 2006).

12 *The Road to Peace*, op. cit., p. 36.

supported the peace process.[13] The statement also called for a reparations fund, and suggested that there should be 'no power-sharing' between the rebels and the government before the next election. While at least one member of the government delegation at the Lomé talks remembers referring back to the consultative conference conclusions, it became clear as the talks progressed that many of these key recommendations would not be incorporated into the final accord. As part of an independent report reflecting public consultation, the conference recommendations could not be enforced, per se. However, the conference conclusions provide an important marker of public sentiment, and an early indication of the public frustration and even anger that would meet the final accord.

3 Participation in the Lomé talks: April–July 1999

Lomé, Togo, was chosen as the venue for the Sierra Leone peace talks. It was a natural choice partly because Togo was then chair of the Economic Community of West African States (ECOWAS). Perhaps more importantly, Togo was seen as a neutral country, never having been directly involved in the Sierra Leone conflict – neither providing troops to ECOMOG, nor supporting the rebels.

There was wide national and international participation in the Lomé talks. Official delegations were of course present for the Sierra Leone government and the RUF (which officially included the AFRC, although it became clear to international participants that the AFRC was not well represented in the delegation).[14] Internationals present for part or all of the proceedings included representatives from the UN (representing the UN Observer Mission in Sierra Leone and the Office of the High Commissioner for Human Rights), the Organisation of African Unity, the Commonwealth, Ghana, Liberia, Libya, Mali, Nigeria, the United Kingdom and the United States.[15]

The government of Togo served as the official mediator of the talks; the Togolese foreign minister, Joseph Koffigoh, led the talks on a day-to-day basis, and the President of Togo, Gnassingbe Eyadema, was regularly briefed and took an active role at some moments. The UN's senior representative at

13 Ibid., p. 37. This statement reads, 'the President can use his Prerogative of Mercy to pardon him [Sankoh] in the interest of peace and reconciliation, on condition that he renounces violence, unconditionally releases all abductees and allows his combatants to go through the DDR programme.'

14 As it became clear that the AFRC was not well represented in the RUF-AFRC delegation, space was later created for the AFRC leader, Johnny Paul Karoma, to head the Commission for the Consolidation of Peace.

15 There were also three international legal advisers seconded to support the talks, financed by the international community to provide the necessary legal assistance. It does not seem, however, that they were closely focused on the justice-related issues that arose.

the talks, Francis Okelo, served as deputy chair of the talks.[16] In one final session, the US Ambassador to Sierra Leone served as chair.[17] A 'facilitating committee' evolved over time, including representatives of ECOWAS, UNOMSIL, OAU, The Commonwealth, the US and the UK, with occasional participation by other ECOWAS countries such as Nigeria, Liberia and Ghana.[18]

The US Ambassador to Sierra Leone, Joseph Melrose, describes the approach taken by many of the foreign diplomats present:

> A large part of the logic under which the facilitating group operated was the need to not throw the situation in Sierra Leone into even a greater state of chaos nor create an atmosphere in which it would be considerably more difficult to obtain the very necessary financial assistance from both institutional and bi-lateral donors that Sierra Leone desperately needed. It was pointed out to the RUF that the fact that the current Sierra Leonean government had been elected, even if under less than perfect circumstances, and enjoyed international recognition was important to remember in terms of the availability of future assistance.[19]

The Inter-Religious Council of Sierra Leone played an important role, being seen as a neutral force representing the broad interests of Sierra Leonean society, and offering a reminder that the conflict in Sierra Leone never took on the character of inter-religious conflict, as wars had in some neighbouring countries. Other Sierra Leone civil society and private sector representatives were also present as observers, some for only a couple of weeks and others for nearly the entire period of the talks.[20] These observers represented a range of organisations, including the Human Rights Forum, the association of war victims and amputees, the Women's Forum, the Labour Congress, the Chamber of Commerce, the Sierra Leone Indigenous Business Association and the Sierra Leone Association of Journalists.

The delegates were grouped into three committees, addressing: military and security issues; humanitarian, human rights and socio-economic issues; and political concerns. These committees agreed most of the key issues of the talks. Civil society representatives sat in on committee sessions as observers. They felt that their input was important for progress on some issues of substance during the course of the committee discussions. In addition, they influenced the discussions through informal lobbying and consultation on the periphery of the formal meetings. Civil society also played an interesting,

16 Francis Okelo was the Special Representative to the Secretary-General for Sierra Leone from June 1998 to November 1999.

17 The UK has historically been much more engaged than the US in Sierra Leone. In the Lomé talks the UK played a less prominent but still very important role, with a representative present at the talks for much of the time.

18 Melrose, op. cit.

19 Ibid.

20 Before the talks, the US, UK, and UN agreed to split the cost of civil society participation, including flights to Lomé and accommodation for a group of civil society participants to attend the first two weeks of the talks. After this period, a few of the civil society participants who were seen to be most effective were asked to stay on for longer, and additional funding was found for them by these same donors.

informal mediating role between the parties. For example, civil society actors sometimes met informally with RUF members and pushed them to modify hard-line positions; at other times, such as in relation to the RUF's call for free education, civil society supported RUF positions.[21]

4 Amnesty in the Lomé process and Accord

The context

Within the Lomé talks, the subject of criminal accountability was primarily focused on the question of amnesty – and specifically on whether an amnesty would be general, all encompassing and unconditional, or if it would be limited in some way. There was apparently never any serious consideration, by the parties, international participants or civil society, of creating a special mechanism such as a war crimes tribunal or special court for prosecutions for past human rights crimes. As Michael O'Flaherty, then a senior UN human rights official who tracked the talks closely, writes:

> It should be recalled that prior to and during the Lomé talks, neither the local nor the UN human rights actors ever called for comprehensive and immediate judicial accountability. They were not blind to the argument that the rebels need to be attracted to the negotiation table.[22]

The strong desire of civil society was rather to create a 'truth, justice, and reconciliation commission' which would have included a mandate to make recommendations at the end of its work pertaining to prosecutions for past crimes. However, everyone seemed to accept, virtually without discussion, that a proactive criminal justice approach was outside the bounds of reality, given the power wielded by those who would be the natural targets of such an approach.

The one explicit proposal for judicial accountability was in fact raised by the RUF, demanding justice for alleged economic crimes and massive corruption by the government. The RUF insisted that these endemic problems were at the heart of why it had taken up arms against the government, and thus early in the negotiations raised the question of accountability for these crimes.

21 In one case, for example, towards the end of the talks the RUF suddenly backtracked significantly on previously agreed points, insisting on such major changes that many participants thought the continuation of the talks was in jeopardy. In response, several civil society observers invited key RUF leaders out for the evening, and then strongly challenged them to withdraw their position. This confrontation almost resulted in a physical fight, but it was an effective strategy: the next day, the RUF withdrew its position and agreed to continue with the talks.

22 Michael G. O'Flaherty, 'Sierra Leone', Par. 123. Paper prepared for a March 2005 meeting of the International Council on Human Rights Policy (available at www.ichrp.org, peace agreements and human rights project).

However, the RUF was reportedly told that any accountability initiative must also include human rights crimes, and it then dropped the issue.[23] Ultimately, the issue of corruption – which continues to be a major challenge in Sierra Leone – was left unaddressed in the substance of the accord, although there is reference in the preamble to a desire to create a democratic system 'in a socio-political framework free of inequality, nepotism and corruption'.[24]

Rapid agreement on a blanket amnesty

The subject of amnesty was addressed in the political committee, as it was seen to be primarily a political question. (In the final accord, the amnesty is also included in a section called 'other political issues'.) Many sources describe the amnesty as the first item agreed on, and note that it was settled quickly as 'a prerequisite for any meaningful negotiation'. One participant reports that the government began the discussions in the first meeting of the political committee by offering a blanket amnesty to the RUF.

