

# The pressures of getting it right: Expertise and victims' voices in the work of the Sierra Leone Truth and Reconciliation Commission (TRC)

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## ABSTRACT<sup>∞</sup>

This article contributes to scholarship on power, agency and ownership in professional transitional justice. It explores and details the relationship between 'professional' agency arising from recognized expertise and 'unprofessional' voices relaying lived experiences, concerns and needs. I approach this relationship via a microperspective on the work of the Sierra Leone Truth and Reconciliation Commission (2002–2004), specifically its work on women and sexual violence, which the commission was mandated to pay special attention to. Based on interviews and rich archival materials, I show how this work was driven by the notion that there was a right way of dealing with women and sexual violence. To avoid mistakes, commissioners and staff members demanded and relied on recognized expertise. This led to a marginalization of victims' voices. I argue that, to some degree at least, such marginalization belongs to professional transitional justice and will persist despite improved victim participation.

## INTRODUCTION

There are tensions between victim participation and other professional standards in the field of transitional justice. These tensions become most evident with regard to victims' 'active' involvement in transitional justice projects: victim participation has become a well-established principle – yet victims only become participants via selection and mobilization procedures of which they are neither authors nor drivers. '[T]ransitional justice schemes involve active victim and survivor participation in their design, planning and execution [. . .]'.<sup>1</sup> But victims do not choose how they become involved, nor do they directly shape the operations and products of transitional

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<sup>∞</sup> Research for this article was funded by Deutsche Forschungsgemeinschaft (DFG) as part of the research project 'Redressing Sexual Violence in Truth Commissions. The Labelling of Women as Victims and its Social Repercussions' at the Center for Conflict Studies, University of Marburg. I am grateful to Susanne Buckley-Zistel, Mariam Salehi and Eva Ottendörfer for comments and discussions during the research and writing process. All mistakes are my own.

1 Juan D Méndez, 'Victims as Protagonists in Transitional Justice,' *International Journal of Transitional Justice*, 10(1) (2016): 2.

justice.<sup>2</sup> This is no coincidence. There are professional reasons<sup>3</sup> for preferring a controlled involvement of victims and survivors. Bottom up and open ended forms of participation would be time intensive and unpredictable in their results. In consequence, it is unlikely that they would contribute to immediate project success such as the timely delivery of a state-of-the-art truth commission report.<sup>4</sup>

This is exactly the type of reasoning that has frustrated those scholars and activists who argue that transitional justice should be authored and driven by victims and survivors themselves, at least to a significant degree.<sup>5</sup> And yet these tensions are in no way unique to transitional justice. They belong to a larger set of problems around power, agency and ownership that also haunt the related fields of peacebuilding and development aid/cooperation.<sup>6</sup> It is a widely shared professional persuasion in these fields that projects must be owned by the people directly affected in order to be legitimate and effective. However, neither field usually involves such 'local' people - 'local' being the most widely used classification - at the level of designing, budgeting and actually running projects.<sup>7</sup> Recent peacebuilding, development and transitional justice scholarship has drawn attention to the nonetheless existing agency of various categories of 'local' actors including victims/survivors of human rights violations.<sup>8</sup> Yet their agency remains narrowly limited within projects because 'locals' rarely get the chance to be in charge.<sup>9</sup>

- 2 See e.g. Habib Nassar, 'Restricted Access'. *Promises and Pitfalls of Victim Participation in Transitional Justice Mechanisms. A Comparative Approach* (The Hague: Impunity Watch, 2017), [https://www.impunitywatch.nl/docs/ResearchReport\\_Restricted\\_Access\\_Promises\\_Pitfalls\\_Victim\\_Participation\\_2017\\_eng.pdf](https://www.impunitywatch.nl/docs/ResearchReport_Restricted_Access_Promises_Pitfalls_Victim_Participation_2017_eng.pdf) (accessed 13 February 2020); Tazreena Sajjad, 'Heavy Hands, Helping Hands, Holding Hands: The Politics of Exclusion in Victims' Networks in Nepal,' *International Journal of Transitional Justice* 10(1) (2016): 25-45; Paul Gready and Simon Robins, 'From Transitional to Transformative Justice: A New Agenda for Practice,' *International Journal of Transitional Justice* 8(3) (2014): 339-361.
- 3 On the professionalization of transitional justice, see e.g. Jelena Subotić, 'The Transformation of International Transitional Justice Advocacy,' *International Journal of Transitional Justice* 6(1) (2012): 106-125.
- 4 See Eduardo González, 'Set to Fail? Assessing Tendencies in Truth Commissions Created After Violent Conflict', in *Challenging the Conventional: Can Truth Commissions Strengthen Peace Processes?*, eds. International Center for Transitional Justice and Kofi Annan Foundation (New York: International Center for Transitional Justice, 2014), [https://www.ictj.org/sites/default/files/ICTJ\\_TruthCommPeace\\_English\\_2016.pdf](https://www.ictj.org/sites/default/files/ICTJ_TruthCommPeace_English_2016.pdf) (accessed 18 July 2019).
- 5 See e.g. Gready and Robins supra n 2; Tshepo Madlingozi, 'On Transitional Justice Entrepreneurs and the Production of Victims', *Journal of Human Rights Practice* 2(2) (2010): 208-228.
- 6 On the links between transitional justice and peacebuilding scholarship and practice, see also Catherine Baker and Jelena Obradovic-Wochnik, 'Mapping the Nexus of Transitional Justice and Peacebuilding,' *Journal of Intervention and Statebuilding* 10(3) (2016): 281-301.
- 7 See e.g. Tania Murray Li, 'Rendering Society Technical: Government through Community and the Ethnographic Turn at the World Bank in Indonesia,' in *Adventures in Aidland. The Anthropology of Professionals in Aid and Development*, ed. David Mosse (New York and Oxford: Berghahn Books, 2013), 57-80; Séverine Autesserre, *Peaceland: Conflict Resolution and the Everyday Politics of International Intervention* (New York: Cambridge University Press, 2014).
- 8 See e.g. Annika Björkdahl and Johanna Mannergren Selimovic, 'Gendering agency in transitional justice,' *Security Dialogue* 46 (2) (2015): 165-182.
- 9 See e.g. Autesserre supra n 7; Anne Menzel, 'The perils of recognising local agency: a situational concept of agency and the case of victims of sexual violence and the Sierra Leone Truth and Reconciliation Commission (TRC),' *Journal of International Relations and Development* online first (2018), <https://doi.org/10.1057/s41268-018-0166-9>.

