

# Local Evaluations of Justice through Truth Telling in Sierra Leone: Postwar Needs and Transitional Justice

Gearoid Millar

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**Abstract** This article presents findings from a qualitative case study of the Truth and Reconciliation Commission (TRC) in rural Sierra Leone. It adds to the sparse literature directly evaluating local experiences of transitional justice mechanisms. It investigates the conceptual foundations of *retributive* and *restorative* approaches to postwar justice, and describes the emerging alternative argument demanding attention be paid to economic, cultural, and social rights in such transitional situations. The article describes how justice is defined in Makeni, a town in Northern Sierra Leone, and shows that the TRC's restorative approach was unable to generate a sense of postwar justice, and was, to many, experienced as a provocation. The conclusions support an alternative *distributive* conception of justice and show that local conception of rights, experiences of infringement and needs for redress, demand social, cultural, and economic considerations be taken seriously in transitional justice cases.

**Keywords** Transitional justice · Sierra Leone · Truth commissions · Economic rights · Postwar peacebuilding

## Introduction

Transitional justice mechanisms such as criminal tribunals and truth commissions are expected to provide victims with a sense that justice has been done in periods of transition from violence to peace or authoritarianism to democracy. However, to what extent do modern transitional justice mechanisms provide this *experience of justice* to those victimized? How do people in such situations define justice, and do internationally popular mechanisms provide this justice? In this article, I answer

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G. Millar (✉)

Center for International Conflict Analysis and Management, Radboud University Nijmegen,  
P.O. Box 9108, 6500 HK, Nijmegen, The Netherlands

these questions empirically with reference to the case of the Sierra Leone Truth and Reconciliation Commission (TRC). This article, therefore, presents local evaluations of the TRC's public hearings processes among residents of Makeni, a semi-urban town in the Northern Region of Sierra Leone.

To provide some foreshadowing, it is safe to say that experiences of the TRC in Makeni diverged significantly from what truth commission advocates often expect. Among the majority in Makeni, the TRC was largely seen to have poured its energies into a process that did not deliver what was needed in the postwar period. In the opinion of one young woman, a 29-year-old housewife named Hanna, the TRC, simply came to “*add pepper in my wound.*” In the opinion of Aminata, another young woman trying to raise a family in postwar Makeni, the TRC failed to provide anything that was needed. As she said, the TRC “brought money saying they are coming to sponsor people that have been offended during the war and I have not seen anything, I have not seen them doing any serious thing.”

These quotes, and many more below, attest to a dilemma within many postwar environments, a disjunction between what international transitional justice advocates theorize TRC processes to accomplish and how locals experience these processes. There is a small body of literature that has focused on evaluating the work of the TRC as a source of catharsis and healing (Dougherty 2004; Kelsall 2005; Shaw 2005, 2007; Basu 2007; Millar 2010), but which has not investigated similar experiences of justice. Another group of scholars have focused on the formal legalistic definitions of justice underpinning the TRC and the Special Court for Sierra Leone, which operated parallel to the TRC (Lamin 2003; Schabas 2004; Evenson 2004; Tejan-Cole 2002), but this group has largely excluded empirical analysis. This article attempts to add to both by empirically evaluating the *experience of justice* provided by the performances of truth telling, as distinct from the simpler method of truth seeking common to earlier commissions.

Originally, this project grew from my interest in reconciliation and transitional justice theory within conflict resolution literature which is generally optimistic about reconciliation processes (Hayner 1994, 2002; Kelman 1999, 2004; Lederach 1997, 1999, Kriesberg 2001, 2004, 2007) and more anthropological works by Wilson (2001), Shaw (2002, 2005, 2007), and Kelsall (2005), which were quite critical of the TRC approach. I designed my larger study to apply the anthropological perspective and methods to test the conflict resolution theories. This article and the findings reported herein are therefore a study of a particular case, in a particular time and a particular setting through an ethnographic methodology. While the case of Makeni, a medium-sized semi-urban town in the rural north of Sierra Leone, is clearly not representative of Africa writ large, the purpose of this article is not to speak to every African town's potential response to a TRC hearing. Given the vast differences in language, religion, ethnicity, and custom within Africa, any such project would be impossible. Makeni is, nonetheless, a case which exhibits characteristics similar to many postwar settings—particularly in Sub-Saharan Africa—including persistently low life expectancies, literacy rates, and gross domestic product (GDP) per capita, and relatively high levels of corruption and government incompetence. Such characteristics make these many diverse cases prone to similar complications during the postwar period and make lessons from Makeni pertinent to other potential transitional justice situations.

I use this case to highlight what Shaw, following Tsing (2005), terms “frictions,” or the manner in which supposed “universals” such as conceptions of human rights or democracy travel through local settings, grating against local conceptions in “abrasive, unequal and unpredictable ways” (Shaw 2007, 186). The generalizability of my findings is not reliant on some mythical universality of African societies, but on the very manner in which postwar African environments are each dissimilar from those predominantly Anglo-American and Western European societies which dominate the planning, funding, and administration of transitional justice processes.

Whereas Shaw’s work on “frictions” investigated primarily the friction between the TRC as a project of memory for the purpose of catharsis and healing, and local efforts to create a “*kol at*,” a cool and settled heart (2007, 184), this article adds to Shaw’s findings by investigating specifically the local conception of justice, the manner in which those local expectations were met by the TRC’s public hearings, and how it was remembered as a source of justice 6 years after the TRC had completed its work. This is significant because transitional justice mechanisms straddle a temporal border and engage both memories of the past and expectations of the future. As a result, evaluations of the TRC’s truth telling performances in 2003/2004, will not be the same in 2008/2009. My findings, therefore, compliment Shaw’s conclusions from her fieldwork in 2003 and 2004, and test the long-term impact of the TRC.