Then Attorney-General Solomon Berewa, who was heading the government delegation, also reports that the government offered the amnesty to the RUF (although his recollection is different in that he remembers this coming at the end of the negotiations, rather than the beginning). The amnesty was offered as an incentive, to move things forward, Berewa says: 'They didn't ask for an amnesty; we suggested it'. If the government had agreed to the robust power-sharing proposed by the RUF, then an amnesty would not have been needed, says Berewa, because the RUF 'thought they could call the shots if they had a majority' and would have assumed they were not at risk of prosecution. At the same time, he said, in reference to the 1996 Abidjan Accord, 'to say the past amnesty was taken away would have been very onerous; I don't think they would have accepted it'. In the context of a limited power-sharing arrangement, Berewa insists that 'there would not have been a peace agreement without an amnesty'.

Many who attended the talks in 1999 considered the 1996 peace agreement to be their reference point. The 1996 agreement also included a blanket amnesty, but it received little attention from the international community at the time. Indeed, the US Ambassador to Sierra Leone who took part in the 1996 talks describes the amnesty as the 'least controversial' of all issues discussed during those negotiations.[25]

The reliance on the 1996 accord was made clear by President Kabbah. An international diplomat who met with President Kabbah before travelling to the Lomé talks remembers Kabbah's one comment on the impending

23 Interestingly, this chain of events – the rebels demanding accountability for past economic crimes but backing off when informed that their own past actions would also have to be covered – is one similarity between peace negotiations in Sierra Leone and in Liberia (see the companion paper, Priscilla Hayner, 'Negotiating peace in Liberia: Preserving the possibility for justice', Centre for Humanitarian Dialogue 2007; available at www.hdcentre.org and www.ictj.org).

24 Lomé Accord, Preamble.

25 See John L. Hirsch, *Sierra Leone: Diamonds and the Struggle for Democracy*, Boulder and London: Lynne Reiner, 2001, p. 52.

negotiations. 'I was looking over the Abidjan agreement', Kabbah allegedly said. 'I realise that the date will have to be changed on the amnesty.' Based on this and other comments, and the military and political realities on the ground, this diplomat – who was closely involved both prior to and throughout the negotiations – felt that 'the issue of amnesty was basically a foregone conclusion'. The wording of the amnesty was the only question. Others use similar language to describe the sense of inevitability of the amnesty.

The specific language of the amnesty article in the Lomé Accord was not agreed until late in the negotiations, and was primarily based on the text of the 1996 Abidjan agreement, but with changes to give a greater emphasis on 'pardon' over amnesty. This wording was due to the fact that Foday Sankoh and a number of other RUF and AFRC members, who were then appealing death sentences, were primarily concerned with post-conviction pardon. The final Lomé amnesty reads as follows:

Article IX: Pardon and Amnesty

1. In order to bring lasting peace to Sierra Leone, the Government of Sierra Leone shall take appropriate legal steps to grant Corporal Foday Sankoh absolute and free pardon.
2. After the signing of the present Agreement, the Government of Sierra Leone shall also grant absolute and free pardon and reprieve to all combatants and collaborators in respect of anything done by them in pursuit of their objectives, up to the time of the signing of the present Agreement.
3. To consolidate the peace and promote the cause of national reconciliation, the Government of Sierra Leone shall ensure that no official or judicial action is taken against any member of the RUF/SL, ex-AFRC, ex-SLA [Sierra Leone Army] or CDF [Civil Defence Force] in respect of anything done by them in pursuit of their objectives as members of those organisations, since March 1991, up to the time of the signing of the present Agreement. In addition, legislative and other measures necessary to guarantee immunity to former combatants, exiles and other persons, currently outside the country for reasons related to the armed conflict shall be adopted ensuring the full exercise of their civil and political rights, with a view to their reintegration within a framework of full legality.[26]

The committees were closed to anyone not specifically assigned to them, and so the agreement for an amnesty was not more generally known until the political committee had concluded all of its work, near the end of the negotiations.[27]

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26 Lomé Accord, Article IX, 'Pardon and amnesty'. The Civil Defence Forces were pro-government, community-based militias.

27 The sub-committee's amnesty agreement was clearly kept under close guard until very late in the negotiations, and those who enquired about it were put off. Others assumed it was unavoidable. As a result, for example, an overview document produced by Sierra Leonean civil society representatives at the peace talks, dated June 24, just two weeks before the signing of the final accord, does not even mention the issue of amnesty. This document, produced for the purpose of briefing the broader civil society community back in Sierra Leone, includes a section on 'Critical issues at stake in the process'. This points to the issues of governance (ie, RUF proposals for power-sharing and a Government of National Unity) and military arrangements (in particular the RUF insistence on immediate withdrawal of ECOMOG forces) as key outstanding issues. 'Report of Civil Society on the Sierra Leone Peace Talks in Lomé, Togo, May/June 1999', submitted by civil society delegates to the peace talks, 24 June 1999 (on file with author).

However, understanding the political realities and context, and the history of Sierra Leone's prior amnesties, members of Sierra Leone civil society as well as members of the international community understood that an amnesty agreement was very likely.

From the start, civil society and UN human rights officials argued against an amnesty, on the basis of international human rights standards and basic principles of combating a culture of impunity. These concerns were expressed repeatedly, throughout the negotiations, to senior UN officials as well as to members of the government delegation, primarily in the context of informal meetings that took place on the periphery of the talks. However, this message or discussion does not seem to have entered into the formal agenda of the talks, nor did it specifically address the amnesty already agreed. One international participant remembers no occasion in which modifications to the general amnesty was proposed in any meeting that he attended.

There were, however, side discussions on the question of an amnesty. Some observers remember privately brainstorming about alternatives towards the end of the talks, as they then realized there was a high risk of a general amnesty being included in the final agreement. A few days before the Accord was signed, an international adviser reportedly produced a document detailing options by which the amnesty might be constrained, limited or conditioned. Specific alternatives and options allegedly included:

- the insertion of language stating that the amnesty would have no bearing regarding crimes of universal jurisdiction
- the addition of an article stating that nothing in the agreement would be interpreted in a manner prejudicial to the international legal obligations of Sierra Leone or to the application of international law, or
- the addition of a stipulation that the amnesty was to be dependent on full cooperation with the Truth and Reconciliation Commission (TRC).

Other suggested options, reportedly described as desirable but not necessary under international law, included the addition of stipulations that: all applicants for amnesty make a public statement of regret and apology for the acts they have committed; the amnesty would be subject to review on the basis of recommendations of the TRC; and that those seeking amnesty must compensate victims. These options suggest an amnesty that might be applied in an individualised manner, as opposed to the blanket approach that was finally taken.

It is clear that the anti-amnesty message from civil society, and from some in the international community, was heard, but to no avail. The government was unfazed by international opinion and pressure on this issue. As then Attorney-General Berewa explained in an interview, 'The government's position was clear. What we wanted most, above everything else, was peace, for the war to come to an end. Whatever the view of the international community was not our business. Whatever we could do to produce that result, we would do.' One participant remembers Berewa saying at the time that the government was not so concerned with the amnesty, that its immediate priority was stopping the war, and that other questions of justice would have to be addressed in the future.

Berewa saw the accord as a political document, and said that he was less concerned with the 'fine niceties of the law'. The one constraint the government insisted on was that the agreement would fall within the parameters of the constitution, and that no constitutional amendments would be required to implement it.[28] 'So there was a natural limitation on what we could do', explained Berewa. This constraint considerably strengthened the hand of the government when it came to responding to the rebel demands for power-sharing, as will be seen below.