This article sets out to further explore and detail such tensions focusing on report production in one donor-funded transitional justice project: namely the Sierra Leone Truth and Reconciliation Commission (TRC), which operated from 2002 to 2004. I zoom in on the TRC's work on sexual violence against women, which the commission was mandated to pay special attention to. Not only had sexual violence been pervasive during the eleven-year civil war in Sierra Leone (1991-2002).<sup>10</sup> The Sierra Leone TRC also coincided with a more general increase in political and professional attention to conflict-related sexual violence against women. It operated at a time when transnational gender expertise was rapidly evolving alongside transitional justice expertise.<sup>11</sup>

I particularly focus on the production of the chapter on 'Women and the Armed Conflict in Sierra Leone'<sup>12</sup> for the TRC's final report and analyse the inputs and activities that shaped this chapter, based on documents from the TRC archive in Freetown and interviews with TRC staff and consultants. In sum, I find that much of the work going into this chapter was driven by the notion that there was a right way of dealing with female victims of sexual violence and their stories. Commissioners and staff members, especially those most committed to doing a good job, did not consider it an open and potentially contested process but one in which mistakes had to be avoided. To this end, they relied on recognized expertise, made available via a transnational epistemic community of practitioners and academics,<sup>13</sup> on how to deal with victims of sexual violence and do 'good' transitional justice work for them. Recognized expertise enabled commissioners and staff members to professionally interpret, manage and, in effect, marginalize victims' voices: in the sense that the chapter on 'Women and the Armed Conflict in Sierra Leone' clearly represents priorities defined by professionals relying on recognized expertise and not by Sierra Leonean victims of sexual violence.<sup>14</sup>

This article makes two contributions: firstly, it links debates over (the lack of) meaningful victim participation in transitional justice with similar concerns and relevant research in the fields of peacebuilding and development aid/cooperation. I problematize the widely used distinction between 'international' actors and marginalized 'local' people and introduce an alternative distinction between 'professional agency' and 'unprofessional voices' that emerged from my analysis of the production of the chapter on 'Women and the Armed Conflict in Sierra Leone'. I found this

10 See e.g. Physicians for Human Rights, *War-Related Sexual Violence in Sierra Leone. A Population-Based Assessment* (Boston and Washington D.C.: Physicians for Human Rights, 2002); Chris Coulter, *Bush Wives and Girl Soldiers: Women's Lives Through War and Peace in Sierra Leone* (Ithaca and London: Cornell University Press, 2009).

11 See, e.g. Binaifer Nowrojee, 'Making the Invisible War Crime Visible: Post-Conflict Justice for Sierra Leone's Rape Victims,' *Harvard Human Rights Journal* 18 (2005): 85-106.

12 Sierra Leone Truth and Reconciliation Commission, *Witness to Truth: Report of the Sierra Leone Truth and Reconciliation Commission*, Volume 3B (Freetown: Graphic Packaging Ltd. GCGL), <http://www.sieraleonetrc.org/index.php/view-the-final-report/download-table-of-contents/volume-three-b> (accessed 23 July 2019): 85-229. The Sierra Leone TRC did not consider sexual violence against men.

13 On transitional justice as an 'epistemic community', see Susanne Buckley-Zistel, 'Transitional Justice,' in *The Oxford Handbook of International Political Theory*, eds. Chris Brown and Robyn Eckersley (Oxford and New York: Oxford University Press, 2018), 153-165.

14 See also Judith Renner, 'Producing the subjects of reconciliation: the making of Sierra Leoneans as victims and perpetrators of past human rights violations,' *Third World Quarterly* 36(6) (2015): 1110-1128.

distinction more plausible and analytically fruitful and expect that it may prove useful across field divides.

Secondly, based on archival and interview research, I describe the workings of a specific type of marginalization. I show how reliance on recognized expertise rather than eyelevel engagement with Sierra Leonean victims and women organizations shaped the production of the chapter on 'Women and the Armed Conflict in Sierra Leone'. Victims did not have a chance to be heard without a professional filter, let alone define priorities for the TRC's work. I do not claim that findings presented in the chapter on 'Women and the Armed Conflict in Sierra Leone' are wrong in the sense that they gravely misrepresent experiences of wartime violence and the broader situation of women and girls in Sierra Leone. Rather, my point is procedural: the chapter reflects priorities – e.g. topics to be covered and concepts to be used – that were defined on the basis of expertise and then shaped subsequent engagement with victims of sexual violence and women's organizations in Sierra Leone.

Although a single case study like mine offers no grounds for generalizations, it is worth mentioning that I see no reason why this type of professional marginalization should be particular to the Sierra Leone TRC or why it should only affect female victims of sexual violence. One might argue that the TRC – like its contemporary, the Commission for Reception, Truth and Reconciliation in Timor-Leste – was an extremely internationalized commission, in the sense that it was not only donor-funded but also run and overseen by a UN entity.<sup>15</sup> But even more domestically-run projects are also managed by professionals whose work will likely produce at least some of the same marginalization.<sup>16</sup> And although victim participation in transitional justice has evolved over the last one-and-a-half decades, recent studies suggest that it has not allowed for victim-driven formats. Instead, victim participation usually takes place in 'invited spaces'<sup>17</sup> that require victim representatives to professionalize (e.g. learn and use legal/policy languages), adhere to predefined procedures and accept that only preselected experiences, needs and concerns will receive official attention.<sup>18</sup> Such professional marginalization should affect victims across categories in quite similar ways – as long as professionals only engage them on the basis or through the filter of expertise.

In the section following this introduction, I begin by situating my argument in existing scholarship on power, agency and ownership across the fields of development aid/cooperation, peacebuilding and transitional justice. I pay particular attention to two questions: who owns projects, in the sense of being able to define priorities and necessary efforts for achieving them? And how and why do certain others become marginalized, in the sense that they do not get the chance to define

15 See e.g. Menzel supra n 9; Cynthia M. Horne, 'Reconstructing "Traditional" Justice from the Outside in: Transitional Justice in Aceh and East Timor,' *Journal of Peacebuilding & Development*, 9(2) (2014):17-32.

16 See e.g. Lynch's account of how the Kenyan Truth, Justice and Reconciliation Commission's focus on women was shaped by transnational gender and transitional justice expertise. Gabrielle Lynch, *Performances of Injustice. The Politics of Truth, Justice and Reconciliation in Kenya* (Cambridge et al.: Cambridge University Press, 2018), 191-198.

17 Mijke de Waardt and Sanne Weber, 'Beyond Victims' Mere Presence: An Empirical Analysis of Victim Participation in Transitional Justice in Colombia,' *Journal of Human Rights Practice* 11 (1) (2019): 209-228: 222.

18 See e.g. Sajjad supra n 2; Nassar supra n 2.

priorities and procedures? I make use of these questions to give a brief overview of relevant scholarship and introduce a distinction between ‘professional agency’ and ‘unprofessional voices’ that delineates pertinent power relations.

Next, I turn to the production of the chapter on ‘Women and the Armed Conflict in Sierra Leone’ for the Sierra Leone TRC’s final report. I describe the work that went into and shaped this chapter, based on interviews with five former TRC staff members and two consultants<sup>19</sup> plus a wealth of documents from the TRC archive in Freetown. Stored in the back of the archive, I found about 40 boxes full of different types of documents, including internal communication between commissioners and/or TRC staff members; communication with outsiders, e.g. with consultants, academics and staff at the Geneva headquarters of the United Nations Office of the High Representative for Human Rights (OHCHR) where the project (the TRC) was managed; as well as internal work plans, memos and terms of reference for consultancy contracts. In my analysis, these documents<sup>20</sup> provided the basis for developing an outline of the ideas, constraints and pressures that shaped how commissioners and staff members went about interacting with Sierra Leonean victims and women organizations, gathering and analysing empirical data, selecting relevant topics and writing the chapter on ‘Women and the Armed Conflict in Sierra Leone’. I used my interviews with staff members and consultants to confront and complement this outline, filling in empirical gaps and probing my interpretations.

Concluding, I draw attention to implications for professional transitional justice and discuss alternatives. These are also not generally without problems and sometimes employ a different form of expertise<sup>21</sup> that also has marginalizing effects.

