

Newspaper Coverage of a Sierra Leone war crimes trial : a “continuation of conflict by other means”.

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Abstract

The most controversial trial conducted by the Special Court for Sierra Leone convicted leaders of the Civil Defence Force of serious violations of international humanitarian law during the country's eleven year civil war. Many in Sierra Leone thought the trial should never have been held, on the grounds that the CDF leadership were "heroes" for coming to the aid of the government in the mid-1990s. Critics argued that pressure for a prosecution came principally from outside the country, particularly the United States. Opinion in Sierra Leone tended to be shaped along ethnic and regional lines and a research study, funded by the British Academy, has sought to establish whether domestic newspaper coverage of the trial mirrored this ethno-regional division. Borrowing a paradigm from a study of the Yugoslav wars of the 1990s, the authors conclude that in many respects, the reportage of the trial was "a continuation of conflict by other means". They also respond critically to an analysis of the trial done from an anthropological perspective which concluded that, in this case, international justice failed to understand normative indigenous practices and was an example of "cultural imperialism".

Key words : CDF, cultural, ethno-regional, SCSL, Kamajors, Mende, Temne.

Introduction

In her celebrated work, *Eichmann in Jerusalem : A Report on the Banality of Evil* (1963), the German-born political theorist, Hannah Arendt, writes :

If the audience at the [Eichmann] trial was to be the world.....the reality was falling short of expectations and purposes. The journalists remained faithful for not much more than two weeks.....

(Arendt 1963 : 8)

If global media interest was so fickle in a trial which placed in the dock – the infamous glass booth – the logistician behind the greatest act of organized mass murder in the 20th century, should we be surprised that the three trials held in Freetown under the auspices of the Special Court for Sierra Leone (SCSL) were largely ignored outside Sierra Leone and Liberia? Indeed, even the landmark trial of the former Liberian president, Charles Taylor, garnered precious few column inches in the world’s press beyond the prosecution opening – except when the super-model, Naomi Campbell, testified about being given (blood) diamonds by Taylor.

However, in Sierra Leone, domestic media attention on another of the SCSL prosecutions – the so-called CDF (Civil Defence Force) trial – was intense and sustained. This article examines, by way of content and framing analysis, semi-structured interviews and group discussions, reportage in three of the highest circulation newspapers – *Standard Times*, *For Di People and Awoko* – from the indictment and arrest of the three defendants in 2003 until the final outcome of the trial and appeal in 2007. Our methodology conforms to Mautner’s prescription for analyzing a trial by using time as a criterion for identifying ‘discursive representations’ (Mautner, 2008 : 37).

As a conceptual framework, we have taken case studies of press reporting in Serbia of trials at the International Criminal Tribunal for the former Yugoslavia (ICTY). This

media coverage has been the focus of examination by, amongst others, Biserko (2004), Tanner (2010) and Džihana & Volčić (2011). In a meta-analysis of these studies, Katarina Ristic concludes that in the domestic media :

‘ The accused are portrayed within a hero-defendant frame, sacrificing at the ICTY for the nation. Nationalist discourse transforms individual criminal charges into collective guilt accusations, in order to reject them as ungrounded.’

(Ristić, 2012 : 6)

The paradigmatic finding of Džihana & Volčić (2009;2011) that ‘ media coverage of the trials reflected the dominant interests and perspectives of the ethnic factions’ needs very little adjustment to serve as a template for consideration of reportage of the CDF trial in Sierra Leone. But where the Yugoslav model has been defined as “ethno-nationalist” in tone and content (Marković and Subašić, 2011), we think the term “ethno-regional” better suits the tribal and political terrain of Sierra Leone.

Our second and related focus is to address the thesis advanced by Tim Kelsall, a Visiting Fellow at the Berkeley War Crimes Studies Center, that the conduct of the CDF trial illustrated a fundamental flaw in the application of international justice to a developing country such as Sierra Leone, with its long-established customary law and cultural norms. In his book, “*Culture Under Cross-Examination : International Justice and the Special Court for Sierra Leone*” (2009), he approaches the trial from an anthropological perspective and finds it seriously wanting. We unpick his argument that ‘the law ought not to be an instrument of cultural imperialism’(Kelsall,2009:258) and suggest that to make an exceptionalist case of Africa would risk ‘relativising’ human rights and give succour to the advocates of retaining power whatever the cost.