It was clear to the representative of the Sierra Leone Bar Association, who was present in the first meeting of the political committee, that a blanket amnesty would also violate the constitution, but there was no opportunity to raise this in the rush of the initial amnesty agreements on that first day. Others arguing against the amnesty did not focus on the lack of constitutionality, which may have been a stronger argument in this context. However, the consultative conference report prepared in advance of the Lomé talks does provide a brief analysis of the legality and constitutionality of a blanket amnesty, and explicitly questions whether an amnesty would be in conflict with Chapter III of the Sierra Leone Constitution.[29] International experience would also strongly suggest that a blanket amnesty (though not a presidential pardon) may violate citizens' rights to have their complaints heard in court.[30]

A second look at the amnesty: was it unavoidable?

In retrospect, virtually everyone involved in the Lomé talks, or who closely observed them, now agrees without hesitation that an amnesty was necessary for a peace agreement to be reached. Whether some limitation or condition on the amnesty would have been possible, however, is still an open question. UN human rights official Michael O'Flaherty writes that local and UN human rights actors

> were of the view that a range of options could be considered side by side with some form of amnesty – such as for the amnesty to exclude war crimes and crimes against humanity, for amnesty to be conditional on cooperation with a truth commission, for such a commission to have the power to recommend prosecutions, and for establishment of an international commission of inquiry. That none of these options was explored at the time may reflect a failure of imagination the part of negotiators rather than any validity in the claim that the proposals would undermine the peace process.[31]

This is an important assertion from a close observer of the negotiations, and challenges any assumption that alternatives to a blanket amnesty may not have been possible.

28 The accord does agree to a constitutional review, however, which would be a separate process of considering any necessary constitutional changes. This was not opposed by the government.
29 *The Road to Peace*, op. cit., pp. 41-43.
30 In some Latin American contexts, the courts have struck down amnesties based on the constitutional right to a trial.
31 O'Flaherty, ICHRP, op. cit., Par. 123.

In addition to the possible limitations above, perhaps the simplest condition that might reasonably have been added to the accord would have been that the pardon and amnesty be contingent on full compliance with the peace accord. Perhaps this would have strengthened the peace process in the months following the signing of the accord. It is not clear that anyone specifically considered or proposed this idea.[32]

It has been suggested that if this condition had been stated explicitly, it might have been possible to prosecute RUF leader Foday Sankoh in national courts without the creation of an expensive, internationalised Special Court, which was agreed to in the year following the accord. However, some of those closest to the first discussions regarding a Special Court do not remember the amnesty as the primary impediment to national prosecutions. They thought at the time that such a condition – that the amnesty was contingent on full compliance with the peace accord – was implicit in the agreement. This will be further explored below in describing the founding of the Special Court.

Of course, the amnesty in the Lomé Accord applies not just to the rebel forces, but equally provides a full amnesty for the government, including the political leadership, the national army and the government-aligned Civil Defence Force. Given the abuses perpetrated on all sides during the war, some observers wondered whether the government was interested in the amnesty so that its own forces would also be protected.

The amnesty and the UN and other international participants

When the Lomé talks were underway, but unrelated to those talks, staff at UN headquarters in New York were in the process of formalising the UN position on amnesty for serious international crimes. In mid-1999, the Office of the UN Secretary-General sent out a cable from New York to all UN representatives around the world, attaching 'Guidelines for United Nations Representatives on Certain Aspects of Negotiations for Conflict Resolution'. These Guidelines indicated that the UN could not condone amnesty for war crimes, crimes against humanity or genocide.

It is not clear when the Guidelines were first brought to the attention of the UN representative in Lomé, Francis Okelo, although one UN colleague at Lomé remembers reading the Guidelines at least two days before the signing ceremony. Other senior UN personnel working with Okelo (including those focused on human rights) were unaware of the guidelines, or learned of them only at the last minute. One UN official who observed many of the discussions around the amnesty recalls his sense that the options of the UN were limited: 'Were we going to say that because of that amnesty, the whole document was to be scrapped? If we didn't sign, then the agreement couldn't be implemented. We wouldn't have a mandate for a UN mission, for example.

32 However, this idea is hinted at in the Consultative Conference document, which suggests that any possible 'pardon' of Sankoh would be contingent on compliance with certain aspects of the peace process (see Note 13).

It was a big dilemma.' He considered the urgency to end the war to be most important. 'It was about strategy and tactics. The strategy was to pursue peace. The tactics included: don't let justice get in the way. It was the price to pay for peace.'

The primary UN human rights staff member present repeatedly brought to the attention of the UN special representative the restrictions around amnesties in international law. However, because of limited access to information from Lomé, his ability to research and provide background information was constrained.

Among the foreign diplomats who were involved in the negotiations, there was confusion about the reach of the amnesty, and how international law pertained. One remembers saying to other international colleagues that the amnesty would not have any impact on Sierra Leone's obligations under international law, including human rights conventions. 'Within its own law, they can grant amnesty, but not if they broke a law of another country, for example', he explained. But the major human rights treaties, the majority of which Sierra Leone was a party to, did not, in his mind, restrict Sierra Leone from granting amnesty for war crimes or crimes against humanity within the Sierra Leone legal context. It was understood rather as a jurisdictional question – that any crime outside the jurisdiction of Sierra Leone courts would not be covered by Sierra Leone's amnesty. 'They cannot grant an amnesty for obligations of other countries under international law, or in other countries. But within Sierra Leone, that's their business if they want to do it', said the diplomat.

This point was reportedly not discussed or debated further. It was apparently accepted by those who had been party to the conversation as a useful point of clarification. However, this description of the applicability of the Sierra Leone amnesty confounds two different legal points, and considerably under-states the applicability of human rights treaties in national law.[33] An opportunity for international participants to play a more active role in setting out acceptable parameters to amnesties as defined by Sierra Leone's obligations under international law was thus apparently missed.

33 For example, an amnesty in any national law would never apply to another national jurisdiction. However, this is not based on international covenants such as the major human rights treaties, but rather derives from general principles of public international law. The point of Sierra Leone not being able to waive the international human rights conventions, which is dependent on how international treaties are incorporated into national law and whether Sierra Leone had ratified all the relevant treaties, could have determined the legality under Sierra Leone law of granting amnesty for serious international crimes such as war crimes and crimes against humanity.

5 Other justice issues at Lomé

A Truth and Reconciliation Commission

The agreement for a Truth and Reconciliation Commission (TRC) was reached in the committee on humanitarian, human rights and socio-economic issues, within the Lomé talks.[34] The initial proposal for a TRC, from the government, met resistance from the RUF for two main reasons. The first draft proposal for a TRC specifically mentioned the RUF as the only entity that would face the TRC. The RUF rejected this proposal. The chair of the committee then broadened the language to cover everyone – by implication, government as well as international troops – and the RUF warmed to the idea considerably. The second RUF concern was that the TRC would function like a court. But civil society participants in the committee assured them that 'it's not about a trial, and in any case, why be afraid – you have amnesty.'[35] The RUF then came to accept the commission.

The final, brief language in the Lomé Accord on a TRC called for the establishment of a commission 'to address impunity, break the cycle of violence, provide a forum for both the victims and perpetrators of human rights violations to tell their story, [and] get a clear picture of the past in order to facilitate genuine healing and reconciliation'. Furthermore, it called on the membership of the Commission to 'be drawn from a cross-section of Sierra Leonean society with the participation and some technical support of the International Community'.[36]

The senior RUF legal adviser at the talks now insists that the TRC – and the amnesty – could have been implemented in the style of the South African TRC, linking a conditional and individualised amnesty to cooperation with the TRC. He says that this was his understanding at the time and would have been possible coming out of Lomé. At least one other central international participant also remembers discussing the South African TRC as an important reference, assuming the truth commission in Sierra Leone would be implemented in a similar manner, but the idea of linking amnesty with truth-telling was never spelled out in any draft of the Accord, nor was it raised later during the more detailed drafting of the TRC Act.

34 The idea for a truth commission first emerged in early 1999 from a coalition of NGO and UN human rights advocates who put forward a proposal for a Truth, Justice and Reconciliation Commission, which would have powers to 'recommend judicial prosecutions for some of the worst perpetrators'. To the disappointment of human rights advocates, the reference to 'justice' was dropped from the title in the conclusions of the civil society consultative conference. See O'Flaherty, *Human Rights Quarterly*, op. cit., pp. 49–50.