Before I begin, I also want to acknowledge that academic writing entails much the same marginalization I describe for professional transitional justice. Academic authors interpret voices and set priorities according to what they want to communicate (usually via a limited number of words) because they consider it empirically, theoretically and/or normatively relevant. These choices should certainly be informed by real world problems, experiences and needs. But they are made by academic authors, not by the people they write about. This is how academic writing can offer valuable insights that are often not conceivable and/or appropriate from the perspective of insiders.<sup>22</sup> For example, in this article, I choose to focus on the marginalizing qualities of professionalism – even though my interview partners did not raise this as a major concern in our conversations. In addition, this focus leads to a situation wherein I do not have enough space to provide a meaningful account of

19 Four interviews were conducted during field research in Sierra Leone from November 2016 until March 2017; and three interviews were conducted via skype with individuals outside of Sierra Leone in 2017 and early 2018. The two consultants and one former TRC staff member are Sierra Leonean citizens; the other four hail from other Sub-Sahara-African countries, Europe and North America.

20 Whenever possible, I cite these documents detailing their author, document type (email, meeting minutes, internal memo etc.), *heading/title*, date and, lastly, ‘the labelling on the box’ (in inverted commas) from which I retrieved the document.

21 See David Kennedy, *A World of Struggle. How Power, Law, and Expertise Shape Global Political Economy* (Princeton and Woodstock: Princeton University Press, 2018), 164.

22 See e.g. David Mosse, ‘Anti-social anthropology? Objectivity, objection, and the ethnography of public policy and professional communities,’ *Journal of the Royal Anthropological Institute* (N.S.) 12 (2006): 935-956.

women's struggles and experiences during the war in Sierra Leone,<sup>23</sup> nor of the processes and events that led up to the establishment of the Sierra Leone TRC.<sup>24</sup> I referenced relevant literature below.

#### POWER AND MARGINALIZATION IN DEVELOPMENT AID/ COOPERATION, PEACEBUILDING AND TRANSITIONAL JUSTICE

Ideas about 'local' participation and ownership first emerged in the context of development aid, which eventually became renamed as development 'cooperation'. In the mid-1990s, these ideas presented a reaction to spreading criticisms of aid 'conditionality' – meaning that aid (in the form of loans) was granted on the condition of prescribed reforms such as privatization of public enterprises, economic deregulation and open door policies regarding trade and foreign investment. As these prescriptions failed to stabilize economies and actually exacerbated the already dire situation of the poor in recipient countries, major donors/lenders such as the International Monetary Fund and the World Bank officially abandoned conditionality. It was replaced by principles of partnership and ownership.<sup>25</sup> These were advertised as making development efforts not only more participatory but also more effective as '[c]ommon sense suggests that sustainability is unlikely to be achieved unless the transformation underway includes a genuine commitment of local players.'<sup>26</sup>

Since the late 1990s and early 2000s, detailed analyses of how ownership and partnership inform and actually work in development practice have revealed tensions and diffuse power relations. For example, Tania Murray Li's study of participatory development efforts in rural Indonesia in the early 2000s describes that villagers were indeed involved in project planning and delivery – but never on their own terms and never with the actual possibility of setting their own priorities.<sup>27</sup> Other scholars have focused on the emergence of close alliances between donors and domestic elites who, for various reasons, often share an interest in declaring formal project success.<sup>28</sup>

Tensions and diffuse power relations remained part of the package when ideas about ownership entered peacebuilding and transitional justice practice and

23 See e.g. Yasmin Jusu-Sheriff, 'Sierra Leonean Women and the Peace Process,' in *Paying the Prize: The Sierra Leone Peace Process*, ed. David Lord (London: Conciliation Resources, 2000), 46-49; Physicians for Human Rights, *supra* n 10; Coulter *supra* n 10.

24 See e.g. Article 19 and Forum of Conscience, *Moments of Truth in Sierra Leone: Contextualizing the Truth and Reconciliation Commission* (Freetown: Article 19 and Forum of Conscience, 2000), <https://www.article19.org/data/files/pdfs/publications/sierra-leone-moments-of-truth.pdf> 8 (accessed 1 September 2019); Chis Mahony and Yasmin Sooka, 'The Truth about the Truth: Insider Reflections on the Sierra Leonean Truth and Reconciliation Commission' in *Evaluating Transitional Justice Accountability and Peacebuilding in Post-Conflict Sierra Leone* eds. Kirsten Ainley, Rebekka Friedman and Chris Mahony (London: Palgrave Macmillan), 35-54; Menzel *supra* n 9.

25 See e.g. Graham Harrison, 'Post-Conditionality Politics and Administrative Reform: Reflections on the Cases of Uganda and Tanzania,' *Development and Change* 32(4) (2001): 657-679; Kate Bedford, *Developing Partnerships: Gender, Sexuality, and the Reformed World Bank* (Minneapolis and London: University of Minnesota Press, 2009).

26 Simon Chesterman, 'Ownership in Theory and in Practice: Transfer of Authority in UN Statebuilding Operations' *Journal of Intervention and Statebuilding* 1(1) (2007): 8.

27 Li *supra* n 7 at 68.

28 See Harrison *supra* n 25.

scholarship in the 2000s.<sup>29</sup> Since then, numerous studies have sought to specify the actual relationships – beyond the rhetoric of ownership – that structure peacebuilding, development and transitional justice work. The following subsection discusses some of this literature, in particular studies that speak to two questions: who exactly owns projects, in the sense of being able to define priorities and necessary efforts for achieving them? And how and why do certain others become marginalized in the process, in the sense that they do not get the chance to define priorities and procedures?

### ‘Internationals’, ‘locals’ and hierarchies of knowledge

Across the fields of development aid/cooperation, peacebuilding and transitional justice, ownership is usually treated as something that should be more ‘local’ but too often remains ‘international’. Within this notion, ‘internationals’ tend to hail from the Global North while ‘locals’ are citizens of the very countries experiencing projects in the name of peace, justice and development. Some authors introduce additional subcategories such as “‘local local’”<sup>30</sup> to describe actors and spaces that have remained relatively untouched by the rationalities governing donor-funded work. Others criticize a romanticization and/or Eurocentric othering of the ‘local’.<sup>31</sup> And still others draw attention to a seemingly growing class of experts from the Global South who occupy leading ‘international’ positions in donor-funded projects.<sup>32</sup> In addition, some studies scrutinize knowledge hierarchies that influence or even determine who actually counts as ‘local’ or ‘international’ – and why. The latter are of particular relevance for the purpose of this article because they provide valuable insights into dynamics of recognition and marginalization. I draw in particular on Caroline Hughes, Séverine Autesserre and Tshepo Madlingozi who analyse ‘the politics of knowledge’<sup>33</sup> that devalue ‘local’ knowledge and voices.

Hughes finds that donor-funded development projects aimed at institutional capacity building increasingly involve a particular type of staff member, namely the foreign-educated (usually in the Global North) diaspora returnee. Returnees are attractive employees because they speak local languages and are expected to go about their work in a culturally sensitive manner. In consequence, they are expected to be better at building capacity than other ‘internationals’. However, as Hughes points out, what remains unacknowledged and normalized in such expectations is the ‘prioritisation of international knowledge over local knowledge’.<sup>34</sup> Returnees are not

29 See e.g. Chesterman supra n 26; Greedy and Robins supra n 2.

30 Roger Mac Ginty and Oliver Richmond, ‘The Local Turn in Peace Building: a critical agenda for peace,’ *Third World Quarterly* 34(5) (2013): 774.

31 See e.g. Thania Paffenholz, ‘Unpacking the local turn in peacebuilding: a critical assessment towards an agenda for future research,’ *Third World Quarterly*, 36(5) (2015), 857-874.

