

Best-Practice Recommendations for the Protection & Support of Witnesses



SPECIAL COURT FOR SIERRA LEONE

AN EVALUATION OF THE WITNESS & VICTIMS SECTION

About the Special Court for Sierra Leone (SCSL)

The SCSL was set up jointly by the Government of Sierra Leone and the United Nations, following a resolution passed in August 2000. It is mandated to try those who 'bear the greatest responsibility' for serious violations of international humanitarian law and Sierra Leonean law committed in the territory of Sierra Leone since 30 November 1996. Thirteen people were indicted, and the first witness was heard from in June 2004.

About the Witness and Victims Section (WVS)

The WVS is the neutral body responsible for supporting and protecting all witnesses before, during and after their testimony. It offers case-dependent services such as security, psycho-social support, relocation, and material support. There is limited information available on how to best support and protect witnesses in an international war crimes tribunal, but there is a growing interest in such tribunals as a tool for transitional justice and peace-building.

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AN EVALUATION OF THE WITNESS & VICTIMS SECTION OF THE SPECIAL COURT FOR SIERRA LEONE



FOREWORD



The protection and support of witnesses and victims is of seminal importance to the functioning of the Special Court for Sierra Leone. As with any judicial process that relies on witness testimony, ensuring that witnesses' security and wellbeing are well catered for is a priority: a witness who is uncomfortable with what is being asked of them undermines the delivery of justice.

This report highlights the importance of a thorough and structured approach to the protection and support of witnesses. As a pioneering institution in the field of transitional criminal justice, many lessons are being learnt from the methods and procedures of the SCSL. Given our unique position at the centre of this debate, I am pleased to contribute to it, and view this report as a further example of this intention. The Witness and Victims Section (WVS) of the SCSL is, as this report shows, a success. And in a field where privacy and confidentiality is everything, this representation of its methods makes a strong contribution towards a best-practice model.

It is my hope that future institutions in the field of transitional justice will take close note of the recommendations made. Finally, my thanks goes to the Chief of Section and his staff in WVS for their tireless efforts in ensuring that witnesses and victims remain a priority of the SCSL.

Herman von Hebel

Registrar, Special Court for Sierra Leone

May 2008

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1 EXECUTIVE SUMMARY

Based on an internal evaluation of the Special Court for Sierra Leone (SCSL)'s Witness and Victims Section (WVS), this report presents best-practice recommendations for the protection and support of witnesses who testify in an international war crimes tribunal.

1.1 Background

During eleven years of civil war, Sierra Leone saw a wide variety of human rights atrocities committed, which amount to war crimes, crimes against humanity, and other serious violations of international humanitarian law. The SCSL was set up jointly by the Government of Sierra Leone and the United Nations to try those who 'bear the greatest responsibility' for crimes committed after November 1996. Thirteen people were indicted, and the first witness was heard from in June 2004.

The WVS is the neutral body responsible for supporting and protecting all witnesses before, during and after the testimony. It offers case-dependent services such as security, psychosocial support, relocation, and material support. There is limited information

available on how to best support and protect witnesses in an international war crimes tribunal, but there is a growing interest in such tribunals as a tool for transitional justice and peace-building.

1.2 Research Summary

The WVS of the SCSL conducted a research-based evaluation of its services in 2007, with the objectives of assessing its effectiveness, and identifying systems and procedures which contribute to witnesses being able to testify in an international war crimes tribunal without experiencing any negative consequences. A structured interview schedule was administered to 200 witnesses who had testified at the SCSL.

1.3 Key Themes

The findings and best-practice recommendations are as follows:

1.3.1 Pre-Testimony

Most witnesses do not find giving a



statement to investigators a difficult process. Thorough preparation for testifying from the legal and witness support staff is vital. Offering reassurance and encouragement was greatly appreciated.

1.3.2 During Testimony

Witnesses were very satisfied with WVS services, in particular the security services, accommodation facilities and the attitude of staff. Satisfaction with financial and material benefits was lower. Nonetheless, WVS could serve as a best-practice model for service delivery during this period. Witnesses found the SCSL trial chamber to be supportive, and were appreciative of the attitude of legal personnel and judges. Special support should be given to female and younger witnesses, survivors of sexual- and gender-based violence (SGBV), and those required to talk about painful events.

1.3.3 Post-testimony

Witnesses were satisfied with post-testimony WVS services, but less so than during the testimony phase. Communication between the witness and WVS was a key issue. Encouragement and support from staff during the testimony period predicted better post-testimony relations. Witness expectations were also a central issue, and highlight the need for clear, consistent and repeated instruction to witnesses on what they will receive.

1.3.4 Security

Witness ratings of their personal security did not alter significantly between the pre-testimony and post-testimony periods, or the time of the interview. The WVS security procedures could form the basis of a best-practice model. Witness confidence in WVS contributes to their feeling secure once they return home.

1.3.5 Psychological wellbeing

Witness anxiety decreases significantly from their first contact with the SCSL, to the time of their testimony, and again to the time of the interview. Anxiety is lessened through

witness familiarity with the courtroom and confidence about what they have to say in the courtroom. The WVS psychosocial support programme is achieving its aim of ensuring that witnesses are emotionally prepared for testifying, and could form the basis of a best-practice model.

1.4 Key Recommendations

All recommendations are rooted in the specific political, social, and cultural context of Sierra Leone, and may require adaptation to alternative environments.

Witness protection and support units should:

- Ensure clear guidelines are in place regarding what witnesses will receive at all stages of the testimony process, with particular attention to the post-testimony phase.
- Deliver clear, consistent and repeated directions on what the witness can expect to receive – and ensure the witness receives this.
- Instruct all staff to be respectful, encouraging and friendly to witnesses.
- Conduct thorough familiarisation briefings with witnesses on their statements, the courtroom and the legal process.
- Prepare witnesses thoroughly for the cross-examination process.
- Deliver special preparation and support to female and younger witnesses, SGBV survivors and those required to talk about painful events.
- Use the SCSL WVS unit as a model of best-practice in terms of its security and emotional support to witnesses, and its during-testimony support and protection.
- Provide for the material and communication needs of witnesses' families during the testimony period.
- Emphasise to anxious witnesses SCSL's concern for their safety, and present testifying as a straightforward information-giving exercise.
- Assist vulnerable witnesses to manage their stress.
- Develop clear communication channels for witnesses in the post-testimony phase.

2 BACKGROUND

2.1 Background to Sierra Leone

2.1.1 The Conflict

Sierra Leone's civil war began in March 1991, when a rebel group entered and took control of the eastern province of Kailahun from neighbouring Liberia. Known as the Revolutionary United Front (RUF), this rebel faction was set to play a significant role in the subsequent 11 years of civil conflict. Political power shifted between the dictatorial All People's Congress, military leaders, the democratically-elected Sierra Leone People's Party, and a rebel junta called the Armed Forces Revolutionary Council (AFRC) who allied with the RUF. Nigerian-led forces, known as ECOMOG, were called upon as a regional peacekeeping force, and a Sierra Leonean Civil Defence Force (CDF) also became heavily involved. War continued in spite of the signing of the Abidjan Peace Accord of November 1996. The Lome Peace Accord was signed in July 1999, the first dispatch of UN soldiers arrived soon after, and disarmament of rebel forces began the following year. In January 2002, President Kabbah declared that the civil war was officially over.¹

2.1.2 Crimes committed

A wide variety of human rights atrocities were committed. Atrocities were geographically widespread between Freetown and the provinces. It is alleged that all three of the Sierra Leonean warring factions (the RUF, AFRC and CDF) were responsible, though their activities focussed on different areas of the country, and at different time periods. Atrocities reported include 'murder, rape, extermination, acts of terror, enslavement, looting and burning, sexual slavery, conscription of children into an armed force, and



attacks on United Nations peacekeepers and humanitarian workers.² Such acts amount to war crimes, crimes against humanity, and other serious violations of international humanitarian law.

2.2 Background to the SCSL

2.2.1 Evolution of the SCSL

The SCSL was set up jointly by the Government of Sierra Leone and the United Nations, following a resolution passed in August 2000. It is mandated to try those who 'bear the greatest responsibility' for serious violations of international humanitarian law and Sierra Leonean law committed in the territory of Sierra Leone since 30 November 1996. The SCSL is not mandated to try those crimes committed before the signing of the 1996 Abidjan Peace Accord. The SCSL is an international body that is independent of any government or organisation, and is located in Freetown, Sierra Leone. It consists of the Chambers, the Registry, and the Office of the Prosecutor.