Many scholars have noted the social, cultural and situational variability of postwar peacebuilding or transitional justice needs (Lederach 1999; Mani 2002; Leebaw 2003; Opotow 2001; Shaw 2005; Theidon 2006) and as David Crane, the original lead prosecutor of the Special Court for Sierra Leone has said, it is not that justice must be done, but that “justice is perceived to be done” (2005, 1,686). The fact is that no matter how well funded, planned, or administered a transitional justice mechanism may be, it must be experienced as providing justice. Justice is not some platonic ideal, but something experienced within a context, and, therefore, variable and reliant on local interpretation. This article adds to the literature by describing how the processes of the TRC, and specifically the public performance of truth telling, as opposed to earlier methods of truth seeking, were experienced within one such context.

This article is divided into six parts. In section one, “War and Recovery”, I describe briefly the war in Sierra Leone, and then the processes and procedures the TRC followed to provide justice. In section two “Truth Telling: The Performance of Justice”, I look closely at the theoretical underpinnings of this work, showing how and why truth telling is thought to provide justice and this is different from truth seeking. In the “Methodology” section, I briefly describe my research methods and, in section four, “Local Experience of Truth Telling”, I present the relevant portion of my findings. I show first, through the voices of Makeni residents themselves, that the TRC failed to provide a sense that justice had been done, and second, that this was related both to the ongoing problems on the ground and local conceptions of justice itself. In section five, “International Justice: The Dominant Paradigm”, I explore the dominant international conceptions of transitional justice and the recent attention paid to the importance of economic and social security in periods of postwar recovery. Finally, in section six, “Conclusion: Expanding our Conceptions of Justice”, I support calls for a new focus within the field on local experiences of justice.

## War and Recovery

Sierra Leone is today a country troubled by a difficult peace. In many ways, the country is still wrestling with decades of failed government and the 11 years of civil war which raged between the spring of 1991 and early 2002. In the 1990 UN Human Development Report, Sierra Leone had an average life expectancy of 42 years, an adult literacy rate of 30%, and a GDP per capita of just \$480 (UNDP 1990, 128). Throughout the 1980s, “the government was not providing for the basic needs of the population” and, as a result, when the war began, the Revolutionary United Front (RUF) was “able to tap into widespread dissatisfaction” throughout the country and foment violence against the government (Shearer 1997, 849). To a great extent, the war can be seen as the final convulsion of a failed system (Reno 1995).

During the war, some 50,000 people were killed (Bellows and Miguel 2006, 394), 400,000 fled overseas and between 800,000 and 1.3 million Sierra Leoneans were internally displaced (Amowitz et al. 2002, 214). The parties to the conflict are reported to have burned houses and “cut of villagers’ hands and fingers” (Richards 1996, 6), and during “drug-induced atrocities” the RUF was said to “mutilate and even sometimes to eat their victims” (Williams 2001, 15). Perhaps worse, many of these atrocities were carried out by child soldiers and “at close proximity with low-technology weapons: light armaments, cutlasses, machetes, [and] knives” (Hoffman 2006, 15).

Today, although the country is experiencing a period of relative calm and marginal economic growth, it is nonetheless still inflicted with the ills of deprivation and poverty from which it suffered almost two decades ago. In the UNDP’s 2010 Report, where Sierra Leone is ranked 158th out of the 169 countries listed, life expectancy is 48.2 years, the adult literacy rate is 39.8%, and the GDP per capita is \$809 (UNDP 2010, 145). Such statistics, reflections as they are of harsh realities on the ground throughout West Africa, compound the problems of postwar recovery.

Makeni itself, the capital town of the northern Bombali district, is a large semi-urban market town about 100 miles to the east north east of Freetown and was the last refuge of the RUF at the end of the war, between 1998 and 2002 (Shaw 2007, 189). Throughout the town today, you still see the destruction of the war in the remains of burned-out buildings, the amputees who often beg for money at the local market, the orphaned children living with extended families, and the young ex-combatants who never returned home after the war and now ride motorcycle taxis, work as petty traders, or do piecemeal work in the small carpentry or metalwork shops in and around town.

As the headquarter town of the Bombali district however, Makeni was also host to one of the public hearings of the TRC, and was an excellent venue to study the impact of that process among local people. There were four main components to the TRC’s work in Sierra Leone: public education and media relations, statement taking, the hearings process, and the creation of a database. These components are described in chapter 5 of the TRC Report, titled “Methodology and Processes” (TRC 2004, 141–243). While this article focuses on the impact of the public hearing processes, local people’s understandings of and reaction to the hearings in Makeni were related to the success of the public education and statement taking components as perceptions were affected directly by each. A brief explanation of the interconnections between the three components will illustrate this point.

During the public education and media relations phase of the Commission's work, the Commission was primarily engaged with radio and television programs, "explaining its mandate and role, the kinds of processes involved in a truth and reconciliation commission, the areas of participation of the public and how the Commission was different from the Special Court" (TRC 2004, 159). However, as has been described elsewhere, these efforts largely failed to communicate fully the purpose and procedures of the TRC to the local people (TRC 2004, 161; Sawyer et al. 2007; Millar 2010), and this failure had serious repercussions for the later stages of the Commissions work.