The conceptual model : former Yugoslavia

The media's influence on foreign policy intervention by states – the so-called 'CNN Effect' – has been debated vigorously by communications scholars in recent years (cf. Gilboa, Robinson, Mermin, Livingston and Eachus amongst others). But there is little dispute that media reporting of atrocities committed during the Yugoslav conflict of the 1990s galvanized an international response, which included the creation of the first international criminal tribunal of the late modern era, the ICTY. The significance of the media within Yugoslavia in exacerbating ethnic/political divisions was recognized by Van Dijk when he wrote that :

.....none of the political elites and their discourses could be as influential as they are without the mediating and sometimes reinforcing functions of the press, radio and television.

(Van Dijk 1993 : 241)

In adopting a Yugoslav conceptual model for our study, we are not suggesting that the ethnic polarization within Sierra Leone was as sharply defined as that of Yugoslavia when it began to implode under the pressure of unfulfilled nationalist aspirations. Rather, it is the functional influence of the media at a time of such conflict which invites comparison. Journalists and academics from the former Yugoslavia have anatomized this relationship :

Media reports about the war crimes shaped the public opinion by focusing on one version of history which avoided any responsibility for war crimes, representing the accused as *heroes* and innocent victims of conspiracy.

(Džihana and Volčič, 2011 : 23)

We have italicized ‘heroes’ because, as we shall demonstrate, that was precisely the media representation of the defendants in the CDF trial by two newspapers which saw themselves as guardians of the interests of the same ethnic/tribal group. Indeed, we find ourselves echoing this conclusion :

Analysis revealed that, not surprisingly, media reports on war crimes trials reflected the dominant interests and perspectives of ethnic ideologies.

(Ibid : 11).

This conceptualization is multi-dimensional. The media coverage not only reflects, and thus perpetuates, the ethnic divisions which contributed to the war, it also, in the words of Katarina Ristić, ‘ formulated a specific memory of war, which consisted ofa rejection of trials as victor’s justice.’ (Ristić, 2012 : 3).

Ristić applied a critical discourse analysis to 1,639 articles published in five daily newspapers in Serbia (Danas, Blic, Politika, Večernje novosti, Kurir) and two weeklies (NIN, Vreme) published between 2001-11. The newspapers reflect the political spectrum, from leftist, liberal and pro-European (Vreme and Danas), centrist (Blic and Politika) to rightist/nationalist (Večernje novosti, Kurir and NIN).

In the same way – as we shall show – that some of the Sierra Leone press coverage sought to undermine the CDF trial by framing the SCSL as a ‘creature’ of the West (chiefly the US and UK),with its own partial agenda, so the Serb media sought to delegitimise the ICTY :

‘The Hague tribunal was founded and financed mainly by America.....Under the pressure of Washington and London, the investigation of war crimes committed by NATO was abandoned’.

NIN, August 21, 2008

There is also a parallel in the way that the media of both states personified distaste for the two tribunals in the form of the chief prosecutor :

‘The image of the Chief Prosecutor, Carla del Ponte, was especially targeted and she became, according to journalist, Teofil Pančić, a “symbolic figure of hatred”’.

BH Dani, October 10, 2003 (cited by Ristic, op.cit : 29)

The first Chief Prosecutor of the SCSL, the American, David Crane, was similarly ‘demonised’ in parts of the Sierra Leone press, as we demonstrate :

‘One legacy of David Crane would be his conscious attempt to divide our society. For the idea and existence of the Special Court has been nothing other than an attempt to put a wedge among us.’

Standard Times, March 4, 2005.

It is also apparent from studies of the Serb experience that the most prominent ‘counter-narrative’ came from outside the media :

‘Alternative discourse promoting the work of the ICTY was formulated mainly by civil society leaders who stressed that The Hague tribunal is a legitimate institution of justice....’

(Ibid : 31)

Through focus groups and questionnaires, our study reaches a similar conclusion.