Thirteen people have been indicted for war crimes, crimes against humanity and other violations of international humanitarian law. However, three indictments were later dropped because of the deaths of the indictees. A fourth indictee, Sam Hinga Norman, died in February 2007, after his case had been heard but before judgement had been passed.

The indictees have been grouped into four trials, according to the factions they belonged to during the war. Three indictees, including Norman, were leaders of the CDF; this trial has now been completed and the two surviving defendants have been found

¹ For a more detailed account of the causes and consequences of the war refer to: Abdullah, I. (1997); Richards (1996); Murphy, (2003); Stedman, et al. (2002) and Nzongola-Ntalaja (2000).

² See the SCSL website, <http://www.sc-sl.org>

guilty and sentenced, although an appeal is ongoing at the time of writing. Five leaders of the RUF were indicted, but the charges against two were dropped following their deaths. The prosecution case against the remaining three RUF indictees has been heard, and the defence case is being heard at the time of writing. Four indictees were leaders of the AFRC, but one (Johnny Paul Koroma) has not yet been apprehended.



The AFRC trial has now been completed and the three detained indictees were found guilty and sentenced. The appeal upheld these verdicts.

The fourth trial, which began in 2008, involves Charles Taylor, the former President of Liberia. For security reasons, this trial is being heard in The Hague, Netherlands, under the auspices of the SCSL. The SCSL is due to complete its work by 2010.

2.2.2 Support for international war crimes tribunals

The establishment of the SCSL is indicative of the growing interest in international war crimes tribunals. As a means of delivering justice and sustainable peace to conflict-affected countries, such tribunals are gaining in popularity.

The SCSL is one of a number of 'hybrid courts' worldwide (others include those in East Timor, Kosovo, Bosnia and Cambodia), incorporating both national and international features. They are composed of international and local staff and apply a compound of international and national substantive and procedural law. Hybrid courts, like all international judicial bodies, are composed of independent judges, working on the basis of predetermined rules of procedure,

and rendering binding decisions. They are subject to the principles that govern the work of all international judiciaries (e.g., due process, impartiality and independence).

Other war crimes tribunals follow a different model. The International Criminal Tribunal for the former Yugoslavia (ICTY) was established further to a 1993 UN resolution, and its counterpart, the International Criminal Tribunal for Rwanda (ICTR) followed the next year. Both are in operation today, and both operate outside of the countries in which the atrocities took place and the victims reside. The International Criminal Court (ICC) tries cases of genocide, crimes against humanity and war crimes on behalf of 105 signatory countries, and does so from The Hague.

The SCSL benefits from being located in the country in which the crimes took place. The court personnel are more likely to be familiar with the cultural and historical milieu in which the trials are conducted (Bangura, 2005). In addition, 'victims will see justice start and finish before their eyes' (Gurd, 2005) as David Crane, the SCSL's first prosecutor put it.

International war crimes tribunals are likely to continue to be widely used as a response to conflict. There is a vigorous lobbying movement both for the widening of the ICC's

investigations, and for the establishment of subsequent *ad hoc* tribunals. There is, therefore, a need for best-practice recommendations in this field.

2.2.3 Support for witnesses in the SCSL

Following an extensive period of preparation, the SCSL heard from its first witness in June 2004. The trials have relied mainly on eyewitness testimony, rather than documentary evidence, so a large number of witnesses have testified in the trial chamber, compared to some other war crimes trials (e.g. Iraqi Special Tribunal) (Perriello & Wierda, 2006). The success of the SCSL is dependent, in part, on those who testify before it. If witness welfare is not taken care of, or if the witness experience is negative, there will be consequences in terms of the effectiveness of the trials. Witnesses in international criminal courts are in need of support and protection services in order to ensure that they do not suffer unnecessarily from the experience of testifying (e.g. Ingadottir, Ngendahayo & Sellers, 2000).

In recognition of this, systems have been put in place to ensure that the witnesses are not adversely affected by their experience of testifying in the SCSL. Within the Registry is a specialist unit, the Witness and Victims Section (WVS), which is responsible for the protection and welfare of all those who testify in the SCSL.

2.3 Background to the WVS

2.3.1 The WVS mandate

The WVS of the SCSL draws its mandate from two key documents: the Statute of the SCSL³, and the Rules of Procedure and Evidence⁴. The latter document gives the fullest description of the WVS mandate, and frames the objective against which WVS output should be assessed:

Rule 34: Witnesses and Victims Section (amended 29 May 2004)

(A) The Registrar shall set up a Witnesses and Victims Section which, in accordance with the Statute, the Agreement and the Rules, and in consultation with the Office of the Prosecutor, for Prosecution witnesses, and the Defence Office, for Defence witnesses, shall, amongst other things, perform the following functions with respect to all witnesses, victims who appear before the Special Court, and others who are at risk on account of testimony given by such witnesses, in accordance with their particular needs and circumstances:

- i. Recommend to the Special Court the adoption of protective and security measures for them;
- ii. Provide them with adequate protective measures and security arrangements and develop long- and short-term plans for their protection and support;
- iii. Ensure that they receive relevant support, counselling and other appropriate assistance, including medical assistance, physical and psychological rehabilitation, especially in cases of rape, sexual assault and crimes against children.

(B) The Section personnel shall include experts in trauma, including trauma related to crimes of sexual violence and violence against children. Where appropriate the Section shall cooperate with non-governmental and inter-governmental organizations.

2.3.2 Protection and support of witnesses

The first contact between the SCSL and the potential witness is through the investigation teams of the defence and prosecution. If the individual is deemed to be under a significant perceived threat, then they are brought under the total protective care of WVS early in the process, well before their testimony date is imminent.

³ Article 16, paragraph 4 of the Statute of the Special Court for Sierra Leone, <http://www.sc-sl.org/scsl-statute.html>

⁴ Rules of Procedure and Evidence (29 May 2004), <http://www.sc-sl.org/Documents/rulesofprocedureandevidence.pdf>

2.3.2.1 Services received

Total protective care, as received by those under an initial perceived threat, includes:

- Housing for the witness and his/her family in a safe house;
- 24-hour guard from a close protection officer (case-dependent);
- Provision of a financial subsistence allowance;
- Medical cover;
- Schooling for any minors or dependents of the witness;
- Temporary provision of a mobile phone (case-dependent), and
- Post-testimony relocation either within Sierra Leone, or the West Africa region.

In practice, only a minority of witnesses are taken into total protective care. The majority of witnesses are only taken into WVS care when their testimony is imminent, and WVS supports and protects them until after they have testified and they are ready to return home. During this period, all the witnesses' needs are met by WVS, including:

- Accommodation for the witness (and sometimes their dependents) in secure accommodation in Freetown;
- All food, toiletries and other basic requirements. The accommodation has 24-hour electricity, TV, and other simple forms of entertainment (e.g. board games);
- Financial allowance as recompense for lost wages;
- An initial medical assessment, and all medical provisions;
- 24-hour guard at the secure accommodation. (The guards restrict access to the compound to essential staff; visitors are not allowed. Witnesses are able to leave the compound, but their movements are monitored by the security personnel.);
- 24-hour support from a WVS psychosocial support officer at the accommodation facility, and provision of counselling and emotional support. (In some cases, psychosocial support is also provided to witnesses' dependents.);
- A courtroom briefing to ensure familiarisation with the courtroom and its procedures, and

- Psychosocial support during the witnesses' preparation with their legal team.

Prior to the testimony, witnesses are taken to a witness waiting room, where a WVS psychosocial support officer ensures that they are comfortable and that all their needs are met. A second WVS psychosocial support officer accompanies the witness into the courtroom and stays throughout the testimony, in order to provide emotional and moral support. Particularly vulnerable witnesses are permitted to have the support officer sit next to them as they testify. All witnesses are given an opportunity to debrief with the support officer once their testimony is over.

Once the witness has finished testifying, WVS arranges transport back to their home community. All witnesses are given the contact phone numbers of key WVS security and psychosocial staff, and told to make contact at any time in the future if they require assistance. In addition, WVS staff conduct periodic post-trial visits to the witnesses' home to assess their security and wellbeing.