35 Although the agreement for amnesty had not yet been announced, most participants understood that this would be in the final accord.

36 Lomé Accord, Article XXVI, 'Human rights violations'.

Provisions for reparations

The Lomé Accord calls for a Special Fund for War Victims, which was proposed by civil society and was agreed without controversy. Both sides of the conflict had an interest in such a fund, since there were victims on all sides of the war. What was not discussed, however, was who precisely would be responsible for financing such a project. The final agreement indicates only that:

> The Government, with the support of the International Community, shall design and implement a programme for the rehabilitation of war victims. For this purpose, a special fund shall be set up.[37]

Then US Ambassador Joseph Melrose notes the difficulties that this vague language presented. He writes that provisions in the accord:

> such as that of creating a fund to assist war victims were vague in terms of specific objectives, lacked specificity of purpose and no mention of the source of the funding other than the frequently used phrase 'with the help of the international community.' Efforts by members of the facilitating committee to convince the sides that more specificity was needed and would be helpful in securing international assistance were unsuccessful. This lack of specificity and lack of evidence of a commitment on the part of the Sierra Leoneans to show their own willingness to provide at least token resources proved to be detrimental in implementing many of the social and economic reforms, despite their laudable objectives.[38]

The TRC mandate included reference to this Special Fund, and the TRC ultimately made recommendations for a reparations programme. In the years since, however, there has been little attention to a broader reparations programme. In 2006, some consideration was being given to a reparations programme for amputee victims from the war.

The security forces and demobilisation of combatants

The agreement called for the demobilisation of the rebel forces, and the incorporation of some into the army, but there is no indication that individuals' past human rights records should be taken into account. The Accord simply states that 'Those ex-combatants of the RUF/SL, CDF and SLA who wish to be integrated into the new restructured national armed forces may do so provided they meet established criteria.'[39] These criteria were left unspecified.

The possibility of vetting on human rights grounds apparently never emerged for discussion. One senior member of the government delegation, who served on the security and military committee, explained that it would have been

37 Lomé Accord, Article XXIX, 'Special fund for war victims'.
38 Melrose, op. cit.
39 Lomé Accord, Article XVII, 'Restructuring and training of the Sierra Leone armed forces'.

seen as a violation of the amnesty aspect of the accord. Others say that such vetting would have 'created a difficulty', and that it was important that the security forces were open to all combatants, who would then be retrained. 'They knew the background of a number of people, but they kept quiet about it', one participant noted.

Civil society representatives also didn't raise the idea of vetting. They were focused instead on criminal accountability, and explain in interviews that human rights vetting didn't actually occur to them. The idea of vetting of the security forces was not an issue they had ever worked on, as important as it may be for the prevention of future abuses, they acknowledge.

Reaching an agreement on power-sharing

The most difficult concession for the government negotiating team, and much more controversial than the amnesty in the view of the broader Sierra Leonean public, was granting senior positions in government to the rebels. After years of brutal war and seemingly senseless violence, the RUF was not thought to retain much, if any, popular support among the Sierra Leone population.[40] But the RUF began by demanding a transitional government, in the form of a government of national unity, and insisted that they be allocated half the ministerial positions. The government was initially willing to concede only two ministries to the rebels.

When it seemed that the talks were going to collapse over this issue, a senior member of the government team received a visit from a Nigerian government representative, arguing that it would be necessary to give more than two positions to the rebels. It was made clear that Nigeria's continued commitment to maintaining troops in Sierra Leone was doubtful, due to political changes in Nigeria. The Sierra Leonean official was alarmed – and upset – to hear the Nigerian insist that a minimum of four positions should be offered to the RUF.[41] This aspect of the agreement was, for the government, the hardest to accept.

In the end, the government did award four ministerial posts to the rebels.[42] The RUF wanted to choose the ministries, asking that the foreign affairs and finance ministries, for example, be specifically assigned to them in the accord, but the government refused. The power to assign ministers was held by the president and could not be usurped by the negotiations, the government insisted. The final text in the accord reads only that the RUF will be given 'one of the senior cabinet appointments such as finance, foreign affairs and justice, and three other cabinet positions'. The accord also grants them four posts of deputy minister. These persons would be appointed 'bearing in mind

40 This was shown to be true in the 2002 elections for the House of Representatives, when the RUF Party received only about 2 per cent of the vote.

41 It is not clear if the Nigerian diplomat's counsel was based on consultation with the RUF, or something else.

42 One international participant remembers working out the specifics of these arrangements with the government, and concluding that, given current vacancies and with minimal additions, four ministries could be awarded to the RUF without any current ministers having to be removed.

that the interests of other political parties and civil society organisations should also be taken into account'.[43] RUF representatives were ultimately appointed to head the ministries of: trade and industry; energy and power; lands, housing, country planning and the environment; and tourism and culture. The RUF considered none of these to be a senior cabinet position and thus a violation of the spirit of the accord, but the president held firm.

One of the last issues to be resolved was the position that RUF leader Foday Sankoh would hold in government. Throughout the negotiations, he had remained apart from the direct talks, rarely attending meetings; instead, he remained in his hotel room and received briefings from other RUF delegates. Just days before the scheduled signing ceremony, Sankoh made it clear that he was not willing to sign. A small international delegation met with him to assess the source of his unhappiness, and came up with an idea that clinched the agreement: Sankoh would be offered the chairmanship of a new Commission for the Management of Strategic Resources, National Reconstruction and Development. Furthermore, the accord stipulates, 'For this purpose he shall enjoy the status of Vice President and shall therefore be answerable only to the President of Sierra Leone'.[44]

For many Sierra Leoneans, both within the government delegation and among the public back in Freetown, this combination of awarding lucrative ministerial positions to rebels, and especially awarding the rebel leader such a senior and presumably also lucrative position was hard to accept. It was the primary reason for public disenchantment and anger in response to the peace agreement, and a palpable sense of frustration with the negotiated power-sharing remained throughout the implementation period. This was only exacerbated by the sense that the rebels granted these powerful positions were taking advantage of the perks and the power, and not seriously engaging in government.[45]

6 After the agreement: a difficult peace

The people of Sierra Leone were desperate for an end to the conflict, but were angry and dismayed at the terms of the accord, especially the power-sharing elements. Even some members of the government team left the completed negotiations feeling cynical. The accord was a pragmatic step to stop the carnage, they say, but was not a perfect agreement. Even some government delegates say that they felt at the time that the agreement was 'disingenuous'.

43 Lomé Accord, Article V, 'Enabling the RUF/SL to join a broad-based Government of National Unity through cabinet appointments'.
44 Ibid.
45 It is true that the public continued to be frustrated with corruption and other practices of the government, as well. However, the anger towards the RUF, and the resentment at its acquisition of apparently lucrative government positions, was much more palpable and immediate.

The amnesty agreement, meanwhile, 'came as no surprise and there was no Sierra Leonean public outcry opposing it', according to UN human rights official O'Flaherty.[46] The international human rights community, including bodies such as Human Rights Watch and Amnesty International, reacted strongly, however, condemning the idea of a blanket amnesty for such egregious crimes.

Slow implementation and near collapse of the accord

In the months following the signing of the accord on 7 July 1999, frustration mounted as international forces were slow to be deployed in country, and the RUF's commitment to the peace accord was increasingly questioned. RUF forces violated a number of aspects of the agreement, resisting disarmament efforts and even taking several hundred UN soldiers hostage for a short period in early 2000. One close analysis of the peace process, by Conciliation Resources, holds that the RUF (and to a point, the AFRC) resistance to the peace implementation process was 'indicative of their fear of being brought to justice', arguing that 'their hesitations, misgivings, reluctance to disarm, and arrogant behaviour betrayed a deep sense of guilt and an unwillingness to face their victims'.[47] Others, however, believe that it was largely the lack of movement by the UN and international community more generally that led the RUF to think that they had lost interest.