During the statement-taking phase, which officially occurred between the 4th of December 2002 and the 31st of March 2003, 7,706 statements were collected from around the country (TRC 2004, 164). However, "[t]he statement takers had to work under very tight time schedules and often under very difficult conditions" and a number of chiefdoms were almost entirely unrepresented in the completed collection (TRC 2004, 169). Within Bombali, statement takers felt as though there was not enough time or money to do a good job of collecting statements. As Alimami, the director of a local NGO that had been involved in the administration of the hearing in Makeni, described:

"When it came to statement taking they were just randomly selected and those selected were from places which can be reached ... We were operating under a tight schedule, a short schedule ... so we cannot reach everywhere."

As I also found in my research, and as is confirmed by the TRC report, statement takers were also a primary means of sensitization as the failures of the public education effort meant that village residents often did not understand the goals or processes of the TRC prior to the arrival of the statement takers and were often unprepared to participate or even overtly hostile to the process (2004, 167–169). These problems put even more pressure on the time available for statement takers to complete their task. Therefore, many of the problems with the public education campaign hindered the work of the statement takers and this, in turn, impacted on the local operation and perception of the public hearings.

These hearings, conducted throughout the country between the 14th of April and the 5th of August 2003, were the third major component of the TRC's work. During this phase, the Commission held a "series of thematic, institutional and event-specific hearings in Freetown" (TRC 2004, 181), and 4 days of public hearings and 1 day of closed hearings in each of the 12 district headquarter towns throughout the country. These public hearings were supposed to "cater to the needs of the victims" and promote "social harmony and reconciliation" (TRC 2004, 231). Those who gave statements to the Commission had been asked if they would be willing to tell their story at the public hearings, and the Commission staff then selected a small number of those willing, who were then transported to the site of the hearing. Although this process broke down somewhat in the districts (TRC 2004, 99), those eventually selected and able to attend the hearings presented their stories at town halls and school assembly halls in each of the district headquarter towns, sitting at a small table with a counselor or family member flanked by a table on each side for the Commissioners and the leader of evidence.

In Makeni, the hearing was held in the old town hall, on a stage and in front of hundreds of audience members. My interviewees describe the audience as including all the people of the town: school children and market women, big people and religious leaders, people from the villages, and people from Makeni. Those who had agreed to speak at the hearing were called to the stage one by one and given time to tell their stories before they were questioned for clarifications by the commissioners and the leader of evidence. Many reported seeing witnesses cry on the stage, and some remembered particular stories or particular ex-combatants who told their stories.

The audience, for its part, was supposed to listen to these statements but had no formal role in the hearings process, other than as passive recipients of information. Many audience members I interviewed described their frustrations with sitting for hours with no water, listening to stories they did not need to hear, and receiving nothing in return. To many, as I have reported elsewhere (Millar, 2010), there was much more expected from the TRC and some went the first day but did not return again because they were receiving “no good thing.” We will see how this affected experiences of justice below, however, before presenting my findings I want to look more closely at why exactly such a process is thought to provide an experience of justice.

### **Truth Telling: The Performance of Justice**

The use of truth as a form of transitional justice was first prompted by victims’ experiences of Latin American and South African atrocities. In these cases, many victims, and the surviving family members of disappeared victims, demanded truth from perpetrators after years of lies and silence. The very nature of the crimes committed, wherein even the perpetration of a crime was often simply denied by those responsible, combined with the need in the postwar period to placate still powerful perpetrators, resulted in the acceptance of *truth seeking* as an alternative to criminal tribunals (Landsman 1997; Minow 1998; Popkin and Bhuta 1999; Opatow 2001). As the outright denial of wrongs committed in the past was itself considered an affront to the human rights of the victims, the acknowledgement of the truth was theorized to provide justice to the victims and survivors, while restoring the larger community.

We see, in these changes, the development within international legal theory of a postwar “right to truth” (Antkowiak 2002; Aldana-Pindell 2002; Naqvi 2006) and the opening up of the dominant paradigm of individuated *retributive* justice based on “the duty to punish” (Orentlicher 1994, 439) and embodied in criminal tribunals, to a competing conception, one of communal *restorative* justice. In the restorative conception, community is placed at the center of justice, as opposed to punishment, accountability, and deterrence, which form the center of the retributive approach. As Leebaw (2003, 27–28) argues, the restorative approach “defines transitional justice as an effort to address the damages suffered by individuals and communities as a result of past crimes”. This puts the emphasis not on punishment of an individual, but on the restoration of a collective experience of relations.

However, between these initial efforts at transitional restorative justice and contemporary efforts, the presentation of this truth has changed. In early truth

commissions in Latin America, the goal was the acknowledgement of the truth about what happened during the rule of totalitarian regimes. This acknowledgement of the past was sought in the form of a record or a statement of what had occurred, and this truth was considered redress for past lies and silence. In these early cases, we can see the means used to find that truth—investigations of military and police records, and the collection of victim, witness and perpetrator statements—as reflective of that goal (Hayner 2002). However, over time there has been a transformation from this *truth seeking* model, to the public performances of *truth telling* (Mendeloff 2004, 355).

This transition was very closely related to the South African TRC, which was operational between 1996 and 1998. Mark Freeman has said that “one can divide the history of truth commissions into two periods: before South Africa, and after” (2006, 26). By this he means that the South African case changed the entire approach of truth commissions. Carrie Menkel-Meadow argues that:

“restorative justice and its basic principles became a process of international interest when Desmond Tutu led a truth and reconciliation process to transform and heal South African society’s transition from apartheid to a just, multiracial society” (2007, 10.4).

Indeed, South African leaders argued that “restorative principles were uniquely suited to addressing the tensions of the transitional context” (Leebaw 2003, 27).