2.4 Background to the research

2.4.1 Justification

Witnesses are essential to the success of tribunals such as the SCSL, and the quality of their protection and support is vital. If the quality is low, it follows that the quality of the testimony that the witness is able to give may suffer. Best practice should also guard against the further traumatising of witnesses who have experienced human rights abuses as they participate in the process. It should also ensure that the experience of testifying in a war crimes tribunal is positive and not excessively distressing, frustrating or dangerous; this will encourage future witnesses to testify. It is, therefore, crucial to the effectiveness of international war crimes tribunals that good policies and practices are in place to protect and support witnesses. The aim of this report is to evaluate the

experience of those who have testified at the SCSL, and to use this knowledge to identify how best to support and protect witnesses who testify in international war crimes tribunals.

2.4.2 Existing reviews of witness protection and support services

There is limited information available on how to best support and protect witnesses in an international war crimes tribunal. There are, however, some relevant studies. Those who gave statements to the Truth and Reconciliation Commission (TRC) in South Africa have been studied relatively extensively, especially those who testified to the Committee on Human Rights Violations of the TRC (Kagee, 2005; Young, 2004; De la Rey & Owens, 1998; Kaminer et al, 2001; Byrne, 2004). However, the TRC procedures were designed to be as supportive and positive an experience for those who testified as possible. Whilst the experiences of those who testified to the TRC can inform us, their experience is different in many ways to those who testify in international courts of law. Regarding international war crimes tribunals, the most extensive study so far has been conducted by Eric Stover (2005), and focuses on the experiences of 87 prosecution witnesses in the International Criminal Tribunal for the former Yugoslavia. Reviews which refer to specific topics of relevance are cited in the appropriate paragraph of this report.

In 2005 the SCSL's WVS began evaluating witness psychosocial functioning and the outcomes of the WVS psychosocial support team. Short-term and long-term post-testimony interview schedules were administered to 150 witnesses (Stepakoff, Charters and Reynolds, 2007). Later, a more comprehensive evaluation of the WVS was commissioned on all aspects of the witness experience, and this forms the basis of this report.

The best-practice recommendations which follow are based on a research study conducted between February and July 2007 by the SCSL.



3 RESEARCH SUMMARY

3.1 Objectives

The objectives of the research were:

3.1.1 To evaluate the protection and support services provided by WVS.

3.1.2 To identify systems and procedures which contribute to witnesses being able to testify in an international war crimes tribunal without experiencing any negative consequences.

3.2 Methodology

3.2.1 Methodology considerations

In designing the research, the main considerations were:

- The tight time-scale for completion of the project;
- The need to interview as many witnesses as possible who had testified at the SCSL;
- The varying skills and experiences of those WVS staff who would conduct the interview, and
- The need to cover all aspects of the witnesses' experience with the SCSL, and to balance this with a need to keep the interview relatively short.

Bearing all these factors in mind, a structured interview methodology was developed, which would assist those interviewers with less experience, and would enable efficient implementation, data entry and analysis. It would also facilitate comparisons between groups of witnesses.

3.2.2 Exploratory interviews and literature review

The structured interview schedule was developed following a review of the relevant literature, exploratory interviews with 38 witnesses, and information from a study of witnesses' post-trial psychosocial wellbeing at the SCSL (Stepakoff et al, 2007). The exploratory interviews used the 'freelisting' technique described by Bolton(2001), and they aimed to identify and prioritise the issues most affecting witnesses who testify at the SCSL.

3.2.3 Interview schedule⁵

A draft interview schedule was designed and piloted with 30 witnesses. It was then revised, and a final version produced. The first section of the interview was an 'informed consent' section, during which participants were given details about the purpose and nature of the interview, following which they were asked to decide whether they wanted to participate or not.

Those who decided to participate were then asked for some background information about themselves (e.g. age, level of education). They were then asked questions about the following aspects of their experience:

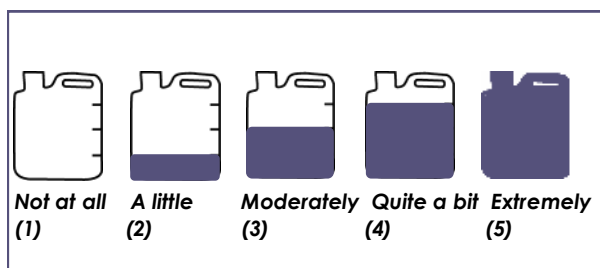
- Their first contact with the SCSL (e.g. anxiety when first contacted);
- Their motivations for testifying;
- Pre-testimony contact with the SCSL (e.g. giving a statement to an investigator);
- The preparation they received for testifying;
- WVS services during the testimony period (e.g. accommodation, security, medical);
- The witness's experience of testifying (e.g. feelings before, during and after their testimony);
- Post-testimony services from WVS (e.g. security, maintaining contact with WVS);
- How their family was affected by their being a witness at the SCSL;
- How their community reacted to their being a witness, if their community was aware;
- The witness's opinions about the work of the SCSL (e.g. aims of the SCSL, confidence the SCSL will achieve its aims), and
- The witness's current situation (e.g. their current concerns and psychological well-being).

Most questions included both a qualitative and a quantitative part, giving the witness an opportunity to respond to each issue in two separate ways. For the quantitative parts, a five-point rating scale was used. A picture-card was produced to help witnesses understand the scale, consisting of five jerry-cans filled with varying amounts of water. Respondents were asked to point to

⁵ A copy of the full interview schedule is available from the authors.

the picture of the jerry-can that best represented their point of view.

Figure 1. The quantitative response format used:



For the qualitative parts, witnesses responded freely to questions, and were prompted by the interviewer until their meaning was fully understood. These responses were recorded using a 'checklist' format, which consisted of a list of all the responses to that item given during the pilot study. Interviewers ticked all those responses which applied to the witness's answer, and wrote down any other reasons not included in the checklist.

Figure 2. An example of a complete item from the interview schedule:

E2. You gave a statement to an investigator explaining exactly what happened. How difficult did you find it to give that statement?

1 (Not at all) 2 (A little) 3 (Moderately) 4 (Quite a bit) 5 (Extremely)

E2a. Explore the reasons for the witness's answer

Not difficult because ...	✓	Difficult because ...	✓
1. I was encouraged by the investigator		4. Painful to explain what happened	
		5. Fear of reprisals	
2. I remembered everything		6. Fear of arrest	
		7. Unfamiliar with legal process	
3. I only had to tell the investigator what I knew		8. Uncomfortable with investigator	
		9. Difficult to remember details	
		10. Too many questions	
11. Other reason for it not being difficult [describe]		12. Other reason for it being difficult [describe]	

Instead of writing out the witness's response, interviewers can tick boxes which correspond to the reasons given by the witness (as many boxes as necessary). The responses marked 1 to 12 above are not read out to the interviewee as a suggested list of responses; they are for the interviewer's eyes only. The interviewee first responds using the scale 1 to 5, and then is asked to explain their response. Any issues raised by witnesses which do not correspond to one of the categories can be written in the 'other' category. This retains the advantages of the open-ended question, whilst reducing the time involved in recording and coding the witness's response.

Wherever possible, this response format was used in the revised version of the interview. However, in some cases, where there was very little data available from the pilot study on which to base a list of options, the original free response format was retained. This applied to questions which are only to be asked of survivors of sexual and gender based violence (SGBV); a question to be asked of witnesses who have been relocated within Sierra Leone; and questions to be asked of witnesses whose identities are known within their communities.

The interview schedule was translated into Krio by the SCSL Language Unit. Krio is the *lingua franca* of Sierra Leone and is spoken by the majority of witnesses.

3.2.4 Administering the interview

Interviews were conducted in the language preferred by the witness (Krio or English). All responses were recorded in English. The interviews were mostly carried out in the witness's house (41.7%), a hotel (18.6%), or a WVS office (14.1%). The average duration of an interview was one hour and thirty-five minutes⁶. The shortest interview lasted 40 minutes, and the longest lasted 4 hours and 50 minutes⁷.

⁶ Mean (m) = 95 minutes, standard deviation (sd) = 40.5.

⁷ The lengthier interviews tended to occur during the pilot study, when long-hand recording of all responses took longer.