Predrag Marković and Katarina Subašić have shown that there is much to be learned from a comparative analysis of coverage in the Serb and Croat media of one particular trial, that of three (Serb) former Yugoslav army officers, charged with the murders of more

than 200 POWs and civilians near the town of Vukovar in eastern Croatia in November 1991. The authors conducted a content and discourse analysis of the coverage in four newspapers – two Serb and two Croat. They find that “national ideologies” are clearly evident in the differing reports of the trial judgment in September 2007. To give one example, when the commander of the paramilitary force, which carried out the killings, is found not guilty and another defendant is given (only) five years, the Croatian daily, *Večernji list* :

...repeats in detail the accusations against the three former officers, in order to remind the public ‘what they did to our own’.....*Večernji list* does not shy away from drawing a clear conclusion that Serb forces committed the crime, while the victims were Croatians and ‘other non-Serbs’. Giving so much space to repeating the charges and omitting the judge’s detailed explanation of the judgment indicates that the newspaper holds a clear ‘national’ attitude on the judgment, taken for granted as the attitude of the broader public in Croatia. The verdict is unacceptable for both.

(Marković and Subašić 2011 : 88-89)

Given the residue of bitterness in the states which previously made up the Yugoslav federation, the authors are not surprised to find this reflected in media reportage of the trials. It is “an expected reflex of wartime propaganda” (Ibid : 81). And, in a phrase which has served as the watchword for our study, they describe the reporting and commentary on the trials as “a continuation of war by other means” (Ibid : 81). So, how does this conceptual characterization adapt to the media environment in Sierra Leone ?

The press and ethnicity in Sierra Leone

According to the international press monitor, Freedom House, in 2013, Sierra Leone had 58 newspapers, about 40 radio stations, and 13 television stations. Most newspapers are independent, though some are associated with political parties. Internet penetration, was under 1%. (Source - <https://freedomhouse.org/report/freedom-press/2013/sierra-leone>). A low literacy rate coupled with the high cost of newspapers and televisions make radio the most important and widely available medium for obtaining information.

Sierra Leone journalism is not noted for its integrity. It has been criticized for being unprofessional and incapable of upholding ethical standards (Gutierrez 2012 : 5-6) and for being highly partisan (Kerr and Lincoln 2008 :17). The work, “*Politics and Press in Africa*”(2000), indicts journalists for :

- Serious disregard for truth and fairness and unnecessary sensationalism
- Using the press to pursue personal vendettas (including editorializing in news reports)
- Seeking favours, gifts and other kinds of gratification in order to publish, or stop the publication, of a story
- Taking sides, or appearing to do so, with various competing interest groups

Eds. M’bayo R., Nwanko Nwafo, R., and Onwumechili, C.
(2000:124)

The postwar Truth and Reconciliation Commission was equally forthright in detailing the failings of the press :

‘Some newspapers are in danger of becoming little more than scandal sheets, relying on proactive and, at times, dishonest, headlines to promote sales. Reports that are inaccurate, or even untrue, seriously undermine ...freedom of expression. Journalists who take bribes and allow their newspapers to be used for political party ends, or for the settling of personal scores, abuse freedom of the press.’

(TRC Report Vol II, 2004 : 80)

Despite several years of post-conflict reporting training carried out by respected ngos such as Search for Common Ground and the BBC World Service Trust (since re-named BBC Media Action), the 2010 annual report of the country’s Independent Media Commission said that 90% of the complaints against the press were specifically made against newspaper editors and reporters for publishing false news, defamatory stories, inaccurate reports and so on. (IMC 2010).

To these charges can be added that of exploiting ethnic division. Tim Kelsall’s opinion that the eleven-year conflict (1991-2002) “did not have a strong ethnic character” (Kelsall, 2009 : 29) is belied by the finding of the TRC that :

The link between the conflict and ethnicity lies in the way in which certain factions turned ethnicity into an instrument of prejudice and violence against perceived opponents or those who did not ‘belong’. People of Northern origins were found to have been targeted in the Southern and Eastern regions during the latter part of the war. The Kamajors committed disproportionate levels of violations against such ethnic groups as the Temne, Koranko, Loko, Limba and Yalunka.

(TRC Report, Vol II, 2004 :11)

This verdict should be borne in mind when considering the character and affiliations of the three newspapers under consideration. And to fully understand this, some political context is needed. Since independence, the two governing parties have been associated with different regions of the country. The Sierra Leone People's Party (SLPP) has always had its main support in the Mende areas of the south and east. While the All People's Congress (APC) has been stronger in the north and west amongst the Temne and Limba population. During the long period of APC governments (1968-1991) the army came to be associated with the northern Temne and Limba and this may explain why the Mende-dominated Kamajors targeted these groups during the conflict (Kelsall, op.cit).