By early May 2000, ten months after the signing of the Lomé Accord, there were rumours of rebel soldiers on the outskirts of the capital city, and tensions increased. A large public march was organised, and approached Foday Sankoh's residence to protest the RUF's actions. Unexpectedly, it was fired on by Sankoh's security guards, and over 20 civilian protesters were killed. Sankoh fled, but several days later was found and arrested. In the days that followed, the Sierra Leone government made a formal request to the UN for the establishment of a special court to try Sankoh, and perhaps others. At the same time, several hundred other former soldiers of the RUF and AFRC were arrested; many were detained without charge for lengthy periods, some up to six years.[48] The rapid deployment of 1000 British troops prevented this breakdown in peace from worsening. In addition, the UN further strengthened its forces. However, the UN Secretary-General's October 2000 report on Sierra Leone describes the security situation as 'precarious and unpredictable' since the 'resumption of hostilities' in May. [49]

Some international observers have suggested that the amnesty in the peace agreement was the cause of the near-breakdown of the peace in May 2000.

46 O'Flaherty, ICHRP, op. cit., Par. 92.
47 Dennis Bright, 'Implementing the Lomé Peace Agreement' in *Paying the Price: The Sierra Leone Peace Process*, Accord issue no. 9, 2000 (available at www.c-r.org).
48 Detention without charge and without trial is not unusual in Sierra Leone. Some former RUF and AFRC combatants who were released from detention in 2005 and 2006 started an NGO called Promoters of Peace and Justice.
49 'Seventh Report of the Secretary-General on the United Nations Mission in Sierra Leone,' UN Doc. S/2000/1055, 31 October 2000.

Leaving perpetrators untouched, some with lofty positions in government, only encourages them (or others) to break the law in the future, argue organisations such as Human Rights Watch. This contributes to a cycle of violence and further entrenches a deep sense of impunity. Corinne Dufka of Human Rights Watch notes that 'if you put persons known for having committed violations in positions of power, then you can expect them to continue to violate the rule of law – like criminals guarding the chicken coop'.[50]

However, Sierra Leonean and other close participants generally do not make such a link between the amnesty and the outbreak of violence months later. There were a number of other more direct reasons for the difficulties in implementing the peace agreement, such as the slow deployment of peacekeepers and the half-hearted approach to the process by the RUF leadership, as noted above.[51] Echoing others, former US Ambassador Joseph Melrose writes, 'One is left to wonder if the May 2000 events could have been avoided if the UNAMSIL peacekeepers could have been deployed in a timely manner. The first peacekeepers arrived more than four months after the agreement had been signed and had not reached operational effectiveness before the May 2000 events, nine plus months after the signing.'[52]

Certainly, fair trials for past crimes could have strengthened the rule of law and helped to combat a culture of impunity. This would have been particularly so if trials for human rights crimes or corruption had taken place, since other high-profile trials of recent years had been focused only on treason charges. If avoiding an amnesty would have held Foday Sankoh and others to account after the peace agreement, and therefore prevented them from playing a disruptive role during peace implementation, this in itself would have strengthened the peace. But, as noted above, these options were not thought to be possible.

One can say in retrospect that Sankoh was not to be trusted. However, this was not clear at the time, and there was a desperate desire – even need – to trust his intentions for peace, especially given that he was receiving such handsome rewards from the peace deal. Refusing to sign the accord because it included an amnesty (which was not, in fact, an approach even considered by the government) would have scrapped the chance for a negotiated peace altogether, according to virtually all participants. Sankoh was a difficult partner in peace, for sure, but he was the only person in a position to deliver peace, and thus he had to be reckoned with.

In November 2000 and in May 2001, two additional agreements were signed in Abuja, Nigeria, between the Government of Sierra Leone and the RUF. The first agreement recommitted the parties to the Lomé Agreement, and declared a new ceasefire. The second agreement led the way to a vigorous programme of disarmament, demobilisation, and reintegration (DDR), leading

50 Interview by author.

51 Some observers also wonder if Charles Taylor, President of neighbouring Liberia and a long-time supporter of the RUF, also played a role in further destabilisation, perhaps worried about losing access to the diamond areas controlled by the RUF.

52 Melrose, op. cit.

to a significant reduction in hostilities.[53] With these agreements, and with a disruptive Sankoh out of the way, peace implementation finally began to take hold.

The Special Court for Sierra Leone

Unforeseen by the Lomé Accord, and first discussed only after the events of May 2000, a Special Court for Sierra Leone was founded in 2002 through an agreement between the Government of Sierra Leone and the United Nations. The Special Court was created because the government and international partners now saw that justice (for Sankoh and others) was necessary: Sankoh had been arrested, and had clearly and flagrantly violated the peace accord. But the government was equally clear that such cases could not be brought forward in national courts, and thus asked the UN for assistance.

Many observers of the Sierra Leone peace process have assumed that the need to create a Special Court was due to the national amnesty, which prevented prosecutions in national courts. However, those who were closest to the initial conversation around a Special Court did not consider the amnesty to be the reason why an international or hybrid court was needed. The foreign diplomat who first discussed the idea of an international court with President Kabbah, very shortly after Foday Sankoh was arrested in May 2000, remembers Kabbah raising two concerns that would have made it difficult to prosecute Sankoh in a national court: the weaknesses inherent in Sierra Leone's judicial system, and the fact that Sierra Leone had not signed the Convention on the Safety of United Nations and Associated Personnel, which would have facilitated prosecution for the kidnapping of UN peacekeepers in early 2000.[54] This diplomat remembers saying to Kabbah that the amnesty was no longer applicable because Sankoh had violated the terms of the accord, and Kabbah agreed with this interpretation. The Lomé amnesty did not cover acts that took place after the date of the accord in any event, so prosecution in national courts for recent crimes would not have been prohibited.

The disclaimer that had been attached to the signature of the Lomé Accord by the UN representative was used as one justification for the creation of the Special Court, explicitly referred to in the UN Security Council resolution that called for the creation of the Special Court. In the public's mind in Sierra Leone, the UN disclaimer has been considered the crucial element that allowed the Special Court to be created. However, as it turned out, the Special Court itself was ultimately doubtful about the legal weight of the disclaimer.

53 See 'Agreement Between the Government of Sierra Leone and the RUF', Abuja, 10 November 2000; and 'Communique', Meeting of the Joint Committee on Disarmament, Demobilisation and Reintegration by the Government of Sierra Leone, RUF and UNAMSIL, 15 May 2001.

54 The Convention on the Safety of United Nations and Associated Personnel was adopted by the UN General Assembly and opened for signature in December 1994. It creates a regime for prosecution or extradition of those accused of attacking UN personnel. RUF forces had taken over 500 UN peacekeeping troops hostage in early 2000; this was not covered by the amnesty, since it took place after the accord was signed, but it would have been difficult to prosecute without Sierra Leone being a signatory to this Convention.

After a formal request from the Government of Sierra Leone to the United Nations shortly after the May 2000 events,[55] the details of the Court were worked out over the next year, and it began operating in late 2002. The Special Court was intended to offer a new 'hybrid' model of internationalised justice, with judges, prosecutors, defence counsel and other personnel being both nationals and internationals. Over the next years, with an annual budget of approximately $25 million covered by donor states, the Court put forward indictments of 13 individuals. Three of the most senior indictees have died, including two while in custody: Foday Sankoh in 2003, and Hinga Norman in 2007. The whereabouts of a fourth indictee is unknown, with some reports that he also has died. Eight additional persons, from the RUF, AFRC and the government-affiliated Civil Defence Force were put on trial by the Special Court in Freetown. In early 2006, the Court gained custody of the former president of Liberia, Charles Taylor, who was living in exile in Nigeria. The Taylor trial will take place in The Hague, using the courtrooms of the International Criminal Court.