3.2.5 Description of the sample

When the research interviews began in March 2007, 324 witnesses had testified at the SCSL. The study considered only those witnesses who had already testified as eligible to participate in this research. Witnesses who had been relocated outside of Sierra Leone, expert and international witnesses, or deceased witnesses were not targeted. Once these witnesses were excluded, a total of 292 witnesses remained as potential participants. Over a two-month period, a total of 200 witnesses (including pilot study participants) were interviewed using the structured interview schedule. When factoring in the exploratory 'freelisting' interviews, 238 witnesses were seen, meaning that this study and its findings are the result of consultations with 81.5% of those witnesses targeted.

Figures 3a-3e. A gender, educational, trial, trial-side and witness 'type' description of all witnesses who have testified at the SCSL:

Figure 3a. Gender

A large majority of witnesses are male. The reason for this relates to the kind of testimony a male or female typically provides, and the type of arguments that legal teams base their case on.

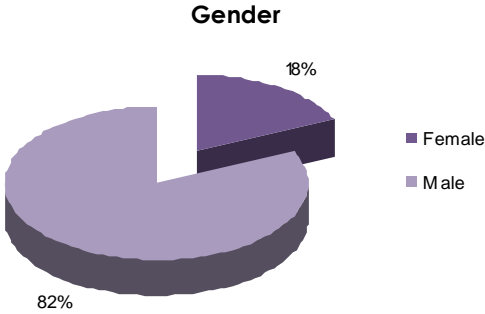


Figure 3b. Education

At the SCSL, a large number of witnesses have received no education, and very few are well-educated.

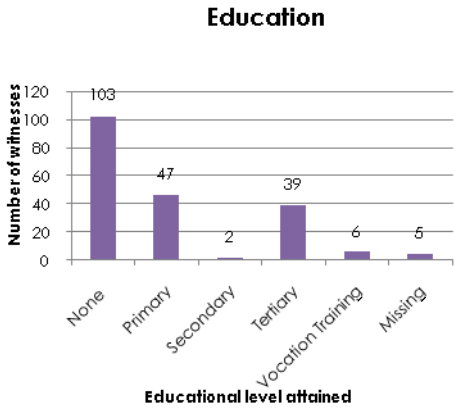


Figure 3c. Trial

It is not uncommon for witnesses to be called on for a second testimony; it is therefore important for them to have a positive first experience.

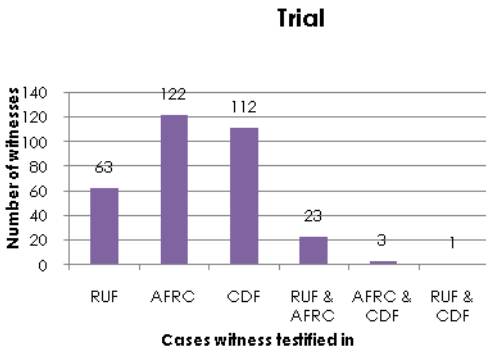


Figure 3d. Side

The SCSL witness sample was skewed in favour of the prosecution simply because the SCSL had not yet heard from the RUF defence counsel at the time of the research, which constitutes one of the three main cases being heard.

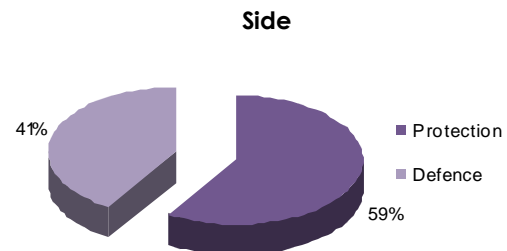
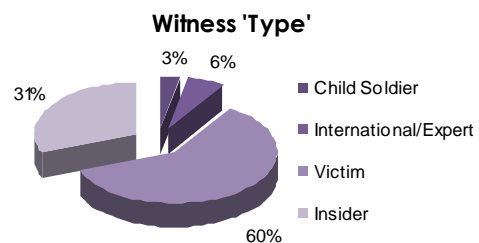


Figure 3e. Witness 'Type'

'Insider' witnesses include all those who belonged to either the RUF, CDF or AFRC – the three rebel factions that fought in the war.



The interview sample is representative of the witness population in terms of the trial they testified in, gender, percentage of SGBV survivors, and age. However, the interview sample contained a smaller proportion of relocated witnesses than are present in the witness population, fewer witnesses from the districts of Bo and the Western Area, and a slightly higher proportion of married witnesses and victim-witnesses.

3.3 Research Limitations

3.3.1 The retrospective nature of the evaluation is a limitation. A retrospective rating of a witness's satisfaction with services (e.g. medical care received whilst in the care of WVS during their testimony period) is likely to be affected by their subsequent experience (e.g. satisfaction with the medical care they received after they had finished their testimony and returned home).

3.3.2 The best-practice recommendations are based solely on witnesses' evaluation of their own experience. Whilst this is a valid measure of the effectiveness of the protection and support offered, inclusion of the

perspectives of the SCSL staff who work with witnesses (primarily WVS staff, but also legal personnel) would supplement this understanding.

3.3.3 The evaluation was conducted internally by WVS staff. Despite the disadvantages of this approach, it was unavoidable. Due to the strict confidentiality procedures of WVS, the identities and locations of witnesses are known only to WVS staff and the legal personnel concerned. It could be argued that witnesses are unlikely to talk freely to a member of the organisation which is being evaluated. In fact, witnesses were willing to complain to WVS staff, and did not give the impression of responding with falsely positive ratings.

However, a visit from WVS staff may have been seen by some as an opportunity to benefit materially, and it is possible that in some cases witnesses overstated their financial difficulties as a result. This issue should be borne in mind when interpreting the findings regarding financial and material assistance.



3.3.4 The rating scale used enables witnesses to rate the extent of their satisfaction from 'not at all' to 'extremely'; there is no opportunity for them to explicitly record dissatisfaction. As such, no conclusions about 'dissatisfaction' are made in this report.

In the following sections the key findings are presented, and the implications in terms of best-practice recommendations are highlighted.

The responses of 200 witnesses are described using the mean ('m') as a measure of central tendency, and the standard deviation ('sd') as a measure of variance. All the findings presented in this report are statistically significant at the $p < .05$ level.

4 KEY THEMES

4.1 Pre-Testimony

4.1.1 Witness experience of giving a statement to investigators

The first contact a potential witness has with the SCSL is when an investigator approaches them (usually in their home location) to ask if they are willing to give a statement. The individual is not, at this point, a SCSL witness.

Most witnesses did not find giving a statement a difficult process.⁸ Of those who did, the main reason was that it was painful for them to explain what had happened to them. A proportion also had difficulty because they did not understand the process, and/or because they found it difficult to remember the details required by the investigator.

Recommendations

- Distinguish between those witnesses whose accounts involve particularly traumatic events and those whose do not, since the former group are likely to find the whole statement-taking process considerably more difficult, and
- Use specialist interviewing techniques to assist a witness who is struggling with painful feelings, having problems recalling the details of an event, or otherwise finding the process difficult (e.g. Milne & Bull, 1999; Schauer, Neuner & Elbert, 2005).

4.1.2 Preparation for testifying

The importance of ensuring that witnesses are well-prepared for the experience of testifying in the trial chamber has been well documented. Stover (2005) suggests that, in many cases, negative experiences of testifying may stem from the witness being unprepared for both the emotional distress involved in the process, and for the procedures involved in testifying in a legal setting. He describes, for example, witnesses being unprepared for the strategies used by opposition lawyers, whose questions could feel like a personal attack. Stover and others (e.g. Ilic, 2004; Dembour and Haslam, 2004) have recommended that witnesses' preparation should include:

- Being told what is expected of them as witnesses;
- Being familiarised with the courtroom in advance of their testimony;
- Ensuring clear explanations of courtroom procedures, such as knowing who to look at when they give their testimony;
- Thorough preparation for cross-examination, including acquainting the witness with prior statements, and
- Trying to develop witnesses' emotional stamina.

High levels of witness satisfaction with the pre-testimony preparation were recorded at the SCSL.⁹ Witnesses particularly appreciated the practical assistance and guidance received from lawyers. Specifically, this included reviewing their statement with them, clear explanation of the legal process and what the witness should expect in the courtroom, and explanation of the questioning process and how to respond. However, the factor which contributed most to satisfaction was lawyers' efforts to encourage, reassure and build the confidence of the witnesses.