32 There is little reliable data on staff in donor-funded projects. However, what is available suggest that even staff in leadership positions is still predominantly but increasingly less often male, white and middle-class. See Silke Roth, *The Paradoxes of Aid Work: Passionate Professionals* (Abingdon and New York: Routledge, 2015).

33 Caroline Hughes, ‘The politics of knowledge: ethnicity, capacity and return in post-conflict reconstruction policy,’ *Review of International Studies* 37(4) (2011): 1493.

34 *Ibid.*, 1514.

recruited to add 'local' knowledge to capacity building. On the contrary, their job is to make sure – by using their cultural and linguistic competencies – that capacity building is done according to 'international' standards.

Knowledge politics are also at the centre of Autesserre's analysis of 'Peaceland', meaning the particular field inhabited by expatriate peacebuilding staff across intervention contexts. Autesserre finds that this field entails a widely internalized and habitualized knowledge hierarchy that privileges 'thematic expertise' over 'local knowledge'.<sup>35</sup> Because of this hierarchy, projects are usually designed and their implementation is overseen by staff with expertise in specific thematic subfields (such as health, elections, security sector reform etc.) while 'country knowledge gained through formal education but also local expertise gained through years of on-the-ground experience'<sup>36</sup> are neither necessary nor even valued qualifications. In addition, the knowledge hierarchy marginalizes citizens of the intervention context who are usually employed to implement decisions made by 'international' staff. Autesserre describes that their knowledge is regarded as 'local' and, thus, devalued. 'To move up in the hierarchy, they have to go abroad and become expatriates.'<sup>37</sup> In other words, to gain access to better paid and influential positions, 'locals' have to be or become thematic experts and go work in intervention contexts that are not their home country.

Madlingozi's exploration of knowledge politics focuses on the 'encounter between the victim and expert' in professional transitional justice.<sup>38</sup> He argues that this encounter produces dispossession as the victim's story becomes a matter for expert interpretation. From the perspective of experts, victims' stories are immensely valuable – if they can be harvested and interpreted according to recognized standards. This is how victims lose control over what is done with their stories. However, drawing on the case of a victims' organization in South Africa, the *Khulumani* Support Group, whose grassroots membership has struggled to resist expert representation, Madlingozi argues that victim empowerment is possible. But it can only happen when and if victims have the chance to build 'their own movement that does not rely on transitional justice experts and other elites that government and others consider "legitimate interlocutors" to speak about and for them.'<sup>39</sup>

### Professional agency and unprofessional voices

Building on the above presented literature and informed by empirical findings that will be elaborated below, I propose a concept of relevant differences and power relations that distinguishes not between 'locals' and 'internationals' but between 'professional agency' and 'unprofessional voices'. In the following, I explain this distinction in abstract terms and illustrate it using some examples from my research on the production of the chapter on 'Women and the Armed Conflict in Sierra Leone'.

35 Autesserre *supra* n 7 at 73.

36 *Ibid.*

37 *Ibid.*, 84.

38 Madlingozi *supra* n 5 at 213.

39 *Ibid.*, 224.



'Professional agency' describes not a particular set of actors but a quality that project staff members tend to have in common, be they expats from the Global North or South or national staff. To some degree at least, they all rely on thematic and technical expertise when dealing with the people targeted by the projects they work in. They may already bring such expertise to the job, e.g. because of their education or previous work experience, or acquire it on the job through workshops and the like.

There are certainly differences in the degree to which professionals internalize training and intuitively rely on recognized expertise, depending on the duration and intensity of their exposure to it. Whether or not they also find it possible and plausible to question expertise depends on a set of influences: for example, an expatriate with a pertinent university degree and years of transnational job experience will often be less likely to question the usefulness and appropriateness of professional standards and procedures than a short-term trained national who also has everyday 'unprofessional' (not work-related) interactions with a project's target population.<sup>40</sup> Enthusiasm for the job is also a crucial factor. When people take an interest in being good at their job (be it out of idealism or hopes for a lucrative career or both), they also tend to want to 'play the game' according to its recognized rules, i.e. by relying on recognized expertise.<sup>41</sup>

The worldviews and agency that emerge from internalized professionalism tend to separate professionals from their target populations as the latter become regarded as 'unprofessional voices'. This perception is directed at those who are either not expected to know the pertinent professional rules or do not act in respect of the value and necessity of recognized expertise. In consequence, they cannot be allowed to define project priorities and procedures and, instead, need to be guided, managed and interpreted.

Such marginalization does not only affect victims. It is also often extended to dealing with organizations who work on their behalves. Take, for example, the way in which the TRC approached Sierra Leonean women's organizations, including local and national NGOs and community-based associations. The TRC called for written submissions from these organizations but did not expect them to set their own agenda. Instead, they were expected to need guidance in order to produce useful submissions. The TRC requested support from the United Nations Fund for Women (UNIFEM) who provided consultants to

Facilitate the participation of the Women's organisations in Sierra Leone in the work of the Commission, and work with them to make submissions to the Commission on the issue of women's rights in the country and other aspects of the Commission's mandate.<sup>42</sup>

40 See also Autesserre supra n 7 at 41.

41 My understanding of internalization and its consequences is based on Pierre Bourdieu's social theory, especially his concept of the relationship between 'habitus' and 'field'. See e.g. Pierre Bourdieu, *Practical Reason: On the Theory of Action* (Stanford: Stanford University Press, 1998). Autesserre also draws on recent Bourdieu-inspired International Relations theory and provides a helpful summary of some basic concepts, see Autesserre supra n 8 at 29-33.

42 The Truth and Reconciliation Commission, *Terms of Reference for a Gender Consultant*, 11 March 2003, 'Administration and Programming Unit, General Administration and Support Service, Box 001'.

Even staff members can become unprofessional voices in the eyes of their colleagues and seniors. This may well have been the case with regard to the TRC's Interim Executive Secretary, Yasmin Jusu-Sheriff, who became 'regarded as a scapegoat by some, and as a political appointee with poor management skills by others'.<sup>43</sup> She was not rehired after the TRC's preparatory period.<sup>44</sup> A former TRC staff member recounted in our interview that Jusu-Sheriff - a British-educated Sierra Leonean lawyer and women's rights activist - had lacked relevant skills for the job and had only been hired in the first place because she had family connections with Sierra Leone's president at the time.<sup>45</sup> Jusu-Sheriff's version of the story is quite different. She explained that she had been appalled to see that the TRC was going into a direction that, in her opinion, did not correspond with what most Sierra Leoneans wanted and hoped for. Based on her involvement in Sierra Leonean women's organizations and several visits to rural areas in her capacity as interim executive secretary, she felt that the commission focused too much on truth telling and instead needed to consider concrete measures that would immediately benefit war-affected communities.<sup>46</sup> According to her own account, Jusu-Sheriff eventually turned to the president and urged him to support her efforts at reorienting the focus of the TRC. This attempt to challenge recognized expertise on the priority of truth telling<sup>47</sup> via familial/political connections certainly contributed to Jusu-Sheriff's reputation as being unprofessional. Again according to her own account, her efforts failed because the president refused to get involved.<sup>48</sup>

The marginalization of unprofessional voices (be they victims or irritating colleagues) is driven by a dynamic that is best described as *the pressures of getting it right*. This dynamic pushes professionals who have internalized the value of relying on recognized expertise to prioritise expertise over eyelevel engagement with unprofessional voices in order to deliver good work – according to state-of-the-art professional standards. In the words of critical legal scholar David Kennedy, it is '[t]he promise that this time everything may finally be taken into account'<sup>49</sup> that motivates professionals to demand and develop ever more and improved expertise to work towards 'finally getting it right'.<sup>50</sup> The remainder of this article further illustrates, analyses and

43 Augustine S.J. Park, 'Community-based restorative transitional justice in Sierra Leone', *Contemporary Justice Review* 13(1) (2010): 104.