All three newspapers analysed in this study are printed in Freetown and circulated throughout the country. During the war, two of them – *For Di People* and *Standard Times* - spoke very much to and for their own ethno-regional constituency. The editor and proprietor of *For Di People*, Paul Kamara, is a northerner from the Temne tribe. He won three press freedom awards between 1997 and 2002 but his often intemperate criticism of the rule of President Tejan Kabbah - accusing him of corruption – earned him a six-month jail sentence for defamation. Kamara is a politician as well as pressman and served as a minister in the postwar All People's Congress (APC) government headed by President Ernest Bai Koroma.

The managing editor and proprietor of *Standard Times*, Philip Neville, has also won an international press award. He is a Creole from the west of the country but the paper's two longer-serving editors came from the south-east and the paper is defined as representing the viewpoint of the dominant Mende group, found mainly in that region. As such, the paper's journalists and executives came under violent attack during the period of the AFRC/RUF junta in the late 1990s. The news editor, Paul Abu Mansaray, was murdered in a church, alongside his four children, and a senior staff writer, Mustapha Sesay, lost his left eye in an assault.

Awoko is the youngest of the three newspapers under scrutiny, first published in 1998. Its editor and lead partner in a triumvirate of owners is Kelvin Lewis, a former correspondent for both Voice of America and Radio France International. *Awoko* was prominent in the debate about what form of post-conflict ‘justice’ mechanism Sierra Leone should adopt, and covered all of the SCSL trials assiduously.

The hunters become the hunted

The Civil Defence Force (CDF) was an umbrella grouping of several regional militias and although the sobriquet, CDF, is attached to the trial under consideration, it was not the force which found itself in the dock but three of the most prominent members of the largest of the militias, the Kamajors. The Mende-dominated Kamajors Society represented traditional hunters (‘kamajor’ means hunter in Mende) and press reporting of the trial is peppered with references to the supposed supernatural powers derived from their origins as forest dwellers (cf. *Awoko*, January 25/26/27 and February 9/13, 2006).

The Kamajors Society lent its support to the beleaguered government of President Kabbah in 1996, when it was under threat from the Revolutionary United Front (RUF) rebels (Hirsch,2001: 52; Gberie,2005 :83). The Kamajors chief, Sam Hinga Norman, was recruited as deputy defence minister and, as will become clear from the newspaper coverage we analyse, both he and the Kamajors were hailed as ‘heroes’ in the south and east of the country.

Thus, it was ‘to most people’s surprise’ (Kelsall,2009 :33), that Hinga Norman and two other Kamajors leaders, Moinina Fofana, director of war, and Allieu Kondewa, High Priest, were indicted before the SCSL.¹ For this reason, their trial, which began on June 3, 2004 and lasted 162 days, was, by far, the most controversial (within Sierra Leone) and heavily reported of the four trials conducted by the court.

The analysis

In a country with such a low rate of literacy, it may seem perverse to choose newspapers to analyse. Radio is by far the most popular means of receiving news and entertainment. But the logistical and financial problems associated with obtaining sufficient recordings of the court proceedings from the SCSL and then transcribing them for coding meant that newspaper analysis was a far more realistic option. In any case, a secondary objective of our inquiry was to test informed opinion by quizzing civil society organization (CSO) representatives and they do read the press. So, our methodology consisted of a content analysis over four nine-month periods between 2003 and 2007, bolstered by semi-structured interviews with editors/reporters from the selected newspapers. We triangulated our findings by setting up a number of discussion groups drawn from CSOs in the four regions of the country.

Our content analysis spans the period, March 2003, when the indictments were unsealed, to August 2007, by which time the trial had ended in the convictions of Fofana and Kondewa on a number of charges (but not all) and appeals had been heard and adjudicated. No verdict was given in the case of Hinga Norman, because he had died from complications from surgery. (His unexpected demise led to speculation in some sections of the press that he had been murdered on the orders of the SCSL, mirroring similar commentary in the Serb media when Slobodan Milošević died prematurely during his trial at the ICTY).

In the pre-trial period, March – November 2003, we looked at 118 articles across all three titles. Using an inductive approach, we coded 35 as News (N in the tables below), 45 as Views (V) and 38, falling into neither category, as Unclassified Stories (US).

