

**SUMMARY OF THE FINDINGS AND CORE
RECOMMENDATIONS OF THE SIERRA
LEONE TRUTH & RECONCILIATION
COMMISSION (TRC)**

Summary of the Findings and the core Recommendations of the Sierra Leone Truth & Reconciliation commission (TRC)

I. Summary of the Main Findings

1. Causes of the Conflict

While there were many factors, both internal and external, that explain the cause of the civil war, the Commission came to the conclusion that it was years of bad governance, endemic corruption and the denial of basic human rights that created the deplorable conditions that made conflict inevitable.

The TRC Report highlights in its findings that many of the causes of conflict that prompted thousands of young people to join the war have still not been adequately addressed.

The Commission commenced its primary findings with the conclusion that the conflict and the independence period preceding it, represented the most shameful years of Sierra Leone's history. These periods reflected an extraordinary failure of leadership on the part of many of those involved in government, public life and civil society. No enlightened and visionary leaders emerged to steer the country away from the slide into chaos and bloody civil war, the Commission concluded.

2. Denial of Humanity

The story of the war encapsulated in the TRC Report reveals how Sierra Leoneans were denied their humanity. The story underscores the need for the creation of a human rights culture in Sierra Leone. A rights culture demands that Sierra Leoneans respect each other's human rights, without exception.

3. Nature of the Conflict

According to the TRC Report the overwhelming majority of atrocities were committed by Sierra Leoneans against Sierra Leoneans; all the fighting factions targeted civilians, especially women; and Sierra Leone was systematically plundered and looted by all factions in the conflict.

4. Mineral Resources

The Commission found that the desire to acquire and exploit diamonds was not the cause of the conflict in Sierra Leone; rather it was an element that fuelled the

conflict. Diamonds and other mineral resources were used by each of the factions to finance and support their war efforts.

5. External Actors

The Commission found that former Liberian President Charles Taylor and the National Patriotic Front of Liberia (NPFL) played key roles in bringing the bloody conflict to Sierra Leone. It calls on Liberia to make symbolic reparation to Sierra Leone. It also calls on Libya, which was found to have provided support to the insurgents, to make financial contributions to the War Victims Fund specifically called for by the TRC Report as well as the 1999 Lomé Peace Accord.

The Commission laments the fact that the international community, apart from the ECOWAS states, declined to intervene in the unfolding human catastrophe in Sierra Leone until at a very late stage.

6. Women

The Commission found that women and girls suffered uniquely during the conflict. They were raped, forced into sexual slavery and endured acts of sexual violence.

7. Children and Youth

The TRC Report also mentioned that Children were singled out for some of the most brutal violations of human rights recorded in any conflict. A pernicious strategy came to characterize the Sierra Leone conflict, whereby most of the factions forced children into combat.

The Commission paid particular attention to identifying and exposing individuals and factions responsible for the violation and abuse of the rights of children. The Commission found that the youth in Sierra Leone were and continue to be excluded from meaningful participation in the political process.

8. National Reconciliation

The TRC Report recognizes that reconciliation is an ongoing process that must occur at national, community, and individual levels. It places no preconditions on the realization of reconciliation.

II. Summary of the Core Recommendations

The Commission's recommendations are designed to facilitate the building of a new Sierra Leone based on the values of human dignity, tolerance and respect for the rights of all persons. In particular, the recommendations are intended to help create an open and vibrant democracy in which all Sierra Leoneans are treated as equals before the law.

Accordingly, the TRC Report highlights that the legacies of dehumanization, hatred and fear must be confronted. It states further that there is a need for tolerance, not prejudice; a need for acknowledgment, not recrimination; a need for reparation, not retribution; a need for community, not victimization; a need for understanding, not suspicion; and a need for reconstruction, not greed.