44 On the TRC's interim secretariat, see Sierra Leone Truth and Reconciliation Commission, *Witness to Truth: Report of the Sierra Leone Truth and Reconciliation Commission*, Volume 1 (Freetown: Graphic Packaging Ltd. GCGL), <http://www.sierraleonetr.com/index.php/view-the-final-report/download-table-of-contents/volume-one> (accessed 23 July 2019), 56-61.

45 Skype interview, 1 August 2017. Jusu-Sheriff had been recommended for the job by the Sierra Leone government, see Sierra Leone Truth and Reconciliation Commission supra n 44 at 56.

46 Interview with Jusu-Sheriff in Freetown, 1 March 2017.

47 The Sierra Leone TRC operated at a time of high enthusiasm for truth telling as pioneered by the South African TRC. See e.g. Rosalind Shaw, 'Memory Frictions: Localizing the Truth and Reconciliation Commission in Sierra Leone,' *International Journal of Transitional Justice* 1(2) (2007), 183-207.

48 Email correspondence with Yasmin Jusu-Sheriff, 28 March 2018. An account of the crisis around Jusu-Sheriff's alleged unprofessionalism can be found in the TRC report, see Sierra Leone Truth and Reconciliation Commission supra n 44 at 60-61.

49 Kennedy supra n 21 at 163.

50 Ibid.

discusses these pressures and their marginalizing consequences focusing on the production of the chapter on 'Women and the Armed Conflict in Sierra Leone'.

### PROFESSIONAL AGENCY AND UNPROFESSIONAL VOICES IN THE SIERRA LEONE TRC'S WORK ON 'WOMEN AND THE ARMED CONFLICT IN SIERRA LEONE'

The Sierra Leone TRC was formally established by an act of parliament in 2000 and became operational in 2002 – only months after the official end of the eleven-year civil war (1991-2002). This was a time when truth commissions were emerging as a model for dealing with violent pasts across the globe, following the widely acclaimed example of the South African TRC.<sup>51</sup> As it was put by a Sierra Leonean academic who had served as a consultant to the Sierra Leone TRC, 'Sierra Leone was the first time that they projectized a TRC'.<sup>52</sup> He was referring to the fact that the Sierra Leone TRC was only nominally a national institution. In fact, it was run as a donor-funded project by OHCHR headquarters in Geneva.<sup>53</sup>

Moreover, the TRC was projectized in the sense that its procedures were formulated as 'terms of reference' along the lines of an emerging orthodoxy that involved statement taking, public hearings and the writing of a final report. These procedures had been formulated by UN-commissioned consultants with some invited inputs from national civil society.<sup>54</sup> In terms of main objectives, the TRC was mandated 'to create an impartial historical record of violations and abuses of human rights and international humanitarian law related to the armed conflict in Sierra Leone'.<sup>55</sup> It was to investigate the antecedents and the context of violations and 'whether those violations and abuses were the result of deliberate planning, policy or authorisation by any government, group or individual, and the role of both internal and external factors in the conflict'.<sup>56</sup> In addition, the TRC was mandated to restore victim's dignity and promote reconciliation by providing opportunities for victims to speak out and also by fostering 'constructive interchange between victims and perpetrators, *giving special attention to the subject of sexual abuses* and to the experiences of children within the armed conflict'.<sup>57</sup>

It also needs to be mentioned that despite this broad mandate the TRC had to operate under immense time pressure and with very limited resources.

[T]he Commission was only able to access total funding of between \$6 million and \$8 million, compared to around \$250 million for the Special Court [a hybrid national/international court based in Freetown that operated alongside the TRC] and an annual budget of \$18 million for the South African TRC between 1996 and 2002.<sup>58</sup>

51 See e.g. Shaw *supra* n 47, Lynch *supra* n 16 at 95-274.

52 Informal conversation in Freetown, 12 November 2016.

53 Sierra Leone Truth and Reconciliation Commission *supra* n 44 at 91-102.

54 The final mandate 'was virtually identical in its provisions to the UN's final recommendations', Article 19 and Forum of Conscience *supra* n 24 at 21.

55 Sierra Leone Truth and Reconciliation Commission, *supra* n 44 at 24-25.

56 *Ibid.*

57 *Ibid.*, emphasis added.

58 Mahony and Sooka *supra* n 24 at 39.

Funding and time constraints feature prominently in the archival documents as well as in the interviews I conducted with former staff members. If I were writing a narrative of the commission's work according to their priorities, time and funding pressures would be at or very near the top of the list.

In the following three subsections, I zoom in on the production of the chapter on 'Women and the Armed Conflict in Sierra Leone' for the TRC report. This chapter was shaped by African female professionals, some of whom had previous experience in transitional justice work with a focus on women and sexual violence. Chief among them was Commissioner Yasmin Sooka, a South African lawyer who had previously served as a commissioner of the South African TRC. In this previous capacity, Sooka had acquired first-hand experience of a process that only belatedly - and, according to most accounts, inadequately - started to pay attention to gender-specific violations and women's experiences more broadly.<sup>59</sup> Materials from the TRC archive in Freetown clearly document Sooka's commitment to seeing that these mistakes were not repeated in Sierra Leone.<sup>60</sup> Her commitment, valuable experience and professionalism were also highlighted by several of the former TRC staff members I interviewed. Based on internal memos, it is evident that Sooka was involved in developing procedures for women's hearings<sup>61</sup> and that she directed and oversaw the writing process and edited the chapter on 'Women and the Armed Conflict in Sierra Leone'.<sup>62</sup> She closely worked with two staff members, one of whom - a female lawyer from a West African country (not Sierra Leone) - I interviewed during a field research stay in Freetown.<sup>63</sup> Other important influences and contributions to the chapter came from three consultants, two Kenyans (Betty Murungi and Binaifer Nowrojee) and one Sierra Leonean (Jamesina King), all of them lawyers. Their roles will be spelled out in more detail below.

I begin by drawing attention to a mismatch between methodological claims and the contents of the chapter on 'Women and the Armed Conflict in Sierra Leone'. Despite claims that the chapter directly emerged from and gives primacy to original sources<sup>64</sup> - namely victims' statements and testimonies in public hearings - it actually presents sophisticated legal, social, political and historical analyses. These make use of legal and academic concepts that had recently gained prominence among transnational professionals, such sexual violence as a 'weapon of war'<sup>65</sup> and the 'continuum of violence'.<sup>66</sup> Next, I describe work processes that fed into and

59 See e.g. Fiona Ross, *Bearing Witness. Women and the Truth and Reconciliation Commission in South Africa* (London: Pluto Press, 2003).

60 Unfortunately, Yasmin Sooka was not available for an interview.

61 E.g. Commissioner Sooka, *Re: Women's hearings, testimony, submissions, special hearings on women and research objectives for the final report*, Memo to Commissioners, 21 April 2003, 'Public Information and education Unit, Publications, Box 004'.