There is some complaint by the Sierra Leonean public that many of the individuals brought forward for trial by the Special Court do not represent those most responsible for the conflict or its abuses, as intended in the mandate of the Court. Many Sierra Leoneans hoped to see a larger number of people identified as 'bearing the greatest responsibility', and were also uncomfortable with the Court's indicting an equal number of indictees from each faction, when the RUF was popularly considered to carry the greatest weight of the war, and responsibility for the worst abuses. In addition, there have been concerns about the cost of the court, relative to the great needs of the national judicial system.

In 2004, in deciding an early challenge to its jurisdiction, the Special Court determined that the domestic amnesty that was reached at Lomé had no effect in relation to the Special Court.[56] This decision was argued on the basis of customary international law, and did not rely on the disclaimer that the UN inserted with its signature. Lawyers inside the prosecutor's office concluded that the disclaimer was of questionable legal value.

Implementing the Truth and Reconciliation Commission

The TRC received intensive attention in late 1999 and early 2000 from national civil society and the UN human rights office. This included workshops, seminars, broad public consultation and international consultants

55 This request to the UN from President Kabbah was understood itself to have strong international backing, and was not seen to be Kabbah acting entirely on his own volition.

56 Among other conclusions, the Special Court for Sierra Leone found that an amnesty for serious international crimes is 'contrary to the direction in which customary international law is developing'. See Prosecutor v. Morris Kallon, Brima Bazzy Kamara, SCSL-04-15-PT-060-II, Decision on Challenge to Jurisdiction: Lomé Accord Amnesty, 13 March 2004, para. 84. Some thought has also been given to whether the amnesty could be challenged in national court. There may well be legal grounds to do so, but no opportune time has yet been seen for this.

brought in to help draft the terms of reference.[57] The TRC Act was passed in early 2000, but the Commission membership was appointed and the Commission's operations launched only in 2002. This delay was largely due to the continuing conflict, and a general understanding that it would be unwise to begin a potentially contentious truth inquiry in the context of very fragile peace implementation, and before significant demobilisation of combatants had taken place.

Between 2002 and 2004, the Truth and Reconciliation Commission received more than 9000 statements and held countrywide victim and thematic hearings. Its report was completed in late 2004, but the final public release was delayed until mid-2005 due to editing and printing errors in the original version. The TRC's numerous recommendations were divided into 'imperative', 'work towards', and 'seriously consider', and were also clustered thematically. They addressed the protection of human rights, establishing the rule of law, reparations and reconciliation, and other areas. For example, to protect human rights, the TRC recommended abolishing the death penalty and creating a National Human Rights Commission (as originally agreed in the Lomé Accord). To strengthen the rule of law, its recommendations included a binding code of conduct for courts and magistrates, as well as the creation of an autonomous judiciary with budgetary responsibilities.

The TRC report and its recommendations have generally been warmly welcomed, including by civil society and by the RUF Party.[58] Many have stressed the opportunity for fundamental societal change if the recommendations were in fact to be implemented.[59] Shortly after the public release of the TRC report in 2005 (but close to a year after it first received a copy in 2004) the government submitted a short white paper on the TRC report, but was criticised for failing to make any specific commitments for implementation of the TRC recommendations. In late 2005, civil society assisted in drafting an Omnibus Bill that incorporated many of the recommendations that the TRC called 'imperative'. The Bill has been considered by the Parliamentary Human Rights Committee, but has not yet been debated for passage by the full Parliament. The new Human Rights Commission has de facto taken on the role as the Follow-up Committee, and has made detailed submissions to the Constitutional Review Committee on concrete means of implementing some of the TRC's 'imperative' recommendations.

The simultaneous operation of the TRC and the Special Court for Sierra Leone revealed the complementarities of the two institutions, but also several difficulties and confusions. Early in the process, the two institutions agreed to operate independently and not to share information on cases or investigations, so that each could receive information in confidence. This was made clear

57 The author of this paper assisted with these consultations, as a consultant to the UN High Commissioner for Human Rights.

58 The RUF was transformed into a political party with the Lomé Accord. In interviews, Party representatives praised the TRC report highly.

59 See *Final Report of the Truth and Reconciliation Commission of Sierra Leone*, Vol. 2, Chapter 3, 'Recommendations', available at www.trcsierraleone.org.

through public statements, rather than undertaking any formal agreements. Despite initial confusion in the public mind, there were in fact few tensions between the institutions until late in the work of the TRC, when the Special Court refused a request from the TRC that some of its detainees be allowed to testify in the Commission's public hearings.

In 2006, the UN Peacebuilding Commission selected Sierra Leone as one of its countries for special focus. Many concerned with the protection of human rights in Sierra Leone hoped that this would provide an opportunity for further progress on many areas of reform, including the fundamental areas highlighted in the recommendations of the TRC report. After two years of lack of progress on implementation of the TRC recommendations, the Peacebuilding Commission may provide an important opportunity for pushing for the implementation of a key element of the peace process that was started at Lomé.

Judicial reform efforts

The Lomé Accord did not set out provisions for reform of the judiciary, despite the major needs that are clearly evident in that area. Prolonged pre-trial detention is rampant, conditions in prisons are generally extremely poor and access to the courts is scarce, especially outside Freetown. Many Sierra Leoneans rely on traditional courts, a dispute-resolution system that relies on local traditional leaders who generally do not have formal legal training.

Recognising the major needs in this area, the UK government made a commitment to a major judicial reform initiative a number of years after the Lomé Accord was signed. This Justice Sector Development Programme (JSDP) is expected to receive GBP25 million over five years, beginning in 2006, with funding provided by the UK Department for International Development (DFID). The JSDP works closely with a coordinating group of national actors, including both government and civil society representatives, to implement a large reform programme, and is staffed by both national and international lawyers and experts.

Creation of a new Human Rights Commission

Article XXV of the Lomé agreement provided for the creation of a Human Rights Commission and a more general commitment to a respect for human rights:

> The Parties pledge to strengthen the existing machinery for addressing grievance of the people in respect of alleged violations of their basic human rights by the creation, as a matter or urgency and no later than 90 days after the signing of the present Agreement, of an autonomous quasi-judicial national Human Rights Commission.

This article of the accord also pledged to 'promote human rights education' throughout Sierra Leonean society, 'including the schools, the media, the

police, the military and the religious community'. It also specifically notes that local human rights and civil society groups in Sierra Leone 'shall be encouraged to help monitor human rights observance'.[60]

A National Commission for Democracy and Human Rights (NCDHR) already existed when the Lomé Accord was signed, but there was an interest in a body focused more exclusively on human rights obligations and protections.[61] After many delays, the National Human Rights Commission was finally created, and commissioners nominated and confirmed, in late 2006.

The Lomé Accord calls for both the TRC and the Human Rights Commission to be established within 90 days of the July 1999 signing of the accord. While the UN human rights office put considerable effort into the establishment of the Human Rights Commission, drafting elements for a statute and arranging technical cooperation visits by a high-level UN expert on the matter, little progress was made by the government to put this new body in place until years later. It is true that the Human Rights Commission may not have met with the same passion from national civil society organisations as did the TRC. However, some observers felt that political support for the existing NCDHR may have been the reason for the slow establishment of the Human Rights Commission. When the new commission was finally created, many linked it to the recommendations of the TRC, rather than to the outstanding commitment clearly set forth in the Lomé Accord seven years earlier.