When interviewees were asked what preparation they thought was helpful for witnesses in international war crimes trials, almost half said that encouragement and building the confidence of witnesses was important (47%). Reviewing a witness's statement with them was also said to be important (39%), as was ensuring the witness is familiar with the courtroom (38%), explaining to the witness how to answer questions during both the examination-in-chief and the cross-examination (38%), and explaining what the witness should expect in the courtroom (21%).

Recommendations

Our findings support the suggestions of Stover (2005) and others: witnesses in international war crimes trials benefit from:

- Being made familiar with the statement they have given;
- An explanation of the legal process and what will take place in the courtroom;

⁸ Using the five-point scale response format which ranged from 'not at all difficult' (1) to 'extremely difficult' (5), $m = 2.19$, $sd = 1.49$.

⁹ Using the five-point scale response format which ranged from 'not at all satisfied' (1) to 'extremely satisfied' (5), the $m = 4.53$, $sd = 0.09$.

- An explanation of the questioning process, and how witnesses should respond to different types of questions, and
- Familiarisation with the courtroom ahead of time.

However, most important is the time spent encouraging witnesses and building their confidence, which has a significant impact on witnesses' wellbeing during the testimony period.

4.2 During Testimony

A minority of witnesses, who may live close to the SCSL, choose to stay at home until they are due to testify; the vast majority, however, stay in WVS care for a number of weeks up to and during the testimony date. They live in secure SCSL accommodation, and all their needs are taken care of.

4.2.1 Witness satisfaction with the services and support received from WVS

Witnesses expressed high levels of satisfaction with all the services they received from WVS during the time they stayed with the SCSL to prepare for, and to give, their testimony. Their ratings of the services they received are shown in Figure 4.

Figure 4. Satisfaction with WVS services before and during the testimony¹⁰:

Item	Mean	Standard deviation
Overall satisfaction with the WVS services	4.48	0.89
Security	4.77	0.49
Accommodation and related facilities	4.68	0.63
Financial allowances and compensation	3.74	1.22
Emotional support and encouragement	4.54	0.79
Medical care	4.19	1.36

4.2.1.1 Security

In general, witnesses were extremely satisfied with security during their stay with the SCSL.

The factors which had the most influence on satisfaction relate to the physical protection of witnesses: the presence of security personnel around the accommodation facility and the SCSL, and the restrictions on visitors entering the accommodation complex.

4.2.1.2 Accommodation and related facilities

The factors mentioned most often in positive terms are food, the beds and the bedroom that witnesses were given. Very few factors were mentioned in negative terms, but some witnesses complained about having to share a room with another person.

4.2.1.3 Financial allowances and compensation

Witnesses were less satisfied with the financial allowances and compensation they received than with other aspects of what was provided during their stay, but satisfaction was still generally high.

4.2.1.4 Emotional support and encouragement'

'Encouragement' was used to refer to the psychosocial support provided to witnesses because many witnesses were unfamiliar with terms such as 'psychosocial' or 'counselling'. However, 'encouragement' can be understood to refer to the emotional support offered by all WVS staff, not only the counselling provided by psychosocial staff. The factor which made the greatest contribution to the high rating of this item was not specialist counselling skills, but the general attitude and manner of staff, described by some witnesses as staff 'talking nicely' to them. In terms of best practice, staff at every level can make a contribution to witness wellbeing by having a friendly attitude and showing concern for witnesses' welfare.

4.2.1.5 Survivors of SGBV

Sixteen of the witnesses interviewed were survivors of sexual and gender-based violence (SGBV) (all female), and these women were particularly appreciative of the services provided by WVS. This may be because

¹⁰ Scores are based on the five-point scale whereby (1) is 'not at all satisfied', and (5) is 'extremely satisfied'.

they were given an opportunity to talk about their experiences to a female member of staff in a safe environment, and a chance to receive medical attention for SGBV-related injuries. However, some witnesses were seen by a male nurse (4) and some by a female (7).¹¹ Those who saw a female nurse felt significantly more comfortable than those who saw a male nurse.¹² Best practice should ensure that female SGBV survivors are seen by female medical personnel.

4.2.2 Witness recommendations for care during the testimony period

Witnesses were asked what they felt would have improved the care they were given during the testimony period. The two most frequent responses relate to financial issues: that the witness's family members should be fully provided for while the witness is away (43%); and that the financial allowances should be increased (39%). The next two most frequent responses relate to communication: one-quarter of witnesses said that WVS should ensure witnesses are able to communicate with their family while they are away; and almost one-quarter said they wanted to talk to a member of WVS staff about their concerns. The sixth most-frequent response was that SCSL staff should not make 'false promises' to witnesses (19%). This also relates to communication, with witnesses requesting that WVS explain clearly what the witness can expect, and then deliver on what is promised.

Best practice should recognise the impact of testifying on a witness's family, especially while the witness is away from home during their testimony period. The family should be provided for materially, and the witness should be able to communicate easily with family members throughout their stay with the court.

Recommendations

- Given the high levels of satisfaction with services during this period, WVS could serve as a best-practice model to other witness support units;
- Witness wellbeing can be influenced by all

members of staff who come into contact with witnesses, simply through friendly and supportive interaction;

- Female SGBV survivors should be treated by female medical personnel;
- The needs of witnesses' families (both material and in terms of communication with the witness) should be taken into consideration;
- All staff who interact with witnesses (particularly WVS and legal) should give clear and consistent explanations of what support witnesses can expect to receive, and
- Witness support managers should ensure that all witnesses receive what they have been told to expect.

4.2.4 The impact of the testimony experience on witnesses

The actual experience of giving testimony in the trial chamber can vary greatly and has a great impact on the witnesses' overall evaluation of the experience. It has been suggested by some (e.g. Stover, 2005; Dembour and Haslam, 2004; Wald, 2002) that the nature of a legal environment, especially the focus on facts and its adversarial character, can lead to a frustrating and distressing experience for witnesses. Cross-examination is said to be particularly difficult for witnesses. However, Stover reports that of the 87 ICTY witnesses he interviewed, 67 said their overall experience of testifying before the ICTY was positive. As Stover points out, even within a single individual, the experience of giving testimony can be very positive in some ways, and very negative in others, and the balance of positives and negatives can change over the period that the person is involved with the tribunal.

4.2.5 Supportiveness of courtroom

The extent to which the witness perceives the courtroom as a supportive (rather than a hostile) environment is said to be one of the strongest influences on the witness experience, and the degree of respect and appreciation shown to witnesses by the court staff is a crucial aspect of that. This has been reported in the ICTY (Stover, 2005;

¹¹ The gender of the medical officer was only known for 11 of the 16 SGBV survivors.

¹² Witnesses who saw male medical person: $m = 1.33$ and $sd = 0.57$. Witnesses who saw female medical person: $m = 4.29$ and $sd = 1.5$. t ($df=8$) = 3.22; $p=0.012$



Wald, 2002), the South African Truth and Reconciliation Commission (Sonis et al, 1999; Byrne, 2004), and in domestic court settings (Angle et al, 2002). At the SCSL, most witnesses felt that they were shown respect by court staff¹³, and this was the factor which had the greatest impact on a witness's evaluation of the overall testimony experience. A respectful attitude from court staff can do much to improve the witness experience.

The way specific court personnel, especially judges, interact with witnesses can also have an impact on their experience (Dembour & Haslam, 2004). Witnesses at the SCSL found the judges to be generally helpful and supportive.¹⁴

Researchers have suggested that the presence of a familiar and trusted psychologist, psychiatrist, social worker (Ilic, 2004) or perhaps any trusted person, may assist particularly vulnerable witnesses during the testimony process. Around three-quarters of witnesses at the SCSL felt there were supportive people in the courtroom, and these witnesses could identify, on average, three people they believed were supporting them. These tended to be either WVS psychosocial staff, and/or members of the witness's legal team.

The supportiveness of the courtroom did not, however, have any impact on how the witnesses evaluated the overall testimony ex-

¹³ Using the five-point scale response format which ranged from 'not at all respected' (1) to 'extremely respected' (5), the $m = 4.62$ and $sd = 0.79$.