62 E.g. Yasmin Sooka, Commissioner, *Memo to Chairperson*, 21 November 2003, 'Administration & Programming Unit, General Administration & Support Service, Box 001'.

63 Interview in Freetown, 1 December 2016.

64 Sierra Leone Truth and Reconciliation Commission supra n 44 at 147.

65 See e.g. Nicola Henri, 'The Fixation on Wartime Rape: Feminist Critique and International Criminal Law,' *Social & Legal Studies* 23 (1) (2014): 93-111.

66 See e.g. Elisabeth Rehn and Ellen Johnson Sirleaf, *Women, War and Peace: The Independent Experts' Assessment on the Impact of Armed Conflict on Women and Women's Role in Peacebuilding* (New York: UNIFEM, 2000); Cynthia Cockburn, 'The Continuum of Violence. A Gender Perspective on War and

ultimately produced the chapter and point out that they gave primacy to recognized expertise on how to do good transitional justice work for women. Finally, I speculate as to what an unprofessional approach that actually gave primacy to victims' voices might have looked like.

### The mismatch between method and content

During field research in Freetown in late 2016, I had the opportunity to interview a former TRC staff member who had been directly involved in writing the chapter on 'Women and the Armed Conflict in Sierra Leone'. She had recently returned to Sierra Leone for a new posting – after having established her career in professional human rights and transitional justice work that had taken her to several African countries. She originally hailed from a different West African country, and working for the Sierra Leone TRC had been her first job as an expat transitional justice professional.<sup>67</sup>

My interviewee and I did not get off to the best start. 'I have the feeling that you are trying to debunk something,'<sup>68</sup> was how she greeted me as I entered her office. Upon her request I had sent her a brief summary of my research interests prior to our meeting. This summary mentioned my interest in how exactly topics and focus areas had been chosen for the chapter on 'Women and the Armed Conflict in Sierra Leone'. Based on this, my interviewee suspected that I was after uncovering some sort of malpractice. In our ensuing conversation she repeatedly stressed that there was nothing for me to 'debunk'. She explained that the process had been strictly driven by primary data,

Most of the preparation was really statement reading. We read a lot of them, the statements from the field. The findings came mostly from those statements. Everything you see [in the chapter] came directly from the statements. [...] There were also public hearings and special hearings for women.<sup>69</sup>

Her description of the work process is in line with the TRC's methodology as described in the methodology section of the report. 'Primacy was given to original sources in order to capture and integrate the experiences of the people of Sierra Leone.'<sup>70</sup> However, both descriptions hardly match the sophisticated legal, social, political and historical analyses presented in the chapter on 'Women and the Armed Conflict in Sierra Leone'.

The chapter is 152 pages long (the complete report has 1.828 pages, excluding appendices) and structured into several topical sections. It begins with a detailed section on 'The Status of Women before the Conflict',<sup>71</sup> which is based on secondary literature and selected submissions made by Sierra Leonean women's organizations

Peace', in *Sites of Violence: Gender and Conflict Zones* eds. Wenona Giles and Jennifer Hyndman (Berkeley and Los Angeles: University of California Press, 2004), 24-44.

67 Interview supra n 63.

68 Ibid.

69 Ibid.

70 Sierra Leone Truth and Reconciliation Commission supra n 44 at 147.

71 Sierra Leone Truth and Reconciliation Commission supra n 12 at 92-108.

to the TRC. Citing Elisabeth Rehn's and Ellen Johnson Sirleaf's recent (at the time) UNIFEM-commissioned report on the 'continuum of violence',<sup>72</sup> this section introduces the idea that 'the extreme violence that women suffer during conflict [...] is directly linked to the violence that exists in women's lives during peacetime in the society in question'.<sup>73</sup> Peacetime discrimination and violence against women included political, economic and legal marginalization as well as widely accepted practices of domestic violence. It is argued that, 'The prevalence of an existing culture of violence in Sierra Leonean society [...] may explain in part the brutality experienced by women during the conflict period'.<sup>74</sup> Then follows a legal analysis section entitled 'National and International Law Pertaining to Women in Sierra Leone'.<sup>75</sup> This section identifies gaps and inadequacies in national laws and elaborates possibilities for prosecuting sexual and gender-based violence as a 'weapon of war'<sup>76</sup> (as a war crime and a crime against humanity) under international law. Next follows a detailed section on the 'Experiences of Women and Girls during the Conflict in Sierra Leone',<sup>77</sup> which introduces different categories of violations, including 'Sexual Violations'.<sup>78</sup> Violations are first described in an abstract manner and then illustrated using quotes from individual accounts given as statements or as testimonies during hearings. Some violations are further interpreted and (implicitly) connected to the legal section. For example, findings pertaining to rape are formulated in the terms that render rape a 'weapon of war' and thus prosecutable under international law. '[T]he Commission finds that all of the armed factions [...] embarked on a *systematic and deliberate strategy* to rape women and girls [...].'<sup>79</sup> Next is a section on 'The Impact of the Conflict on Women and Girls'<sup>80</sup> and, finally, a section entitled 'Post-Conflict Mechanisms for Intervention in Respect of Women and Girls'.<sup>81</sup> Based on available reports by NGOs and international organizations and selected submissions to the TRC, these last two sections describe consequences of wartime violence for women and girls, looking at their social status, access to economic opportunities, housing and health. They also discuss recent interventions and mention the need to improve aid programs and initiate reforms.<sup>82</sup>

It is obvious that these contents did not directly emerge from statements and testimonies; neither do they give primacy to original sources. It is more plausible that they are the products of work processes that relied on recognized expertise to identify topics and areas to be covered in the chapter – before going back to statements and testimonies for additional analyses and to add illustrations. This sequence is also supported by the documents I found at the TRC archive in Freetown.

72 Rehn and Sirleaf *supra* n 66.

73 Sierra Leone Truth and Reconciliation Commission *supra* n 12 at 106.

74 *Ibid.*, 108.

75 *Ibid.*, 109-135.

76 *Ibid.*, 129.

77 *Ibid.*, 136-170.

78 *Ibid.*, 158-167.

79 *Ibid.*, 162, *my emphasis*.

80 *Ibid.*, 196-209

81 *Ibid.*, 209-220

82 *Ibid.*, 196-228.

### A professional process

The work feeding into and ultimately producing the chapter on 'Women and the Armed Conflict in Sierra Leone' is best described as a professional process. It certainly entailed difficulties and setbacks, yet the former staff members I interviewed mostly agreed that it turned out reasonably well in the end. In an academic contribution by Chris Mahony (also a former TRC staff member) and former Commissioner Yasmine Sooka, they describe the TRC's work on women and sexual violence as one of the commission's success stories (among other tasks that did not go so well<sup>83</sup>). They emphasize that commission staff received special training and adopted measures such as providing trauma counselling to victims of sexual violence who testified in hearings. They also claim that the TRC 'gave agency back to women victims of sexual violence by giving them the choice to testify in public, on camera or behind screens'.<sup>84</sup> My analysis does not deny these efforts, nor does it rule out that some victims felt empowered.<sup>85</sup> However, I find that victims did not have a chance to be heard without a professional filter, let alone define priorities for the TRC's work.

Based on the documents I found at the TRC archive, it makes sense to distinguish two (slightly overlapping) phases in the commission's work on women and sexual violence. The first phase was about acquiring the necessary expertise, which involved a partnership with UNIFEM that provided the TRC with two expat consultants who trained commissioners and staff. The second phase was about making sure that the commission's work was actually conducted in accordance with this expertise. This included collecting materials for and writing a chapter that ticked all necessary boxes in terms of topics and issues that needed to be covered.