Since then, commissions have not only investigated truth and produced a report or record of what actually occurred, but have presented it in public to a national audience. Clearly, this conception of justice adds to the prior truth-seeking attempts and differs markedly from the retributive approach relying largely on punishment of individuals. “South African leaders rejected Diane Orentlicher’s idea that a ‘duty to prosecute’ under international law would aid transitional countries in deterring future human rights abuses” (Leebaw 2003, 36). It was their belief that South Africans required a different *form* of justice. This is clearly in opposition to popular notions of an intuitive, or “fundamental conception of universal justice” (Akhavan 2009, 625) and more in line with those who question the universality of conceptions and experiences of justice, and with Tsing’s conception of ‘frictions’ (2005).

In this alternate conception “collective memory,” or a shared understanding of past events, is thought to be “crucial for a country to start rebuilding a new social solidarity” (Sooka 2006, 319), and public performances of truth are the means of creating that collective memory. Presenting the stories of a handful of the victims, witnesses, and perpetrators is theorized to provide a new form of justice. Orentlicher acknowledges that “even in the ‘early days’ human rights and other professional experts saw disclosure of the truth about past abuses as a non-negotiable moral obligation” (2007, 12). Similarly, Mani (2002, 109) declares that truth commission’s only contribution to justice is their investigation of human suffering. Fletcher and Weinstein note that “truth and justice have been the rallying cries for efforts to assist communities” (2002, 639), and Asmal went so far as to argue, prior to the end of Apartheid in South Africa, that “[i]t is not just a questions of money. It is acknowledgement which is vital to the process of rehabilitation” (1992, 501), and that the issue of justice “cannot be properly dealt with unless there is a conscious understanding of the past” (1992, 505).

Biggar is clearly making this argument when he discusses what he calls “vindication *apart from* punishment,” which is important, he claims, because justice

is found in affirming victim's dignity through an acknowledgement of their own truth. As he argues, "[t]he basic form that [vindication] takes is that of recognizing the injury as such, and thereby acknowledging the dignity of the direct victim" (Biggar 2003, 8). This belief that the acknowledgement or recognition of truth is itself a form of justice was explicitly articulated by the Sierra Leonean Commission in its report, where it was claimed that the hearings:

"provided the people of Sierra Leone with a forum for private and public acts of reconciliation. These included public confrontations between victim and perpetrator that led to various expressions of contrition and a desire on both sides to put the past behind them" (TRC 2004, 45).

We see, therefore, that truth telling has become central to the provision of justice in the restorative conception, including in the Sierra Leonean case, which followed many of the lessons learned in the South African case, including in its use of public performances of truth telling. But to what extent does this provide an experience of justice for local people? Before proceeding to that question I will describe first the methodology I used to investigate these issues.

## Methodology

This article presents a selection of findings from a larger study of the local understandings, perceptions, and evaluations of the TRC hearings in Makeni. The point of the larger study was to understand what it did or did not do for local people, and whether residents of Makeni and the surrounding villages experienced the hearings as transitional justice scholars would expect. In order to investigate the local experience of truth telling in Sierra Leone, it was necessary to use a highly focused and ethnographic case study approach. A larger and broader study would either require significantly more time and an even greater amount of additional funding, or lose the necessary depth of contextual knowledge which allows one to examine understandings, perceptions and evaluations. Survey instruments, or even more structured interviews which do not allow for the investment of time required to build rapport and trust with interviewees and for the interviewee to lead the conversation and meander through their memories of the event would not have garnered the same information, and certainly not the same depth.

Because a long-term single-case study was necessary for this project, the choice of which community to study was a central question. Makeni was chosen for a number of reasons. First, Makeni has traditionally been a market town with a large number of people from different ethnic groups and both Christians and Muslims. This diversity and size meant that I could, even within the single case, have some diversity among my interviewees and test for differences between particular demographic profiles such as gender, religion, ethnic group, education level, or political affiliation. In addition, because Makeni was a base of RUF operations near the end of the war, many people witnessed or were personally affected by the events of the war and many ex-combatants have remained in Makeni after the war. I had some confidence, therefore, that there would be a mix of victims, perpetrators and witnesses, and no shortage of affected individuals.

In addition, much of the work of Shaw (2002, 2005, 2007), which greatly influenced my initial thoughts on this research, was conducted relatively close to this site and there was, therefore, a great amount of research already completed regarding the dominant local ethnic group and the work of the TRC, particularly Shaw's work regarding 'frictions' (2007). I saw my work as a way to test Shaw's earlier findings, but to look also at these local processes through a conflict resolution, as opposed to a wholly anthropological, perspective. On a very practical level, Makeni was the site of a public hearing, is very easy to access directly from Freetown, and the medium size of the town allows a researcher to neither become overwhelmed by nor to be limited in material. For all of these reasons, Makeni was suitable for a detailed study of local reactions to the TRC's public hearings, and from the start of September 2008 until the start of July 2009, I spent 10 months in the town.

During my time in Makeni, I conducted participant observation with various local organizations, such as a local children's health non-governmental organization (NGO) where I worked from September to December 2008, the local catholic college where I taught an introductory statistics course, a number of local community and student groups, and a small village outside of Makeni, where I spent four or five nights a week playing football with the young men of the village. These multiple sites allowed me to interact and associate with a number of different groups and a broad array of different perspectives. It also allowed me to understand my interviews within the diversity of struggles in the postwar period. From the people I met at these various sites, the staff at the NGO, the students at the college, and the boys in the village, I learned about the day-to-day struggles of making do in Makeni, and how the international community's projects are interpreted and experienced by diverse groups.