The Commission's central or core recommendations include:

1. Protection of Human Rights

- i. Enshrine human dignity as a fundamental right in the Constitution.
- ii. Abolish the death penalty; and commute pending death sentences. (There are currently 20 persons awaiting execution in the Pademba Road Prison as at May 2007).
- iii. Establishment of a National Human Rights Commission.
- iv. GoSL to ratify and accede to international human rights treaties that Sierra Leone has not yet signed/ratified. (Sierra Leone has not yet ratified the Convention on the Prevention and Punishment of the Crime of Genocide; the Optional Protocol on the International Covenant on Civil and Political Rights abolishing Death Penalty; the Protocol to the African Charter on the Rights of Women; and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography).
- v. Sierra Leone required to submit outstanding reports under its international human rights Obligations. (Sierra Leone is a State Party to the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the International Convention for the Elimination of All Forms of Racial Discrimination; the Convention for the Elimination of All Forms of Discrimination Against Women(CEDAW); the Convention on the Rights of the Child(CRC); the Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment; and the International Convention on the Protection of All Migrant Workers and Members of their Families. Yet it has not complied with its reporting obligations under these treaties.)
- vi. Avoid criminal sanctions in sphere of expression. This requires amendment of the Public order Act.
- vii. Repeal Sections 27(4) (d) and (e) of the 1991 Constitution which permits discrimination against women.

2. Establishment of the Rule of law:

- i. Broaden representation on the Judicial Services Commission; and increase representation of Bar.
- ii. Binding code of conduct for judges and magistrates.
- iii. Appointment of magistrates and prosecutorial attorneys in each district.
- iv. Separation of the Office of the Attorney General and the Ministry of Justice.
- v. Creation of an autonomous judiciary with budgetary independence.
- vi. Local courts to be incorporated into the judicial system.
- vii. Establishment of public defense system in all main centres.

3. Security Services:

1. Adopt new principles of National Security and enshrine them in the Constitution.
2. No member of security service to obey a manifestly illegal order.
3. Security Service to be apolitical.

4. Promoting Good Governance

- i. Constitution to enjoin public servants not to act in a way inconsistent with office.
- ii. Parliament to promulgate code of ethics for senior members of executive and leading officials; officials dismissed for breach of ethics to be disqualified from holding public office; Alleged breaches of ethics to be investigated by a constituted body with capacity.
- iii. Candidates and political parties to disclose money raised and sources thereof; appropriate limits to be placed on contributions to political campaigns.
- iv. No party to be favored over another by an organ of State.

5. Youth

- i. Youth question to be viewed as a national emergency that demands national mobilization.
- ii. All political parties to ensure that at least 10% of their candidates for all public elections are youths.
- iii. Transformation of the Ministry of Youth and Sports into a National Youth Commission.

6. Women

- i. GoSL and factions to the conflict to issue a full and frank apology to women for abuses sustained during the war.
- ii. Repeal statutory and customary laws that discriminate against women.
- iii. All political parties to be required to ensure that at least 30% of their candidates for all public elections are women.

7. Children

- i. Child's Bill to be enacted into law.
- ii. Law Reform Commission to review legislation to ascertain whether laws accord the Convention on the Rights of the Child which has been signed by Sierra Leone.
- iii. New law to criminalize not sending a child to primary school; and make 18 years the age of majority.
- iv. Law Reform Commission to draft a law criminalizing trafficking, sexual exploitation of children and child labor.

8. National Reconciliation:

The Commission proposes the establishment of a national reconciliation day to be held every year on 18th January. The Commission offers guidelines that will facilitate reconciliation; however, it is ultimately up to all Sierra Leoneans to engage in imaginative acts that will advance reconciliation and healing.

9. The Reparations Programme

The Commission decided to create a programme to address and respond to the specific needs of victims, rather than recommending cash handouts. The victim groups addressed include amputees, war wounded and victims of sexual violence.

The Commission's recommended measures deal with the needs of victims in areas such as health, pensions, education and skills training, micro credit initiatives, community reparations and symbolic reparations.

10. Archiving of TRC Documentation

- i. National Human Rights Commission to become official custodian of TRC documentation. Pending the creation of the NHRC the archives to be held at the National Archives.
- ii. No law to be passed authorizing access by justice mechanisms to confidential information held by the archives.
- iii. No original TRC materials to be removed from National Archives/NHRC.

11. TRC Follow up Committees

- i. Establishment of a Follow-up Committee in line with the provisions of the TRC Act 2000 and the Lomé Peace Agreement of 1999.
- ii. At least four representatives of civil society should serve on the Follow-up Committee; one to represent women and one to represent youth.
- iii. Follow up committee to issue quarterly updates and one annual report.

END