INTRODUCTION: POSTWAR TRANSITIONAL JUSTICE

In the aftermath of a brutal, decade-long civil war (1991–2002), Sierra Leone pursued both reconciliation and justice in a two-pronged process. Those persons “who [bore] the greatest responsibility” for crimes against humanity, war crimes, and other serious violations of humanitarian law were tried in the Special Court for Sierra Leone.¹ Others (both perpetrators and victims) were heard by a South African–styled truth and reconciliation commission. Methodist bishop Joseph Humper, chair of the Sierra Leone Truth and Reconciliation Commission (TRC), described the two institutions as “going to the promised land but by different roads.”²

Different roads, indeed. The Special Court for Sierra Leone emphasized justice through punishment of perpetrators, while the TRC promoted reconciliation between perpetrators and victims through a process of acknowledgment, apology, and forgiveness.
Have these institutions complemented each other, or have their goals and methods been at cross purposes? Which institution has enjoyed more public support? Which one will have the greatest impact? Finally, given the important place that religion holds in Sierra Leone—60% of the population is Muslim, 30% is Christian, and 10% is animist (practitioners of traditional African religions)—what role did religion play in these processes?

This book will first examine the significant role that religious leaders played in brokering the Lome Peace Accord that ended the war. The efforts of the Inter-Religious Council (IRC), an umbrella group of Muslim and Christian leaders established in 1997 as a chapter of the World Conference of Religions for Peace, were crucial. Its members served as mediators, acted as neutral arbiters, and convinced both sides to stay at the bargaining table. Enjoying the confidence and respect of the people, the IRC stood out during the civil war “as the most highly visible and efficient non-governmental bridge builder between the warring factions.”

Next, Christian and Muslim religious support within Sierra Leone for a truth commission that aimed at promoting reconciliation will be examined. It was through the IRC-supported Lome Peace Accord that amnesty was granted and a truth commission was authorized. Religious leaders’ opinions on the contributions of the TRC, which formally concluded in October 2004 with the publication of its final report, will be probed. For interviews with religious leaders from the IRC, I employed the format of Chapman and Spong, who interviewed religious leaders in South Africa on the efficacy of the SATRC after its conclusion. They sought the views of thirty-three religious leaders as a component of a comprehensive evaluation of the SATRC conducted by the Science and Human Rights Program of the American Association for the Advancement of Science, in collaboration with the Johannesburg-based Center for the Study of Violence and Reconciliation.

Like those interviewed by Chapman and Spong, the interviewees for this book were questioned about their understanding of reconciliation and its relationship to forgiveness, the contribution of the TRC to reconciliation and the value of its work to survivors, the role of
religious communities in furthering the goals of the TRC, and the differences between religious and secular approaches to reconciliation. It became clear during the interviews that the question about differences in religious and secular approaches to reconciliation made no sense to the respondents. A more fruitful question would have been whether a religious approach differed from a traditional one. Both religion and tradition provided resources that had the potential to bring about reconciliation, and both are more compatible than antagonistic in their views on acknowledgment, confession, forgiveness, and reparation. Religion in Sierra Leone is marked by syncretism; Islam and Christianity have been influenced by and incorporated into local cultures, and vice versa. For that reason, this book includes a chapter on traditional approaches to conflict resolution in Sierra Leone, exploring in particular the work of Fambul Tok, an indigenous organization that assists localities to conduct reconciliation ceremonies in their communities.

The arguments of scholars who have criticized truth commissions as too Western and not culturally appropriate, and questioned their continued use in postconflict African nations, will be addressed. Tim Kelsall and Rosalind Shaw, for instance, have argued that local understandings of reconciliation in Sierra Leone do not support the kind of truth commission set up by the government. Shaw rejected the notion that truth-telling before a truth commission is healing for victims and questioned the assertion that vocalizing one’s pain is an appropriate way to heal one’s memories. Noting that the recounting of verbal memories and trauma is part of Western psychotherapeutic practice, Shaw contended that it may not be particularly relevant to West African communities. Her research on memories of the slave trade in Temne-speaking areas of Sierra Leone showed that the past is remembered in tacit forms (“in the landscape, ritual practices, and visionary experience”) rather than in verbal form. She believes that healing has taken place locally through a process of social forgetting (similar to the conclusion of Honwana, who argued that reconciliation in Mozambique depended on the willingness of victims to forget, not remember, and certainly not to articulate their suffering). Social forgetting is the refusal to give the violence social reality, to reproduce
it through public speech. Shaw wrote that communities seemed less concerned with what perpetrators have said (formal apologies) than with changes in their behavior, a “cool heart,” which after all defines true repentance.\(^8\)