From December 2008 until March 2009, I also conducted formal interviews with 62 residents of Makeni and the surrounding villages. Ten of these interviewees were local elites: the Mayor, the Bishop, the Paramount Chief, the District Chief Imam, and a handful of business and civil society leaders. Thirty-two interviewees were selected through snowball sampling of audience members, local people outside of the elite circle who had attended the hearings, and 20 interviewees were selected through random sampling. This sample was generated by using an online random digit generator to extract addresses from a previously created database of all street addresses in Makeni. I then interviewed the first willing adult at each of those randomly chosen addresses.

Interviews were conducted at locations most comfortable for the interviewee, sometimes in nice quiet air conditioned offices, if among elites, and often in the flickering kerosene lamplight of verandahs after dusk, surrounded by children and under attack from mosquitoes. Interviews lasted anywhere from 20 to 90 minutes, being longer among elites and shortest among those exhausted from a day's work or in the middle of preparing a meal. A constant effort was made to keep interviewees focused on talking about the TRC, or, when this seemed ambiguous, about "*Blow Main*" (the Krio term used to refer to the TRC hearings). At the beginning of an interview, my assistant and I always asked interviewees to describe when and where the TRC hearing occurred to confirm that they were talking about the TRC. In addition, we never asked about whether the process was just, or used the word "justice," as these terms were connected to the procedures of the Special Court.

Instead, questions were asked about “what should have been done,” “what would you have recommended be done,” and “how would you have spent this money?” Such questions avoided confusion between the two transitional justice processes but still investigated the core issue, what local people felt should have been done after the war.

All interviewees agreed to have their statements recorded and all recorded interviews were then transcribed and translated twice, first by my primary research assistant and then also by one of two translators who confirmed or corrected the initial translation. The collected data, both observations and interviews, eventually provided a deep understanding of how local people define justice, how truth telling was perceived and experienced by the local population, and whether and how it produced a “sense” of justice. Because all interviewees were assured of anonymity, only first name pseudonyms are provided with each quote below.

### Local Experience of Truth Telling

Local experiences of the TRC, and whether it provided a sense of justice, were very much related to what local people expected it to do. In this way, we can see the very temporal nature of evaluation, and even the generation of conceptions of justice. Evaluations are not isolated in time, they refer to what has occurred and what people expect to occur; perceptions of the past and expectations of the future. At the time of the hearings, as is described below, most locals did not expect only talk from the TRC. Quite to the contrary, they expected the reconstruction of local and national infrastructures and the provision of social services. These expectations reflect a local present- and future-oriented justice, one that focuses on survival and moving forward, instead of on investigating the past. In this conception, there is no need for vengeance or punishment as it is understood by authors such as Minow (1998), nor for deterrence, as expressed by authors such as Orentlicher (1994) or Teitel (2003). In 2009, local people in Makeni conceived of justice more as the provision of tools or resources to overcome the violations of their needs in the present and future, than in the past. Consistent with the ideas of restorative justice theorists, the majority of people in Makeni did not want retribution. However, nor was truth telling sufficient. Locals wanted recovery of life and community.

Amadu, a local area chief on the south side of Makeni, was quite vocal and outspoken on this point. When we asked him if there was anything the TRC should have done, he did not say that the TRC should have held people accountable, but provided a list of things he felt would have helped “so that peace would be in the country.” Among other things, Amadu said that the TRC should have “come along with tractors because we have great fields,” “sen[t] medicines for us because health is very important” and “help [ed] us to ensure we progress with our education,” to “help us to see our children educated.” Hanna, the 29-year-old housewife quoted in the introduction, did not rebuke the TRC for its lack of judicial powers, but stated instead, when we asked her how she would have recommended the money for the TRC be spent, that:

The money should have been used to help the people that were directly involved in this saga, and then the second thing is to bring developmental

things, things that will make the community forget about what has happened. Things like building schools or to help the teachers so that they will be actively involved in their service. And then the medical side, I will try to ensure that they have better medical facilities in the hospitals, good roads ... that would have helped to salvage the situation.

Alusine, a 26-year-old Farmer and wheelbarrow pusher who had attended the TRC hearings but felt that they were unable to help him, felt that:

That money, they came with it saying that they are coming to help the people. Those whose houses have been burnt, they find another place and build for you again. Those that are amputated, those whose parents have been killed, they should have been put to school and sponsored. They should have put them to school and camped them. The other amputees now are in camps but there is no feeding and medicines for them. Nothing at all.

In this way, most Makeni residents felt that the work of a transitional justice project aimed at bringing peace to the country must include the construction of schools, medical facilities, roads, etc., not trials, nor truth telling.

These demands are completely understandable because both education and healthcare are major ongoing costs of life in Makeni, and most people cannot afford either. During my time in Makeni, the second child of a good friend had a bad case of boils on his body which appeared to be very painful. However, boils are not lethal, only painful, and so my friend could not spend the money to take him to a doctor. He accepted money from me only when his older child got malaria, which can of course be lethal. This friend had a steady job with a national NGO and made what was considered a good wage of \$100 a month, yet he could not afford basic healthcare. In villages around Makeni, the method of dealing with boils was to cover them with mud. Few people would go to the hospital when they were ill. Even though the cost for a test and treatment of malaria, for example, was only about Le 17,000, or about \$5.66, such costs were simply too high. In some of the most painful cases, children, sometimes newborn babies, would be brought to the hospital only after they were long past the ability of available medical services to help them, and they died due largely to the time lost by parents hoping the child would recover on its own, or with the help of less-expensive traditional medicines.

Similarly, education fees were constantly problematic for most people in Makeni and were the most common thing I was asked to pay for while living in town. Even though primary education is supposed to be free in Sierra Leone, the costs are actually quite high as students have to have shoes, uniforms, books, copy books, pencils, and money for food for the day. This is simply beyond the means of many families. In addition, teachers regularly demand that their students pay for additional classes and buy homemade books of material that the teachers themselves produce, thus increasing their own incomes which, of course, are quite insufficient as the government often fails to pay salaries for months at a time.