¹⁴ Using the five-point scale response format which ranged from 'not at all helpful' (1) to 'extremely helpful' (5), the $m = 3.79$ and $sd = 1.39$.

perience at the SCSL. This is surprising given the evidence from other settings. The lack of any statistically significant effect could be because the vast majority of witnesses perceived the courtroom as supportive, so this factor did not distinguish between those who evaluated the overall testimony experience positively, and those who evaluated it negatively.

4.2.6 Witness feelings whilst testifying

The experience of seeing the accused in the trial chamber has been found to be an intimidating prospect for some witnesses, whilst for others it is one of their main motivations for testifying. The witnesses interviewed by Stover (2005) gave varied responses about how they felt when they saw the accused in court (awestruck, angry, superior, calm), whilst the confrontations between the witness and the perpetrator at the South African Truth and Reconciliation Commission were intense and, in many cases, painful (Byrne, 2004).

However, these studies focused solely on 'victim-witnesses', whereas the present study includes both victims and insiders. A further difference is that the indictees are those who bear 'the greatest responsibility', not necessarily those who directly committed the crimes. Of the witnesses who saw the accused (the accused was not always present), one-third reported experiencing painful feelings because they were reminded of what the accused had done; these were primarily victim-witnesses. WVS could usefully teach victim-witnesses ways of managing their feelings of distress, so that these feelings do not interfere with their testimony. To the authors' knowledge, there has been no other study of insider-witnesses, so it is of interest that their predominant feeling on seeing the accused is one of sympathy. Of course, since most insider-witnesses testified for the defence, this is, perhaps, to be expected.

Witnesses' anxiety during the testimony was found to significantly affect their evaluation

of the overall testimony experience. This suggests that any work WVS can do to reduce witnesses' anxiety, or to help them to manage it, is likely to have an impact on their overall experience of testifying.

Certain types of witnesses seem to be more likely to find the experience of testifying difficult. Women, SGBV survivors and younger witnesses may need additional support. In addition, those who are required to talk about very painful events may also benefit from special preparation and support, and a best-practice model should take note of such distinctions.

4.2.7 Evaluation of the testimony experience

Ninety-six per cent of respondents said the overall testimony experience was 'good' or 'very good', and 81% said they would testify again if asked to do so.

Witnesses generally rated both examination-in-chief and cross-examination as more of a positive than a negative experience, but cross-examination was perceived to be the more negative experience of the two, as might be expected.¹⁵ This does not support the claims of other researchers that cross-examination is an overwhelmingly distressing event for witnesses. However, the experience of cross-examination is important: those who have a positive cross-examination experience also tend to rate their overall experience of testifying as positive, and vice versa.

Those who found their cross-examination experience positive felt confident in their own knowledge and ability to respond to the questions, and felt that their lawyers had prepared them well for cross-examination. Some took pleasure in having 'succeeded', in spite of the apparent efforts of the opposing lawyers to confuse them. However, a proportion of witnesses found the strategies used by lawyers during cross-examination difficult to cope with, and this, plus a feeling that their testimony is disbelieved, contributes to a negative cross-examination experi-

¹⁵ Both examination-in-chief and cross-examination were evaluated using a five-point scale response format which ranged from 'very good' (1) to 'very bad' (5). Examination-in-chief: $m = 2.0$, $sd = 1.13$. Cross-examination: $m = 2.68$, $sd = 1.39$.

ence. Best practice should prepare witnesses for what they are likely to face during cross-examination, providing that this does not become 'training' of witnesses.

Recommendations

- The importance of a respectful and friendly attitude towards witnesses should be emphasised to all staff working in an international war crimes tribunal;
- Victim-witnesses should be taught ways of managing their feelings of distress;
- Every effort should be made to reduce witnesses' anxiety before testifying, or to help them to manage their anxiety;
- Women, SGBV survivors, younger witnesses and those required to talk about very painful events may benefit from special preparation and support, and
- Witnesses should be properly prepared for what they are likely to face during cross-examination.

4.3 Post-Testimony

4.3.1 Satisfaction with post-testimony services

In other settings, witnesses who receive no post-trial follow-up have reported feeling 'abandoned' and have evaluated their testimony experience more negatively (e.g. Stover, 2005; Byrne, 2004). In contrast, where there is two-way communication between witnesses and court staff, witnesses report more positive feelings about their overall experience, and a better sense of wellbeing. The experience of SCSL witnesses supports these claims.

There was considerable variation in the level of satisfaction with post-testimony services¹⁶, and witnesses were generally less satisfied than with the services they received during the testimony period.¹⁷ This is to be expected, since witnesses receive a much more intensive level of service during the testimony period. Communication was found to be particularly important: a lack of con-

tact with WVS after the witness returned home, and a lack of awareness that any post-testimony services were available, had the greatest impact on a lack of satisfaction with post-testimony services. Conversely, the factor which had the greatest impact on satisfaction is a belief that WVS had kept the promises they had made to the witness.

Levels of satisfaction with post-testimony security services and medical services were also lower than the satisfaction rating with those services during the testimony period.¹⁸ The greatest predictors of low levels of satisfaction with post-testimony security were a sense that that WVS paid insufficient visits to check on their security, and witnesses being unaware that assistance with security concerns was available.

4.3.2 Post-testimony communication

Communication is key in the post-testimony phase. The findings of this study emphasise the need for WVS to communicate clearly and realistically what witnesses should and should not expect from WVS following their testimony, and to ensure that witnesses actually receive what they have been told they can expect. In most cases, it is not possible for frequent follow-up visits to be made to witnesses, and if this is made clear to them at an early stage they are less likely to feel disappointed later on. The responsibility is usually with the witness to contact WVS if they require assistance with security after testifying. This should be communicated to them clearly, and they should be given the relevant contact details. For those who do not have access to a phone or a reliable phone network, alternative mechanisms for seeking assistance should be established: for example, prosecution witnesses could seek assistance from the local police station, to whom they are sometimes known at the investigational stage. Witnesses gave varied responses when asked how confident they felt that they could contact WVS if they needed to. Likewise, they were mixed when asked how confident they were that WVS would respond if called for help.¹⁹

¹⁶ Using the five-point scale response format which ranged from 'not at all satisfied' (1) to 'extremely satisfied' (5), the $m = 3.25$, and $sd = 1.5$.

¹⁷ $F(1,330) = 58.97$, $p < .001$

¹⁸ Satisfaction with security services: $m = 2.85$, $sd = 1.66$. Satisfaction with medical services: $m = 2.99$, $sd = 1.76$

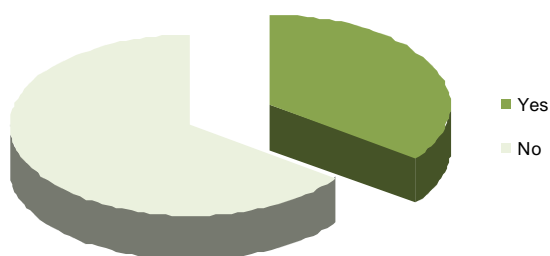
4.3.3 Encouragement and emotional support

The factor which has the most effect on confidence that WVS would respond to requests for help is satisfaction with WVS services during the testimony period, especially encouragement and emotional support – so this should again be prioritised as a best-practice principle. During the testimony period witnesses have intensive contact with WVS, and it is likely to be at this point that witnesses form a judgement of how important their personal safety is to WVS. This judgement is based less on the security services in place than on the attitude of staff – and the impact that this has on witness confidence that WVS would respond in the future does serve to increase their sense of security. WVS staff who show care and concern for the witness not only reassure and assist the witness at that time, but have a much longer-lasting effect on witness well-being.

4.3.4 Witness expectations

Witness confidence is also predicted by whether their expectations were met.

Figure 5. Responses to ‘Did you receive what you expected from the SCSL?’:



Witnesses whose expectations were not met reported that they had not received the post-testimony financial support and follow-up help that they had expected, medical care, or help with their (or their dependents') school fees. It is clear that witnesses have high expectations in these areas.

Three-quarters of those interviewed thought witnesses should receive special benefits. The reasons for this belief varied, but the most common was that witnesses should receive compensation for having put their lives at risk in order to testify. The type of benefit witnesses felt should be offered was primarily financial assistance or material benefits 'in kind', such as education for the witness's children, medical care, help with accommodation, or assistance to start a business or improve a farm.