Demobilisation, and reform of the armed forces and police

Over 50,000 combatants were demobilised during the peace implementation period following the Lomé agreement. However, reintegration of these ex-combatants has been difficult. Many former RUF combatants have found that it is not possible to return to their home communities, since their association with past atrocities, or generally with the widely abhorred rebel forces, is usually well known in their villages. Many ex-combatants thus linger in Freetown, unemployed. These problems could have been foreseen, and in the interests of long-term stability a more robust approach to reintegration might have been included in the peace agreement. This is hardly a simple issue to resolve, and there is often resistance to the idea of providing extra benefits to those who were the perpetrators of atrocities during conflict. However, creative approaches to community service schemes, or other symbolic repayment or apology requirements, might have helped to reduce what has become an entrenched problem of displacement of former rebels. It might also have advanced reconciliation at the community level.[62]

60 Lomé Accord, Article XXV, 'Human Rights Commission'.

61 The National Commission for Democracy and Human Rights would be split, resulting in a Human Rights Commission, with a much closer focus on ongoing violations, and a National Commission for Democracy.

62 An example of community service programmes being used to advance reintegration can be found in Timor Leste, which created such a programme in conjunction with (and coordinated by) the Timorese truth commission.

Although not addressed in the Lomé agreement, the police force has nonetheless undergone extensive restructuring since the end of the war, and has received accolades from both the population and the donor community. Recent surveys find that a great majority of the population feels 'safe' with the police force around. What seem to be transparent mechanisms for addressing complaints from the public with regard to police behaviour have been put in place, which would greatly contribute to an increased trust within the community. However, there are no procedures to prevent human rights abusers from entering the police. New recruits are not vetted for their involvement in past atrocities, although it is suggested that 'stringent entry requirements' may deter former combatants from applying. Criminal records are checked, but there is reportedly no focus on whether an applicant was a combatant in the war.

7 Lessons from the Sierra Leone case

The developments in Sierra Leone offer a number of lessons or perspectives that may be useful in other contexts.

Prosecutions can advance peace: the arrest of key protagonists who violate accord can boost peace implementation

In some contexts, one central individual or individuals can play an indisputable role in fomenting further violence, and prevent an advance in brokering or implementing a peace agreement. In Sierra Leone, it became clear that Foday Sankoh continued to play a disruptive role even after the peace agreement was signed. Once he flagrantly violated the agreement in May 2000, his arrest allowed for a replacement at the head of the RUF, enabling the slow but more serious implementation of the agreement. It would not have been reasonable to remove him from his leadership position without this sudden shift, when he lost the support of not only the government but also some of his former colleagues, who continued to support the peace process. When there are legitimate, credible, and fair charges against such pivotal individuals, and especially if they are believed to be involved in inciting violence, an appropriate process of arrest and prosecution can have a direct and positive effect on the peace process.

Recent national justice and amnesty measures will frame the debate

In contexts where the authorities have shown a real inclination and capacity to punish armed rebels, these groups are likely to prioritise an amnesty as a firm precondition to their laying down arms. In other contexts where there has been minimal accountability after massive abuses over many years, the question of amnesty does not seem to have been approached with the same

rigour.[63] The Sierra Leonean state had executed 24 people for involvement in a previous coup only months before the Lomé talks began, which made it clear to the rebel negotiating team that criminal justice and punishment was a real prospect.

As a further complication for those arguing against an amnesty, the rebel leader himself, among others, had already been convicted and sentenced to death; the demand for pardon was thus foremost in their minds, as perhaps the first condition for peace. A country's recent history regarding prior amnesties will also frame the discussion and set presumptions during peace negotiations. The political class in Sierra Leone could not imagine a peace agreement being reached in 1999 that would not include an amnesty for all crimes of the war. This assumption was largely based on the reference point of the previous peace agreement of 1996, which included blanket immunity guarantees. Many said that it would have been unrealistic to think that the rebels would settle for less the second time.

The relative strength of parties influences justice outcomes

The very weak military position and limited territorial control of the state in Sierra Leone gave the government little option but to negotiate an end to the war, and little leverage to avoid granting the rebels many of their primary demands. The military supremacy of the rebels and the threat they held over the entire country, and especially the capital city, made the idea of giving up on the talks almost unthinkable. While the government was able to hold off the demands for robust power-sharing, it did not attempt to resist the idea of an amnesty.

Consider all options and creative alternatives

Despite the seeming impossibility of the parties in Sierra Leone coming to any final result other than full amnesty for past crimes, simple alternatives and seemingly harmless conditions were either not seriously considered at all, or were considered only cursorily and too late in the process to be easily incorporated. The limited participation in the committee that discussed the amnesty also made it difficult to insert alternative language. Most human rights advocates, both national and international, were advocating for one position: no amnesty. But this stance presented the parties and the mediators with little room for creative approaches to the challenge before them, in which it was clear that some form of amnesty, or at least a broad pardon for those convicted, would probably be necessary.

There are clear lessons here for those advocating for justice. Presenting the question of justice as simply 'amnesty versus no amnesty' is not necessarily useful in situations such as that in Sierra Leone in the late 1990s. In short, perhaps amnesty could not have been avoided, but it may well have been

63 This is true in a number of past cases. For example, in Liberia, the 2003 agreement mentions only that an amnesty will be considered in future: see the companion paper on Liberia (Hayner, 2007, op. cit.). In Aceh, Indonesia, the 2005 agreement (in the form of a Memorandum of Understanding) grants amnesty to current political prisoners of the armed opposition, but does not address accountability or amnesty for the military, despite the fact that the military was seen as the primary perpetrator of serious abuses.

possible to avoid a blanket, unconditional amnesty. Few explored this; people with these ideas were not able to insert them in the discussion, or came in too late in the process.

One civil society participant in the Lomé process notes that in retrospect it was clear that they were little informed about truth-commission and amnesty models, and thinks they might have missed an opportunity. Only after the peace negotiations did they learn about other truth commission models and variations on blanket amnesties. 'If we were much more grounded in issues of truth commissions, we could have played around with the issue of amnesty', he said. 'There are many possibilities – such as treating politically motivated crimes differently, just as an example. We had no idea at all of any of these options.' An exploratory seminar presenting approaches taken in other contexts, for example, might have opened up the issue for broader discussion and offered alternatives to the all-or-nothing approach to the question of amnesty.

Clarity is needed on international and domestic law in relation to justice obligations

Those involved in the Sierra Leone negotiations may have missed two opportunities that could have been presented through a full understanding of legal constraints and obligations.

1 It seems that no one provided clear information to all parties on the obligations of the state in relation to serious international crimes. Some of the interpretation provided of the international human rights treaties was limited and seemingly inaccurate, leading the international participants to go along with a blanket amnesty for massive international crimes with little or no opposition.[64] Clearly some, such as UN human rights personnel, were trying to insert clear and accurate information on the obligations and other relevant aspects of international law, but this was apparently provided only to a narrow audience.
2 The government did not attempt to make a constitutional argument in relation to the proposed amnesty, despite using this firmly and effectively to limit the power-sharing aspects of the Lomé accord.

Basic, clear, context-specific legal information and analysis should be made available to all parties and mediators to peace talks. This must be presented in a manner that is accessible to lay people and sets out the options available with clear emphasis on what results the various options may produce.

Those mediating should ensure full consideration of the issues

Those in the role of mediator (in the case of Lomé, the president and foreign minister of Togo) should also be attentive to the wider issues, and should not be neutral especially in relation to proscriptions or obligations as set out in

64 There were, for example, ten signatories as 'witness' to the accord (six states and four intergovernmental bodies): the presidents of Burkina Faso, Côte d'Ivoire, Ghana, Liberia, Nigeria, Togo, the OAU, ECOWAS, the Commonwealth and the UN. However, only the UN expressed last-minute opposition to the amnesty. Despite its close involvement in the negotiations, the US did not sign as a witness, following its generally preferred policy and to avoid implying a commitment of resources for implementation. The UK representative also declined to sign as a witness.

international law. While mediators cannot dictate the terms of an accord, they should ensure that the interests of broader society, including victims, should be considered in the course of negotiations. These interests are not uniform, and may strongly support the end of the war as a first priority. However, according to public opinion surveys in various war contexts, they will in most cases also reflect a strong desire to see justice for severe atrocities, even if there may be a delay in obtaining such justice. A mediator may need to open the space for these views to be heard. In Sierra Leone, this could have been done by not accepting blindly the quick, early agreement for amnesty between the two parties, and instead urging an exploration of all other options.