Efforts at establishing a partnership with UNIFEM emerged early on in the life of the TRC, already during the time of the preparatory interim secretariat (March-October 2002). A consultant working for the interim secretariat made contact with the UNIFEM representative in Freetown and, on 17 September 2002, sent a memo to Interim Executive Secretary, Yasmin Jusu-Sheriff, stating that 'the Gender Sensitive training Project [sic] has been bought by UNIFEM. They will provide the training and the lunch for Commissioners and Staff'.<sup>86</sup> This training was scheduled for 1 October 2002<sup>87</sup> but never materialized, probably due to the crisis that unfolded in September 2002 when TRC staff members deemed unqualified (including Jusu-Sheriff) ceased to be paid.<sup>88</sup>

Communication with UNIFEM was re-established in 2003, this time leading to an official partnership between UNIFEM and the TRC. The long expected training

83 They reflect that the commission did not investigate external dimensions of the war in Sierra Leone – especially those involving donor countries – nearly as much as it should have. Mahony and Sooka *supra* n 34.

84 *Ibid.*, 50.

85 Elsewhere I discuss one example of a female TRC witness who self-reportedly felt empowered because other victims had trusted her to represent their voices at a TRC public hearing. See Menzel *supra* n 9 at 18.

86 Reconciliation and Protection Consultant, *Interoffice Memorandum: Gender Sensitivity Training*, 17 September 2002, 'Administration and Programming Unit, General Administration and Support Service, Box 001'.

87 *Ibid.*

88 Sierra Leone Truth and Reconciliation Commission *supra* n 44 at 61.

of staff and commissioners finally took place in early April 2003. It was conducted by two expat consultants, Betty Murungi and Binaifer Nowrojee, both lawyers with expertise in advocacy for female victims of sexual violence and prosecuting sexual violence under international law. Both had been involved in advocacy and consultancy work in the context of the International Criminal Tribunal for Rwanda.<sup>89</sup> According to a UNIFEM press statement, their training

focus[ed] on highlighting the impact of armed conflict on women and children, promoting gender-sensitivity in handling female victims' testimonies and building the skills and materials necessary to deal with victims, witnesses and perpetrators in the spirit of reconciliation.<sup>90</sup>

This training came too late to inform the commission's statement taking exercise. Between December 2002 and March 2003, 73 statement takers (all national staff) had already collected a total of 7,706 statements on wartime violations from different parts of the country.<sup>91</sup> Statement takers had received some training, including training on special interview techniques for victims of sexual violence, from UN and NGO experts assisting the commission.<sup>92</sup> However, based on UNIFEM's more extensive training input and with the assistance of the two consultants, the commission adopted a more comprehensive protocol to prepare and counsel victims of sexual violence before, during and after their testimony in closed and public hearings. The preparation procedure is briefly described in the introduction to the chapter on 'Women and the Armed Conflict in Sierra Leone'.

The Commission through its reconciliation unit provided trained counsellors who would brief and debrief the women and girls who appeared at these special hearings [closed hearings]. These counsellors also met with witnesses before their appearances at other [public] hearings. The counsellors and staff members responsible for the hearings would go through the statements previously given by the witness to refresh the memory and ensure consistency.<sup>93</sup>

This clearly shows the amount of control exerted over victims' testimonies, both in order to protect them and obtain useful information from them. As it was put in an internal memo by Commissioner Sooka titled 'Women's hearings, testimony, submissions, special hearings on women and research objectives for the final report',

89 A short biographical interview with Betty Murungi is available on the ATLAS webpage, <https://www.atlaswomen.org/profiles/2019/10/16/kaari-betty-murungi> (accessed 20 February 2020); a brief background on Binaifer Nowrojee can be found on her current employer's webpage <https://www.opensocietyfoundations.org/who-we-are/staff/binaifer-nowrojee> (accessed 20 February 2020).

90 UNIFEM, 'UNIFEM and Urgent Action Fund support peace-building process in Sierra Leone,' *reliefweb*, 17 April 2003, <https://reliefweb.int/report/sierra-leone/unifem-and-urgent-action-fund-support-peace-building-process-sierra-leone> (accessed 1 September 2019).

91 Sierra Leone Truth and Reconciliation Commission *supra* n 44 at 164-170.

92 *Ibid.*, 166.

93 Sierra Leone Truth and Reconciliation Commission *supra* n 12 at 89.



Questioning women who have been the subject of rape, sexual violence and gender-based crimes is quite difficult. While it requires a great deal of sensitivity, it also requires that the Commission obtains information which it would otherwise not have access to.<sup>94</sup>

The two UNIFEM consultants were also tasked with facilitating the participation of Sierra Leonean women's organizations (NGOs and community based organisations) and assisting them in making submissions that would be relevant to the commission's work on women and sexual violence.<sup>95</sup> The effects of their guidance are directly visible in the submissions made to the commission, most of which are structured in roughly the same way and either titled or subtitled 'The situation of Women and Girls in the [sic] Pre-conflict, Conflict and Post Conflict Sierra Leone'.<sup>96</sup> This is no coincidence. A broad focus on sexual violence 'before and during the conflict [...] [and] how this feeds into the situation prevailing in the country today'<sup>97</sup> was encouraged via a 'Guide to: Content of Submissions for the thematic hearing on Women'<sup>98</sup> of which I found a draft version at the TRC archive. One of the submissions that closely followed these instructions was made by a young Sierra Leonean lawyer, Jamesina King. Her submission focused on the legal status of women in Sierra Leone before, during and after the conflict.<sup>99</sup> King was subsequently approached and hired as a consultant to write parts of the chapter on 'Women and the Armed Conflict in Sierra Leone'.<sup>100</sup>

There is one document in particular that helps reconstruct the sequence of the work processes that shaped the chapter. It clearly indicates that victims' voices/primary data were not the drivers nor even the starting point for the process. This document is a memo authored by Commissioner Sooka and addressed to two of her staff members working on the chapter (including the former staff member I interviewed in Freetown).<sup>101</sup> Sooka begins by congratulating her staff on an improved second draft. She emphasizes that the pre-war status of women in Sierra Leone was already well elaborated. But her next comments are mostly critical. She lists a number of questions and pertinent issues that were still absent and needed to be addressed in the chapter.

94 Commissioner Sooka, supra n 61.

95 The Truth and Reconciliation Commission supra n 42.

96 Sierra Leone Truth and Reconciliation Commission, *Witness to Truth: Report of the Sierra Leone Truth and Reconciliation Commission*, Appendix 2 – Submissions to the TRC, Part 1 (Freetown: Graphic Packaging Ltd. GCGL), <http://www.sierraleonetrc.org/index.php/view-the-final-report/download-table-of-contents/appendices> (accessed 23 July 2019): 200.

97 *Guide to: Content of submissions for the thematic hearing on Women*, 'Public Information and Education Unit, Publications, Box 002'.

98 Ibid.

99 Sierra Leone Truth and Reconciliation Commission, supra n 96 at 200-204.

100 Interview in Freetown, 14 November 2016.

101 Commissioner Sooka, *Comments on Women*, 22 October 2003, 'Information Management Unit, Research Materials, Box 008 (crossed out, corrected in green marker, Box 009)'.