Witness expectation is a sensitive but important issue. Other research (e.g. Stover, 2005; Byrne, 2004) has shown that witnesses sometimes have unrealistic expectations of what the institution can provide, or lack accurate information about the process and their rights. There is a fine line between a reasonable level of recompense to ensure witnesses are not disadvantaged by testifying, and services beyond this, which could constitute an inducement to testify. Witnesses and staff may have different ideas of what comprises a 'reasonable level of recompense'. A witness who agrees to testify whilst having unrealistic expectations of what they are likely to receive from the institution is likely to end the process feeling disappointed, frustrated and even betrayed. Ensuring that witnesses have realistic expectations, and that they receive what they have been promised, is key to building witness confidence in WVS. WVS staff (as well as investigators and legal teams) can help to set expectations from their first contact with witnesses by clearly explaining what they should and should not expect.

Witnesses were asked what they felt would improve the post-testimony care. Sixty-eight per cent would have liked more contact with WVS following their testimony, 55% wanted more financial support, and a significant proportion wanted more help with medical care (34%) and school fees for their children (29%). More than one-quarter (28%) said they would have liked their security situation to be assessed by WVS. It may be that it is not realistic for WVS to maintain post

¹⁹ They responded to both items using a five-point scale ranging from 'not at all confident' (1) to 'extremely confident' (5). Confidence they could contact WVS if necessary: m = 3.36; sd = 1.49. Confidence WVS would respond: m = 3.65; sd=1.37

-testimony contact with all witnesses, or to provide the level of financial assistance witnesses would like. Again, it is important to be clear to witnesses what they can and cannot expect from WVS during the post-testimony period.

A central theme is the importance of clearly setting, and continuously reinforcing, realistic expectations regarding what witnesses can expect from their contact with the court. It is recognised that this will not be an easy task, since some witnesses see their contact with the court as an opportunity to benefit materially, so will be resistant to any suggestions that this is not going to happen in the way they hope. Repetition and consistency regarding what witnesses can expect to receive is important from all staff interacting with witnesses. Some staff may benefit from training in relevant skills (e.g. assertiveness, communicating in a way that reduces conflict) to assist them with this aspect of their work.

Staff would also be assisted if there were clear guidelines as to the services and benefits witnesses are entitled to. Whilst it is recognised that there will always be exceptions to guidelines, and that witness needs are often assessed on a case-by-case basis, this approach makes it difficult for WVS staff to be consistent in the information they give to witnesses. The guidelines regarding entitlements during the testimony period seem to be clearer than those regarding entitlements once the witness has finished their testimony and returned home. It is not clear who is likely to receive assistance with school fees for their children, with rent, with training for themselves or help to establish a business. This lack of clarity may contribute to witness disappointment with post-testimony services.

Recommendations

- There should be clear guidelines as to the services and benefits witnesses are entitled to;
- All staff interacting with witnesses (WVS, investigators and legal teams) should communicate clear and consistent guide-

lines regarding what the witness can and cannot expect in terms of material assistance and follow-up visits following their testimony;

- WVS managers should ensure that witnesses actually receive what they have been told they can expect;
- WVS should ensure all witnesses have ways of contacting them after returning home, whether through distribution of WVS phone numbers, or identifying an alternative method (e.g. via a local police contact person);
- The importance of a supportive and friendly attitude towards witnesses should be emphasised to all staff (WVS, investigators and legal teams). This plays a crucial role in establishing witness confidence that WVS would help them in the future if necessary, and
- WVS staff should receive training, where necessary, to enable them to give clear and consistent information to witnesses, even when under pressure.

4.4 Security

Witnesses' feelings of safety, both prior to and after testifying, have been found by other researchers to be crucial to their overall sense of wellbeing. The need for safety and security is a basic human need (Maslow, 1943), and if it is not met, it impacts on other aspects of wellbeing (e.g. social and psychological).

Witnesses might be expected to feel more insecure when they return home after testifying. According to Stover (2005), ICTY witnesses' feared recriminations against themselves or their families when, after testifying, they returned to the area in which both they and the accused live, and to their home country in which there were limited support and protection services available. Witness anonymity for the majority of protected witnesses interviewed by Stover (2005) was also not maintained. Basoglu et al (2007) found that one of the factors most strongly associ-

ated with psychological problems amongst survivors of the conflict in the former Yugoslavia was fear associated with a perceived threat from perpetrators.

4.4.1 Witness ratings of their security

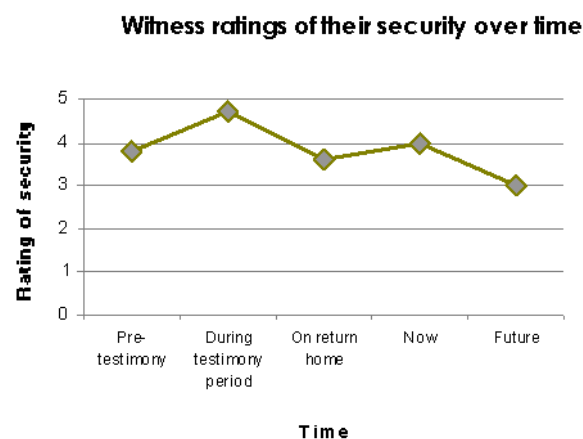
WVS aims to ensure, as far as possible, that witnesses' security is not negatively affected by the fact that they testified. If this objective is achieved, one would expect witness ratings of their personal security to remain the same, or to increase, as they go through the testimony process.

SCSL witnesses rated their security on a scale ranging from 'not at all secure' (1) to 'extremely secure' (5) for four time periods: before they came to court to testify; while they were in the care of WVS; when they returned home, and at the time of the interview. The questions were not asked consecutively, but were asked at different points in the interview. They were also asked how afraid they were for their future security.²⁰ Their responses are summarised in Figure 6a, and the mean scores are plotted on the graph shown in Figure 6b.

Figure 6a. Reported levels of security at five time periods

Item	Mean	Standard Deviation	Missing Data
1. Pre-testimony	3.80	1.43	2
2. During testimony period	4.67	0.66	6
3. On return home	3.65	1.35	8
4. Now ²¹	3.98	1.23	2
5. Future (reversed)	2.98	1.54	8

Figure 6b. Witness ratings of their security at five different moments in time:



A one-way analysis of variance shows that there are significant differences between witnesses' ratings of their security at different points.²² Specifically:

- Witnesses rated their security as significantly better while they were in the care of WVS than they did at any other period;
- There is no significant difference between witness ratings of their security pre-testimony, on return home and at the time they were interviewed, and
- Witnesses' fear for their future security is significantly higher than fear for their security at any other time.

Witnesses' sense of security is not significantly affected by their testifying, indicating that the process of testifying did not expose them to any danger, and that their identities as witnesses were not revealed. In comparison with the ICTY, it is possible that the presence of the SCSL (and in particular the WVS protection and support services) in the home country of the witnesses was beneficial for their feelings of post-testimony security.

However, there is some fear for future security, particularly fear of attack as a punishment for testifying, and fear that the forthcoming elections could increase their insecurity.²³ Of those who did not express any fears for the future, the main reason was that they had no problems in their communities.

²⁰ Possible responses ranged from 'not at all afraid' (1) to 'extremely afraid' (5). The scoring for this item was reversed before data were analysed.

²¹ Measured at the time of the interview.

²² $F(4,820)=36.98, p<.001$

²³ Presidential and parliamentary elections were conducted in August and September 2007, shortly after the interviews took place.

4.4.2 Factors related to witness security

Although witness security does not appear to be negatively affected by their participation in the SCSL's work, there are some witnesses who experience security problems after testifying. A multiple regression analysis was conducted to identify factors which contributed to witnesses' ratings of their security and safety at the time of the interview. Seven witness factors (e.g. age, gender) were included in the analysis; four factors relating to witness confidence in WVS; and four factors relating to the witness's community (e.g. whether the community was aware that the witness testified in the SCSL; how supportive the community is of the work of the SCSL).

When taken together, these factors were found to make a significant contribution to witness feelings of safety.²⁴ However, some factors were found to make significant contributions in themselves.²⁵ Those who are living in poverty and/or are SGBV survivors report feeling less secure than others. Similarly, if a witness's community knows about their status as a witness, they are also likely to feel insecure. The level of confidence witnesses had in WVS responding to a request for help was also a significant predictor of their feelings of security. This suggests that any action WVS can take to increase witness confidence in WVS's willingness and ability to respond to requests for help, will have a significant impact on witnesses' peace of mind. As stated above, the factors which have the strongest relationship with witness confidence in WVS are the 'encouragement' witnesses receive from WVS staff during their testimony period, and whether witness expectations were met regarding what they would receive from the Court.