The amputees around Makeni had a unique voice regarding these demands for services. Many of the amputees from the war are wholly dependent on the government for services. Their very survival rests on these services, without which many very literally have no way to sustain their lives. Samba, an amputee at the

Panlap camp just north of Makeni, was very frustrated by the services the government had promised but failed to provide, and incorporated the TRC into his idea of who was to blame for these issues. This extended quote illustrates the point:

The TRC talked very fine but just that talking and doing is not the same ... even free medical, we don't get. Right now, go to the hospital, even if it is your child that is sick, you have to pay Le 5,000 for clinic every time ... [The] TRC had stated that, even in these buses, they had told us that even the buses we should go there free, ok? So the medical business should be free, everything should be free, our children's business in schools should be free but hey!, instead of that, they have asked us to pay. Every little thing, bring this, bring that, all of these ... some will have to go and beg before they will get.

Douda, another amputee at Panlap, put this issue even more bluntly:

They promised us that they will help us for our school affairs. They will help us to come off the streets, not to be begging anymore. And that they will give us [a] little money that will help us sustain our lives ... but the number of amputees whom have died in this place now is many. This is the punishment, because if they take you to the camp, and when you fall ill the money you will pay is too much and you do not have money, and if your family also cannot provide, won't you die?

Highlighting the temporal and fluid nature of evaluation, the attitudes of these amputees are in stark contrast to the opinions found by Laura Stovel in the immediate aftermath of the war, when she described amputees as being content with the camps they were living in (2008). The realities described by amputees in the camps around Makeni in early 2009 are dire, and are reflective of what the non-elite majority in Makeni, even many able bodied people, have to deal with. In the aftermath of the war, the very basic needs of life are not being met and these are what people are demanding: jobs, education, healthcare, transport, and enough income to buy food.

These were the evaluations of the TRC as a process of transitional justice, but in 2009, looking back on years of broken promises. There are rarely any demands today for justice as it is usually defined in the bulk of retributive or restorative transitional justice literature which focuses either on punishment for or the truth about past instances of violation. In Makeni, justice was not a static concept, contingent only upon the nature and severity of wartime abuses. Instead, my interviewee's definitions of justice were fluid, responding to the changing state of their needs. A flowing, fluid conception of justice means that residents in Makeni did not anchor their needs on the events of the war, nor the immediate postwar situation. The infringements of the war were sometimes lessened in the intervening years, but were much more often exacerbated by the ongoing injustices in people's lives. As a result, I very rarely heard people demand retribution or truth, but I constantly heard people ask for assistance with their current situation. This, to them, would have been just. Amputees I spoke to around Makeni, and local people who had endured hardships during the war, shifted their demands in response to their ongoing situation and as a result, perceptions of the TRC were filtered through the intervening years.

One of the basic requests that individuals voiced was simply for assistance. Not assistance for any particular thing, but just to be helped, by someone, with something. The need to have assistance in the ongoing work of reconstituting life is described by Sallamatu, a 35-year-old woman working as a petty trader. Sallamatu described the power of “support” in helping overcome a “sad situation.” As she said:

Only when you have somebody that will be helping you bit by bit and after a while you will be able to forget, and this person plus the length of time this thing has taken place, this person that will come to help you and after a very long time with the help you get then you will be able to forget a lot more of the things that they do to you. If you are always in a very sad situation there is always the tendency for you to be thinking about it and you will never forget. But if your situation improves with the support you get from this somebody, then you will gradually forget about it.

Similarly Unisa, a 44-year-old man working as a carpenter who felt particularly negative about the TRC process, expressed his frustration with the lack of substantive help from the commission when he told us:

If your house had been burnt down, if they had chopped off your arms, if they had killed for you, and they had done bad things to you, it should have been that you are being helped for the sake of reducing the loss you have had.

Boubakar, a 48-year-old teacher in the village of Kamabai, north of Makeni, supported this argument, claiming that:

I feel if they would have done those things, if they would have assisted that person, you will make him not to remember. If he will feel it, he won't voice it out again. He will say they have helped me for this small thing, he will talk every time how they [the TRC] have helped him to build a place. They won't talk about what they [the rebels] have destroyed for him.

Of course it could be argued, in response, that forgetting is easier said than done. Could “help” or assistance really promote a feeling that justice had been done? Is this too simplistic an approach to postwar justice? Is it simply buying off victims? An interesting exchange I had with Saidu, the headmaster of the elementary school in a village north of Makeni, provides an answer to this question, and illustrates exactly how regaining small things assists one to reconstitute one's life:

Q: Was there a time when you went from angry to accepting or was it angry, and then less angry, and then overtime you became, and you started...

Saidu: Adjusted, I adjusted.

Q: What made you adjust do you think?

Saidu: Well, well, well, I'm working, hard. I'm working hard, just after the war I have to... you know, I have to make myself, working to improve my status, you see. So when I was improving my status I was forgetting about other things.

Q: Right

Saidu: I could afford something that was taken from me. I can go furthermore to take, I can take care of my children when during the war we were languishing, nobody took care of us. We were suffering.

Q: You were angry?

Saidu: Oh I was very angry! But now I'm happy, you see, so...

Q: So over time as you're situation improved you were able to...

Saidu: Forgive.