The international aspect to this draft in terms of war crimes relating to gender-based and sexual violence is absent. In addition, we need to make more use of the database, our transcripts [...] the voices of women need to speak in the chapter [...]; [...] In terms of the why, we need to draw the analytical link in terms of past practices with why the war impacted so brutally on women.<sup>102</sup>

In other words: the draft still needed a legal analysis of international law and an elaboration of the possibility of prosecuting rape as a 'weapon of war'; the 'continuum of violence' still needed more analytical work and elaboration; and victims' voices (presumably in the form of quotes from statements and testimonies) had to be brought back into the chapter. Sooka also mentions the need for some 'serious talking [...] about methodology and using our primary data'.<sup>103</sup> Based on other memos I found, I suspect that she was pushing for more in-depth empirical analyses of patterns around sexual violence to demonstrate how it had been used as a weapon of war.<sup>104</sup> The final version of the chapter as published in the report and briefly outlined in the previous section shows that subsequent work must have focused on filling in the gaps outlined by Sooka.

### Imagining an unprofessional approach

The marginalization of victims as unprofessional voices in the Sierra Leone TRC's work on women and sexual violence was certainly not total but one of degree: the commission actively sought information from victims and this information was taken into serious consideration. Moreover, my analysis does not imply that the chapter on 'Women and the Armed Conflict in Sierra Leone' is wrong or useless. On the contrary, speaking from an academic perspective, I strongly agree that it makes sense to interpret sexual violence in Sierra Leone (and in all other contexts that I can think of) in terms of a continuum of violence that looks beyond commonplace distinctions between peacetime and wartime, private and public and criminal and political violence. However, victims of sexual violence did not shape the TRC's procedures and neither did they define the priority issues to be covered in the chapter on 'Women and the Armed Conflict in Sierra Leone'.

In order to better grasp this professional marginalization, it is helpful to speculate about alternatives. What would the commission's work have looked like if victims had been in a position to define priorities - if commissioners and staff had adopted an unprofessional approach, so to say? To attempt an answer to this question, it is helpful to look at a finding that has been prominently discussed in ethnographic work on the TRC: namely victims' disappointment over the fact that they did not receive any tangible help in exchange for their statements and testimonies, such as money or medical services to meet their most urgent and basic needs.<sup>105</sup> My interviews and archival materials show that victims' disappointment was also a frequent

102 Ibid.

103 Ibid.

104 Commissioner Sooka, *supra* n 61.

105 See especially Gearoid Millar, 'Performative memory and re-victimization: Truth-telling and provocation in Sierra Leone,' *Memory Studies* 8 (2) (2015): 242-254.

topic and a source of immense frustration among TRC staff members. As one of my interviewees put it, 'We had to deal with this throughout the life of the commission, people asking for compensation. And we understood and it was really heart breaking that we couldn't do it but there was absolutely no budget for anything like that.'<sup>106</sup> Although victims' disappointment was mostly discussed in terms of expectation management – after all, tangible help had never been promised and the TRC was operating on scarce funding as it was – there were also moments of intense doubt. As one staff member put it in an internal memo,

the Commission sounds patronising each time it tells witnesses that it is not its mandate to deal with individual reparations, or that nothing can be done for them before the report is published. Looking at the faces of some of the witnesses after they get these stock responses, one sees a deflation of hope, some internal questioning about why they participated in the hearings at all. It is important to recognise that some of the needs of the witnesses are very basic, and in some cases, the witnesses might probably die before the Commission gets around to writing its report.<sup>107</sup>

Following this train of thought, it becomes (at least vaguely) imaginable that commissioners and staff might have decided to take their lead from victims' expectations and begun to work with them to develop a data base of victims and their needs and engage in fund raising efforts – rather than writing an extensive report. Such a decision would have been highly unprofessional in several regards: it would not have been in line with the TRC's mandate and recognized transitional justice expertise; and it would have encouraged commissioners, staff and victims to work in areas for which they were not formally qualified. In addition, it does not seem likely that such an approach could have succeeded in raising and distributing a meaningful amount of resources to actually improve victims' lives. But it would have put victims' immediate priorities first.

### CONCLUDING REMARKS

Unlike one of the former TRC staff members I interviewed suspected, this article is not an attempt to 'debunk something'.<sup>108</sup> On the contrary, my focus has been to detail the workings of a type of marginalization that is not a product of neglect or professional failure but emerges exactly because professionals are committed to doing a good job. This is also why even (or especially) improved professional efforts at victim participation will not fully get rid of this type or marginalization - not as long as victim participation is about inviting victims into predefined roles and spaces rather than handing over control.

106 Skype interview supra n 45.

107 Head of Information Management, *Evaluation of Hearings in Bo District*, 5 May 2003, 'Administration and Programming Unit, General Administration and Support Service, Box 003'.

108 See interview, supra n 63.

This is not necessarily an argument against professional transitional justice, e.g. in the form of truth commissions that focus on delivering final reports that present sophisticated analyses and policy recommendations. It is, however, an argument for recognizing and communicating the ways in which professional transitional justice will involve limited victim participation. Being transparent about the limits of victim participation is especially important in moments when professionals are called upon to provide expertise in nascent processes of ‘justice in transition’,<sup>109</sup> i.e. when and where activists and politicians are not (yet) set on professional formats and may still be undecided about the kind of process they want to initiate and struggle for.

‘If not ever more sophisticated expertise, [then] what?’<sup>110</sup> There are probably no perfect alternatives to professional transitional justice. For one thing, victim-driven initiatives and everyday strategies of dealing with the also often work within and reproduce existing structures of domination. Take the case of female ex-combatants in Sierra Leone, most of whom were also victims of sexual violence: they mostly stayed away from the TRC and donor-funded reintegration programs and, instead, tried to keep their past hidden and sought social reintegration and some degree of material security through marriage.<sup>111</sup> Moreover, professionalism and its marginalizing effects are not necessarily absent in victims’ organizations and (more) victim-driven initiatives, even if their expertise often differs from recognized transitional justice expertise. An example would be the systematic use of a standardized version of ‘tradition’ as a resource for reconciliation as promoted by the NGO *Fambul Tok* in Sierra Leone.<sup>112</sup>

On the other hand, initiatives and organizations that are either not interested in or deliberately avoid professionalization tend to find it difficult to become recognized as valuable partners by professional entities. These are again cases of professional marginalization. But they need not necessarily bother or negatively affect victims who are actively involved in unprofessional initiatives and organizations. An interesting case in this regard appears to be *Khulumani* West Cape (WC) in South Africa, a branch of *Khulumani* Support Group. According to Zukiswa Puwana and Rita Kesselring, there have been some efforts to professionalize *Khulumani* WC in order for the organization to have better eyelevel relations with professional NGOs. However, the organization has been unable to raise donor funding for such efforts and most of its membership has been unwilling to participate in them.<sup>113</sup>

109 Paul Gready and Simon Robins, ‘Rethinking civil society and transitional justice: Lessons from social movements and ‘new’ civil society,’ *The International Journal of Human Rights* 21 (7) (2017): 956-975.

110 Kennedy, *supra* n 21 at 164.

111 Coulter *supra* n 10.

112 See Park *supra* n 43.

113 Zukiswa Puwana and Rita Kesselring, ‘Persistent Injuries, the Law and Politics: The South African Victims’ Support Group *Khulumani* and Its Struggle for Redress’ in *Advocating Transitional Justice in Africa: The Role of Civil Society*, eds. Jasmina Brankovic and Hugo van der Merwe (Cham: Springer International Publishing, 2018).