Kelsall similarly argued that ritual may be more important to reconciliation than truth, suggesting that one can bypass the truth-telling step. Kelsall observed that, while the public testimony at the TRC was delivered unemotionally to a seemingly indifferent audience, the ceremonies of repentance and forgiveness after the district hearings struck a deep chord among victims, even when they were unaccompanied by the truth (actual confessions). Seeing evidence of remorse was therefore more important to victims (and hence to the reconciliation process) than hearing the truth.\(^9\)

If Kelsall and Shaw were correct in saying that traditional methods are more appropriate than a “Western-styled” truth and reconciliation commission, what indigenous methods of reconciliation and rituals were available yet underused? Were localized understandings of reconciliation at odds with the public-hearing format relied on by the TRC? Or had local rituals been undertaken at the conclusion of the war, making further efforts unnecessary? This book will explore the issue of how and to what extent truth commissions should take local understandings into account, and will examine the question of whether the teachings of the great religions should trump traditional views, assuming there are variations. Wilson, for example, argued in the South African case that the township residents he interviewed were much more vengeful and eager for retribution than the ubuntu-preaching Archbishop Desmond Tutu had imagined. For Wilson, the “religious-redemptive” approach was coercive and clashed with the retributive notions of justice routinely applied in local townships and in chiefs’ courts.\(^10\) However, as I have argued elsewhere, while an ideal of restorative justice did dominate under Tutu’s tutelage, it was not at odds with Africans’ (especially the rural poor’s) conceptions of reconciliation.\(^11\)

Along with extracts from interviews with elite religious leaders, this book includes a chapter that highlights the work of scholars who conducted public opinion polls both before and after the war to
gauge people’s attitudes about reconciliation and justice and in particular to learn their views of the Special Court and the TRC. Of special interest were the ways in which the opinions of religious leaders might have diverged from those of ordinary Sierra Leoneans. Was the notion of reconciliation—and the need for confession and forgiveness, in particular—at odds with local understandings but nevertheless thrust on a vengeance-seeking population by the elites? Or are religion and tradition mainly complementary, in Africa generally and in Sierra Leone in particular? Do religion and tradition work in tandem toward restorative justice, whereas law privileges retributive justice?

Luc Huyse and Mark Salter, in their wonderful book of case studies of African traditional justice experiments, argued that there is a continuum ranging between the opposite poles of “legal retaliation” and “ritual reconciliation.” They offered a host of reasons why African postconflict countries may prefer the latter approach: it is informal, ritualistic, and communal as opposed to trials, which are formal, rational, and individualistic. Individual trials, though often promoted by the international community, may destabilize a fragile peace and also fail to get at the broad sweep of events, since their aim is to emphasize individual guilt and not societal patterns of atrocity. Erin Daly and Jeremy Sarkin argued that while trials focus more on perpetrators and their intent, restorative justice mechanisms such as truth commissions focus more on victims and their feelings. Such restorative approaches might do more to promote healing, restore relationships, and reintegrate communities than a trial can ever hope to accomplish.

Archbishop Tutu, it will be recalled, promoted the notion of ubuntu as a traditional concept on which South Africans—and all Africans, in his view—could draw. In No Future without Forgiveness, he wrote of the “healing of breaches, the redressing of imbalances, the restoration of broken relationships. This kind of justice seeks to rehabilitate the victim and perpetrator, who should be given the opportunity to be reintegrated into the community he or she has injured by his or her offense.” Tutu has been joined by a host of scholars who agree that restorative justice approaches are more fruitful than retributive ones, especially in times of transition.
My own study of traditional conflict resolution methods employed in Sierra Leone found enormous similarities between the precepts of religion—to confess and to be forgiven—and cultural understandings that likewise are based on (vocal) acknowledgment, apology, and forgiveness. I am therefore not persuaded by Kelsall’s and Shaw’s argument that the culture of secrecy, summed up in the Krio expression *Tok af, lef af* (talk half, leave half), makes verbal acknowledgment unimportant to Sierra Leoneans.

Finally, given the wide array of recommendations made by the TRC (and mostly ignored by the government), what do religious leaders see as their roles relative to reforms and reparations? Does a prophetic ministry exist, or has the mantle moved on to other civil society organizations? In other words, does religion remain relevant as the country rebuilds, reconciles, and repairs the damage from the past?