Recommendations

- Since witnesses do not report feeling that their security has been affected by testifying, the security systems and procedures put in place by WVS could be used as a model of good practice by other war crimes tribunals operating in similar circumstances, and

- Witness confidence in WVS contributes to their feeling secure after they have returned home. Confidence in WVS is based on their experience whilst they are in the care of WVS to testify, particularly the attitude of the staff towards them. Therefore, all members of staff who interact with witnesses during the testimony period should be friendly and supportive and demonstrate concern for a witness's wellbeing.

4.5 Psychological wellbeing

4.5.1 Witness anxiety over time

The prospect of testifying in an international war crimes tribunal can be intimidating, and can cause considerable anxiety amongst witnesses. WVS aims to support witnesses emotionally through the process of testifying. If this is effective, one would expect witness anxiety to reduce as they go through the process.

Witnesses rated their anxiety using a five-point scale ranging from 'not at all worried' (1) to 'extremely worried' (5). They were asked how worried they were at three points: when they were first contacted; when the time came to testify; and if they had to testify again now. Their responses are summarised in Figures 7a-b.

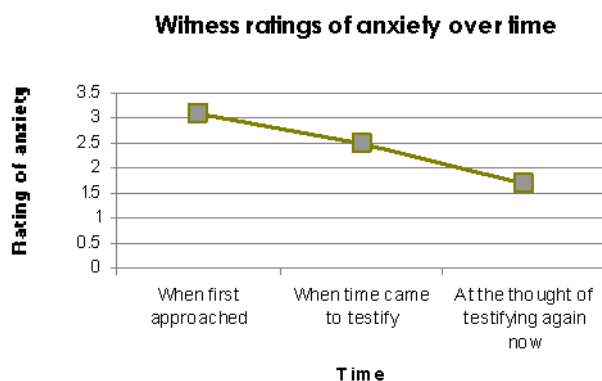
Figure 7a. Reported anxiety at three time periods

Item	Mean	Standard Deviation	Missing Data
When first approached	3.10	1.6	3
When the time came to testify	2.50	1.55	0
At the thought of testifying again now	1.69	1.22	0

²⁴ Adjusted $R^2 = .27$ $F(15,150) = 5.06$, $p = <.001$

²⁵ Individual predictors which showed statistically significant effects: SGBV ($\beta = -.23$), age ($\beta = .16$); ability to support self and dependents ($\beta = -.20$); confidence that WVS would respond if the witness asked for help ($\beta = .25$); whether the community was aware that the witness testified ($\beta = -.19$).

Figure 7b. A graph plotting mean witness anxiety against time:



A one-way analysis of variance shows that there are significant differences between witnesses' ratings of their anxiety at different points.²⁶ Witnesses rated their levels of anxiety as highest when first approached; significantly lower by the time they came to testify, and as significantly lower still at the thought of testifying again now. Their levels of anxiety decrease over time, which suggests that WVS is achieving its aim of ensuring that witnesses are emotionally prepared to testify.

4.5.2 Reasons for witness ratings of their anxiety

4.5.2.1 Lack of familiarity with the court

The main reason, by far, for witnesses' anxiety when first approached and when the time came for them to testify, is their lack of familiarity with the court and the trial chamber processes.

The anxiety of many witnesses could be reduced very early on in the process by explaining the role of the SCSL and the processes involved. Later in the process, most witnesses are shown around a courtroom before they testify, but perhaps it would benefit the more anxious witnesses to have a more thorough briefing on courtroom procedures and what they should expect.

4.5.2.2 Concern for personal safety

Of those witnesses who reported feeling worried when first approached, a large proportion referred to fear of arrest, fear of reprisals from others and a fear that their identity as witnesses would be revealed. All of these can be considered to be a concern for one's own personal safety and wellbeing. The anxiety of many witnesses when first approached can, therefore, be reduced by reassuring the witness regarding the SCSL's concern for their security, and the systems in place to protect them.

4.5.2.3 'I only have to say what I know'

Amongst those who were not worried when first contacted, and when the time came to testify, their main reason was that they felt they were only required to say what they knew, so had no reason to worry. These witnesses also had less painful experiences to relate, which may have contributed to their lack of anxiety. However, the belief that 'I only have to say what I know' emerged throughout the process as an indicator of low anxiety, and it could help more anxious witnesses if they were assisted to view the testimony process from this perspective.

4.5.2.4 Anxiety at the thought of testifying again

For three-quarters of the witnesses, the fact that now they know what to expect was very reassuring. A small number said they would be worried if they were to testify again. The factors which have the greatest impact on anxiety at the thought of testifying again are: that it would be painful to have to talk about their experiences again; that the witness would not want to be away from home for so long again; and fear of reprisals. These three issues are not relieved by the increased familiarity that comes with the testimony experience. These are deep-seated issues that affect witnesses, and are particularly resistant to intervention from WVS or others.

²⁶ $F(2,495)=40.25, p<.001$

Recommendations

- These findings suggest that WVS is achieving its aim of ensuring that witnesses are emotionally prepared for testifying. Their work in this area could, therefore, be seen as a model of best practice for other war crimes tribunals operating in similar circumstances, and
- A small number of witnesses are particularly anxious throughout the process. These can be reassured by:
 - ◆ Court staff (investigators, lawyers or WVS staff) providing a thorough explanation of the role of the SCSL and the processes involved;
 - ◆ Staff emphasising the SCSL's concern for their security;
 - ◆ A comprehensive briefing on courtroom procedures and what they should expect, and
 - ◆ Assistance to see the process of testifying as an information-giving exercise in which they are only required to tell the trial chamber what they already know.



5 KEY RECOMMENDATIONS

All recommendations are rooted in the specific political, social, and cultural context of Sierra Leone, and may require adaptation to alternative environments.

5.1 General recommendations

- All staff who interact with witnesses should give clear and consistent explanations of the support witnesses can expect to receive, both during the testimony period and after they have returned home. This information should be given at the first contact with the witness, and should be repeated regularly.
- Consideration should be given to providing witness support staff with training to assist them in giving clear and consistent information to witnesses.
- Clear guidelines should be in place as to the services and benefits witnesses are entitled to whilst they are in the care of the court, and after they have returned home.
- Witness support managers should ensure that all witnesses receive what they have been told to expect.
- The importance of a respectful and friendly attitude towards witnesses should be emphasised to all staff working in an international war crimes tribunal.
- Every effort should be made to provide female medical personnel for SGBV survivors.
- The WVS of the SCSL can be taken as a model of good practice in terms of its provision of security and emotional support to witnesses.

5.2 Recommendations for witness support in the pre-testimony period

- Investigators should identify those witnesses who struggle with the emotional or cogni-

tive aspects of giving a statement, and use appropriate techniques to assist them.

- Preparation for testifying should include familiarising witnesses with their statements, the courtroom, the legal process, an explanation of what to expect during examination, and how the witness should respond. Most importantly, the lawyers should take the time to encourage and reassure witnesses.
- Women, SGBV survivors, younger witnesses and those required to talk about very painful events may benefit from special preparation and support.

5.3 Recommendations for witness support during the testimony period

- The WVS of the SCSL can be considered a model of good practice in terms of witness support and protection during the testimony period.
- The needs of witnesses' families (both material and in terms of communication with the witness) should be taken into consideration.
- Vulnerable witnesses should be identified before they testify and taught ways of reducing their anxiety, and of managing any painful feelings whilst testifying.
- All witnesses should be properly prepared for what they are likely to face during cross-examination.
- Particularly anxious witnesses can be assisted through: thorough briefings about the processes involved at each stage; explanation of testifying as just an information-giving exercise, and all staff emphasising and demonstrating concern for the witnesses' safety.



5.4 Recommendations for witness support after they have testified

- Clear information should be given to witnesses about the contact and assistance they can expect to receive post-testimony (if any). This should begin early in the witness's contact with the court, and be repeated before they leave the care of the court.
- Witness support officers should ensure that all witnesses know how to contact them if necessary after they have returned home, and alternative mechanisms should be in place if a witness lacks a phone or adequate network coverage.

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