This is just one example of how people in Makeni need to rebuild their lives before they can feel as though justice has been done. They need to somehow reconstitute the lives that were disrupted by the war. As Yamboi argued near the end of his interview:

There were some people who had [resources], and their children were going to school, they had all kinds of facilities. Now they cut their hands, burned their house, at the end of the day you come and did not build for him somewhere to sit down. You did not build a house for him to stay, you are not able to give him food to eat, you are not able to give him medicine, all those things you are not giving him. But at the end of the day in those days, all those facilities, in those days, he was having them.

In Saidu's case, he was slowly able to rebuild his life, as Yamboi describes is necessary for everyone. As you walk around Makeni you see innumerable houses that were never rebuilt after the war. You meet students in their early 20s trying desperately to finish primary school after losing years to the violence. You meet polio victims, amputees, and blind beggars with no government support, and many, many other failures of the social contract that should exist between a state and its people. The situation for many families is one of near-constant liminality, of being between positions, waiting for change, hoping for an opportunity.

Aminata's story is touching in this respect. Aminata lost her house during the war and now has two brothers who are amputees. To Aminata, the TRC had not helped because, as she describes, her life is still where it was at the end of the war.

Because what had happened to me through the war, like, me, my husband's house that we have suffered to build, the rebels burnt it down. We have suffered since when we were very young with my husband and built that house and the rebels burnt it down so now we are on rent, we are not able again to build. The TRC came to tell us that they come and to help us build our houses that have been burnt down, but we just have heard that they came with money, but we have seen no moves, so that struggle even now we still have it. The money that we used to have to feed our children so that we all could survive now we spend on rent, so I don't feel that they helped me, nothing did they do for me.

When reflecting back on their experience of the TRC, most locals in Makeni do not see it as providing anything they would consider part of a "Just" compensation for wartime violations. What they would consider just are resources to overcome the infringements they have experienced, and are still experiencing, upon their most basic needs. One thing that I always found inspiring was the efforts people in Sierra Leone were constantly making to rebuild their lives. Around the streets of Makeni there are hundreds of burned out buildings, but also countless houses in some state of rebuilding or repair. Families who were able to afford a foundation, then a course

of mud or concrete blocks, and slowly, over many years, progress to build a more complete house. When a house is only a foundation the family spreads rice or beans out on it to dry. When the walls are only a few courses high they may fill the inside with soil and grow small crops between the low walls. A house with walls up to waist or shoulder height may be used to dry cloths, the walls being covered regularly in the random colors of children's shirts and shorts, women's *lappas* (skirts) and men's pants. Such efforts to rebuild life remain for me one of the most poignant memories of postwar Makeni—people's efforts to enact their own form of justice within the flowing temporality of their lives.

This is their conception of what *should* have been done, what would have been a “just” outcome, and it grows from an alternative understanding of the needs that have gone unmet and the rights that have been infringed upon. Although there may have been a time after a particular act of victimization when punishment or truth would have been demanded, and indeed, as I have reported elsewhere, among elite interviewees this was sometimes the case (Millar, 2010), the very nature of the deprivation the average resident of Makeni experiences on a day-to-day basis limits the applicability of such mechanisms of justice at any given time. Life is experienced as flowing and ongoing, and so are infringements upon rights. Justice must be experienced as relevant to such a fluid situation.

In demands for social goods and reconstruction, Sierra Leoneans are therefore demanding redress for ongoing infringements, whether they are related to wartime violations or not. They are describing what they feel should have been the responsibility of the TRC or other institutions aiming to bring peace to the country, because just as the outbreak of war is related to impoverishment, unemployment, and de-development, so postwar justice must account for those violations. Providing some way to escape the current state of poverty and need would help locals to overcome the wrongs that had been committed against them, to rebuild their lives, as Saidu had managed to do. The presentation of truth through public hearings had no discernible impact on the ability of such people to live a better life, whether now or in the future, and, therefore, was not experienced as providing a “sense” of justice.

### **International Justice: The Dominant Paradigm**

Because much of political philosophy is conducted in states where basic needs are consistently met, the basic social, economic and cultural needs of life are considered to be means towards more substantive and more interesting ends, such as political freedoms. States such as Sierra Leone, where the very basic needs of life regularly go unmet, where such needs become ends in themselves (Mani 2002, 39), are, to a great extent, excluded from the intellectual debate regarding transitional justice. Both the retributive and the restorative conceptions of transitional justice provide a form of redress for past infringements. But neither put basic human needs at the center of their conceptions of postwar justice.

In the international discourse regarding transitional justice, infringements are primarily considered to be acts such as murder, torture, or imprisonment, committed by individuals, upon individuals. However, as Kader Asmal points out for the case of Apartheid, it was not each individual agent of the state who was a perpetrator of

violence against individual black citizens of South Africa, on the contrary, it was “the one big crime, the crime of apartheid” itself (1992, 504). If we recognize that both victim and perpetrator are not always individuals, but can be groups, we must realize that in such cases it is necessary to expand the definition of infringement to include collective infringements on rights to social and collective needs, and, by extension, to see society itself as an actor, both a victim and a perpetrator. In its focus on community-oriented justice, the restorative approach claims to address such collective needs but even restorative justice has largely ignored or been unable to address issues of economic rights (Miller 2008, 286).

Because any “moral entitlements and responsibilities of the parties involved” are reliant on “authoritative judgments of justice and injustice” (Lu 2007, 199), and authoritative judgment is vested in Western practitioners, even restorative approaches fail to give due consideration to what Karlstrom calls the “moral matrix” within the local context (2003, 57). The application of what Mani has called “Western-generated theories” (2002, 47), is due both to the dearth of non-Western voices in philosophical discourses about justice (Mani 2002, 49), and to the professionalization of the transitional justice field among Western academics and practitioners (Kritz 2009, 14). Indeed, some have even argued that current transitional justice paradigms focus more on serving the needs of the international community than they do on meeting the needs of victimized individuals (Mertus 2000, 142), and Ahmad A. Sikainga and Ousseina Alidou have argued convincingly that:

“some of the main pitfalls of peacemaking and reconstruction efforts in Africa have something to do with the conceptual framework and the approach of the international community” which “neither addresses the root causes of conflicts nor deals with the social, cultural, and political consequences of wars” (2006, 3).