Quasi-legal status of an accord and amnesty may result in later confusion

Some aspects of the signing of the Lomé Accord could raise questions from a strictly legal point of view. For example, the 'disclaimer' about the amnesty inserted by the UN Special Representative was written on only one copy of the accord. However, the text specifically notes that each of the 12 original texts is 'equally authentic'. Furthermore, this disclaimer was reportedly written onto that one copy after some others had already signed the document, but without any announcement, clarification or discussion. While the disclaimer claims to speak only for the UN's own understanding of the applicability of the amnesty language in the accord, the significance of the notation was understood to go much further, as the UN relied in part on this disclaimer when later backing and helping to build a Special Court for Sierra Leone.

Further, the copies of the signed accord that are available publicly do not include the disclaimer – nor has anyone in Sierra Leone besides those present at the signing ceremony apparently seen a copy of the version containing the disclaimer. This has created confusion in the public mind about when and whether such a notation was in fact added. Providing a copy of this version of the accord to the public would dispel such doubts, as would have clear reporting immediately after the signing about any last-minute amendments, clarifications or verbal agreements. This could have been done by the mediator, or by the mediator together with the parties, such as in a press conference. In the future, it would be useful if a signing ceremony could be formally documented, such as through a careful video record, so that questions raised later about the legitimacy of any clarifying language, signatures or verbal understandings could be settled.[65] A separate question, of course, is whether entering such understandings is generally acceptable in the context of a peace agreement – and what authority such statements in fact hold.

The general rules on interpreting an international treaty, to which a peace accord is perhaps a close cousin, require that the original language agreed to by all would be the basis for interpretation. A unilateral 'understanding' is easily entered, but generally this cannot question or alter any fundamental provisions of the treaty, or fundamental understandings of the agreement

65 There is in fact a lengthy video record of the signing ceremony for the Lomé Accord, which was made by one of the international participants. However, while it includes all the official speeches, it does not document more than a few moments of the actual signing (video on file with author).

held by other signatories. The admissibility of such an 'understanding' would presumably be judged by other parties to the treaty or agreement, and would be undertaken with their full knowledge.

But a peace agreement is not an international treaty, and the procedural requirements and legal status of such agreements are much more fluid and undefined than those of treaty law.[66] There are advantages to retaining this flexibility, which allows mediators leeway to determine the nature, style, parameters and requirements for a procedure of the parties formally accepting the final agreement. (In another case, a peace agreement was agreed to verbally rather than by signing, for example.) But this flexibility also allows for possible confusion later, which can make interpretation and implementation of the accord more difficult. A mediator should be conscious of the questions that may be raised later, in order to do whatever is possible to prevent unnecessary and potentially destabilising disagreements of interpretation.

Justice issues are unlikely to be fully resolved with the signing of the accord

The Sierra Leone case suggests that some aspects of a peace accord may continue to be negotiated, in a sense, long after the accord is completed and signed. The seeming finality of decisions concluded during negotiations may be challenged as new, unexpected factors emerge, or as political realities shift in the following months or years. It seems that issues pertaining to accountability, impunity, truth-seeking and related matters of justice may be among the issues more susceptible to such changes in the medium to long term. In Sierra Leone for example, the establishment of a special tribunal to try those most responsible for serious human rights crimes was unforeseen during the period of negotiations. Also, as in many countries, the precise terms of reference of the truth commission were determined with a process of broad public consultation after the agreement had been concluded. While the Lomé amnesty is still considered to be in force at the national level, a legal challenge in national courts is still possible.

Measures to reform, rebuild or strengthen the national judicial system, in terms of both personnel and infrastructure, are often only lightly addressed in peace accords. However, these are crucial measures that can strengthen the future rule of law in a country. Creative and sustained international involvement is often required to make any deeply rooted change in this area. This is difficult to achieve, and rarely seriously addressed during negotiations between warring parties, which are typically focused on the immediate political demands and interests of the parties as well as mechanisms to disarm combatants and normalise governance.

Thus, mediators in future may be cognisant of the likelihood of shifting sands in the political or legal realm that may change what at first seems a final resolution on some issues central to the negotiations. This does not lessen the

66 For further information on this set of questions, see forthcoming publications by Christine Bell, who is currently writing on the legal nature of peace agreements. See also Christine Bell, 'Peace agreements: their nature and legal status', *The American Journal of International Law*, Vol. 100, No. 2. (April 2006), pp. 373–412.

importance of close attention to these challenges, and the need to avoid any promises of impunity for serious crimes. But it should be expected, even if it is not explicit, that issues of justice will continue to be debated and shaped into the future, as victims' and other independent voices gain strength, legal challenges emerge, or international factors such a UN-backed court may fundamentally change the situation.

8 Conclusion

For many in the international community, the blanket amnesty awarded in the Lomé peace agreement of 1999 was by far the most prominent element of the entire accord. However, despite the considerable commentary about this amnesty provision, strongly decried by many, it seems that its origin and its impact have not been well understood. Some common assumptions about the amnesty, and its impact on the broader transition from war, deserve closer scrutiny. For example:

1 The blanket amnesty appears to have been agreed quickly, easily and very early in the talks, with virtually no discussion or debate, and it was first offered by the government rather than demanded by the rebels. Those who resisted the idea of a blanket amnesty – national and international civil society groups and members of the UN human rights office – were largely kept out of the decision-making.
2 National and international participants close to the transition do not consider the amnesty to be the reason why the peace began to break down in early 2000, several months after the peace accord was signed. The direct link that is sometimes suggested by international observers in this regard is not the perception of those who were closest to the situation. Many other factors, including slow mobilisation of UN troops and weak RUF commitment to the peace process, played a much more direct role.
3 The government's decision to request the establishment of a hybrid Special Court, in May 2000, was apparently not a result of the existing national amnesty. There were other factors that led to the conclusion that national courts were not the appropriate venue for proposed trials.

Ultimately, the amnesty was determined by the incontestable political and military realities of the time. Surprisingly, there is virtually unanimous agreement now that a peace agreement would not have been possible without an amnesty, although whether there could have been limitations on the amnesty remains an open question.

Beyond the amnesty, the Lomé Accord addressed other justice issues in only a very limited way. The accord included agreement for a truth commission and reparations, although with few details specified. Many other aspects of reform

and reconstruction were largely untouched. Significant reform of the judicial and security sectors, for example, would have resulted in greater respect for the rule of law, and perhaps better addressed the underlying causes of the conflict. The most difficult aspect of the peace negotiations, and the issue of greatest interest to the rebels, was that of power-sharing, and particularly the position and seniority granted to the head of the RUF, Foday Sankoh.

Sierra Leone still faces enormous problems. Many observers highlight the continuing prevalence of the original causes of the civil war: public frustration at corruption, weak governing structures, limited public services and high unemployment, especially among the youth, in a context of deep and widespread poverty and poor economic prospects. The challenge of accountability and the rule of law is central to some of these issues, but of course not all. Despite the importance of addressing these challenges for long term stability and peace, relatively limited attention was given to many of these issues in the course of brokering the transition out of war.

Acronyms and abbreviations

AFRC	Armed Forces Revolutionary Council
CDF	Civil Defence Force[s]
DDR	disarmament, demobilisation and reintegration
ECOMOG	Economic Community of West African States Monitoring Group
ECOWAS	Economic Community of West African States
ICHRP	International Council on Human Rights Policy
NCDHR	National Commission for Democracy and Human Rights
OAU	Organisation for African Unity
RUF	Revolutionary United Front
SLA	Sierra Leone Army
sobel	soldier-rebel
UNOMSIL	UN Observer Mission in Sierra Leone