In response, a few transitional justice theorists have recently attempted to expand our definition of infringement, and, by extension, our tools for providing justice. Nagy (2008, 29) argues that there has been a “failure thus far for transitional justice to pay sufficient attention to economic, social and cultural rights” and Arbour (2007, 8) argues that “to build dispute resolution institutions and ensure accountability for abuses” it is necessary “to attack the sources of the legitimate grievances that, if unaddressed, are likely to fuel the next conflagration”. Christine Bell and Catherine O’Rourke also argue that “[i]njuries related to narrow understanding[s] of ‘political violence’ are privileged at the expense of socio-economic injuries suffered predominantly by women” (2007, 34) and, as noted by Johanna Mendelson Forman:

“the economic aspects of legal reform are treated as secondary to the immediate need to provide justice to the victims of war. The two areas, however, are equally important to create the foundation for economic and social rebuilding” (2002, 129).

However, these are not the predominant voices in transitional justice. They represent only an emerging competing voice and the fact that the most basic of needs are not met in many postwar situations in the developing world, including Sierra Leone, leads us to wonder both why these voices are not taken more seriously and how truth telling might be experienced as justice in such settings. What would be the point in knowing who had chopped off your child’s hands,

when you can't afford to feed her breakfast, cure her boils, or send her to school? Because the currently dominant paradigms of transitional justice place the emphasis on either individuated retribution (in the form of criminal tribunals) or collective truth telling (in the form of Truth Commissions), and the application of transitional justice is dominated by Western and relatively privileged intellectuals, these more basic needs for economic and social justice are commonly overlooked or disparaged in the ongoing discourse.

As noted above, transitional justice must be *experienced* as justice by those who have suffered an infringement upon their rights. We must recognize, therefore, that if people in any given postwar environment have not incorporated the ideas underlying the application of particular mechanisms, then they will not find those mechanisms to be just, they will not feel that justice has been done. The case of Makeni provides significant support to the argument that local conceptions of justice, and in this particular case, social and economic rights, must be prioritized.

### **Conclusion: Expanding our Conceptions of Justice**

In this article, I have argued that the truth telling mechanisms of truth commissions are built on particular conceptions of justice within the international community and that these are imposed in non-Western settings by Western institutions and individuals. However, there have been only a handful of significant and systematic empirical studies attempting to assess the effects of all of this application of justice (Mendeloff 2009; Thoms et al. 2008; Gibson 2004) and many of these evaluations focus on measuring the political and institutional reforms thought to follow from the administration of such mechanisms, as opposed to the actual experience of such mechanisms among the target audience (Brahm 2007). I argue, therefore, that administering justice within transitional situations must be rooted in understanding local conceptions of justice, and if locals have experienced infringements they understand as social, economic, or cultural, then transitional justice mechanisms must respond with relevant forms of redress.

In Makeni—and I would argue, in many postwar environments—needs, rights, infringements and responsibilities for redress are experienced as contingent and emergent. However, particular concepts of justice dominate among those most influential within the communities of academics, practitioners and policy makers who constitute the field, and therefore, the very underlying and foundational concepts upon which our practice is constructed go unquestioned. We make assumptions about the applicability of our internalized models in diverse social and cultural settings and as Zanaida Miller argues, by failing to understand local economic and social needs in the postwar period “transitional justice mechanisms may actively contribute to new outbreaks of violence” (2008, 288).

As described by Teitel, transitional justice has today become “a paradigm of rule of law” (2003, 71), however, it is also characterized by a distinct ambivalence because, as described above, neither of the two predominant mechanisms can be said to meet the needs of many of those for whom they are supposedly applied. What the data above indicates is that for the case of Makeni, justice is about providing some way to survive today and to develop one's self and one's family for tomorrow. The

human rights that have been infringed upon certainly include those to physical integrity and political liberty, but they include also more complicating violations of accepted international law that stretch temporally to periods before and after the war.

Those who were victimized by social and economic injustice in the decades prior to the war continue to languish. Justice is, therefore, about providing an *experience* of redress for infringements upon rights and needs, and those rights and needs are *fluid, contingent, and responsive* to ongoing reality. What is demanded, what would be seen as just, is a new social, economic, and political order in which social services and individual opportunities for advancement are provided, in which education, healthcare, and jobs are a possibility, and in which families can somehow rebuild the possessions, positions, and lifestyles they enjoyed before the war. What we witness in the local experiences of truth commission justice is a demand for an expansion of our notions of transitional justice.

In practical policy terms, we must prioritize and work towards greater assessment of the situation among, and demands from, a diverse range of people within local communities. In any transitional situation, resources are scarce and time is short. In response, each case of transition and the potential transitional justice mechanisms to be applied must be evaluated, prioritized, and funded in response to local needs and demands, not in response to the “intuition” of international experts. We must incorporate assessment into the planning, administration, and post-process evaluation of the chosen mechanism. This will allow both greater flexibility and responsiveness during the operation of each case, and greater learning over time across cases. To date, both qualitative and quantitative evaluation has been almost completely overlooked and underfunded. This error must be overcome if transitional justice mechanisms are ever to serve the needs of human rights in postwar settings.

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