In the period covering the trial, June 2004- October 2006, we examined 205 articles, classifying 95 as N, 55 as V, and 55 as US. Post-trial, January – August 2007, we scrutinized 78 articles, classifying 29 as N, 26 as V and 23 as US. Thus, in total, we

studied 401 contributions from the three newspapers over a time span of more than four years.

In tabular form, the breakdown can be represented as follows :

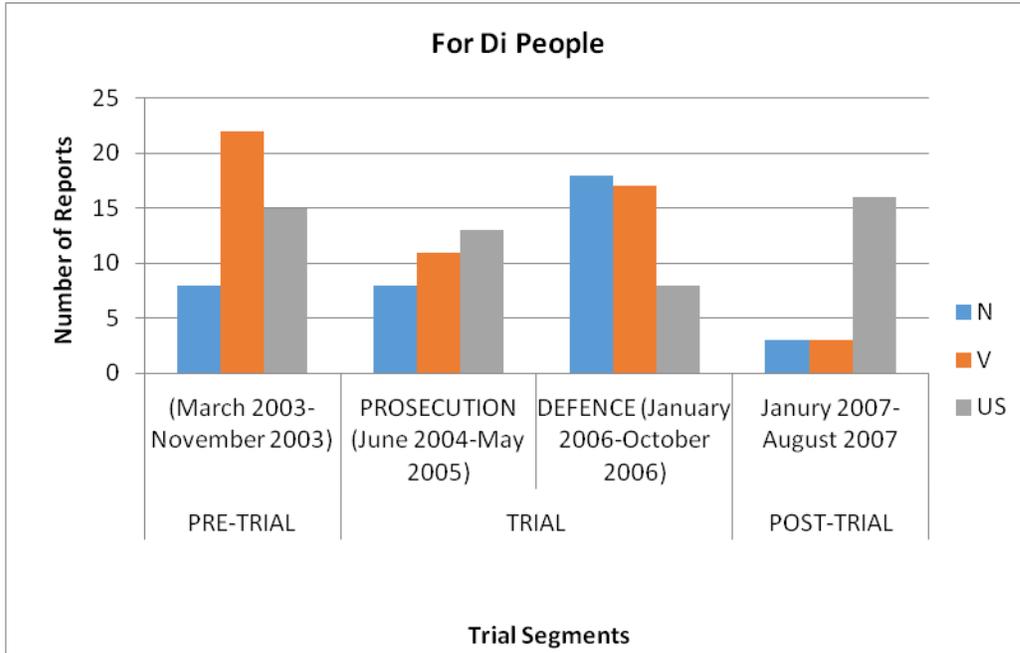


Table 1 : For Di People’s reportage

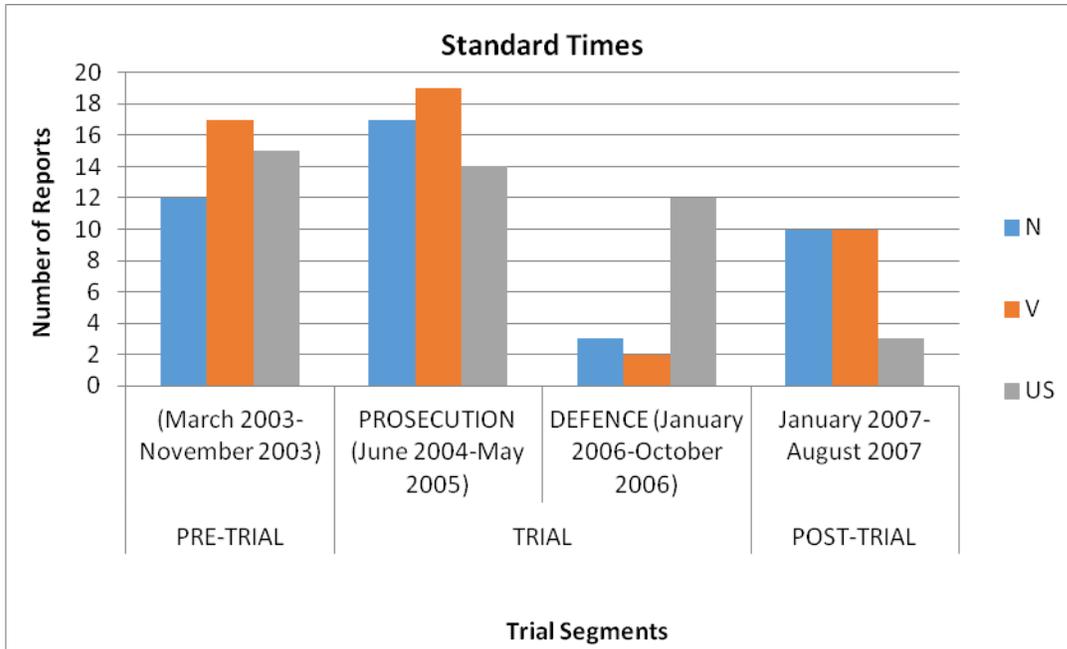


Table 2 : Standard Times's reportage

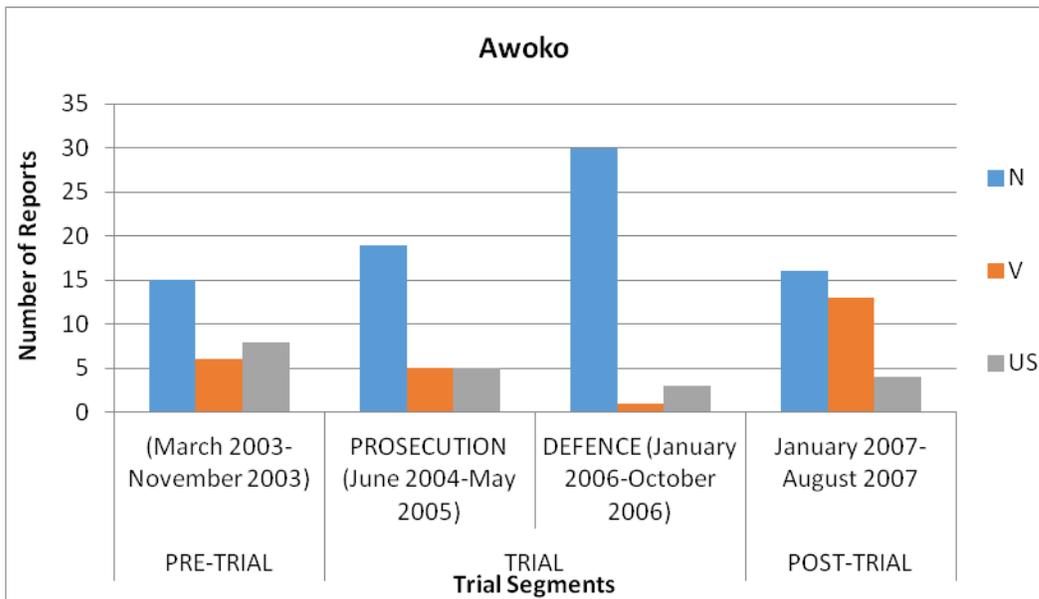


Table 3 : Awoko's reportage

For Di People

It can be seen from the weight of its pre-trial comment that *For Di People*, edited by the Northerner, Paul Kamara, was highly exercised about the prosecution. A qualitative discourse analysis of that comment tells us much more. Much of the language betrays what Mautner (op.cit:38) calls a ‘negative semantic load’, leaving the reader in no doubt that the paper believes that the Kamajors’s leaders deserved to be on trial because, representing the Mende majority of the south-east, they had inflicted atrocities on the northern Temne.

At various stages of the case, FDP described the Kamajors as “butchers” (March 23, 2003); “hoodlums” (April 2, 2003); “bloodthirsty power ethnicists” (April 4, 2003); “ritual killers” (March 7, 2006); “looters” (November 29, 2006). And most of the perjorative rhetoric was framed from the explicitly ethno-regional contention that :

.....the South-Easterners had hatched a diabolic plan to systematically annihilate Northerners.

(FDP, May 18, 2006)

The newspaper also carried the headline, “Norman : charged with cannibalism” (March 23, 2003) which was factually incorrect since neither Norman nor his co-defendants were indicted on this charge. However, when lurid but unsubstantiated allegations of cannibalism were made against the Kamajors by witnesses during the trial, FDP gave them full exposure :

...Kamajors murdered Jusu Saly at Talia in Bonthe district and his intestines were removed, roasted and eaten with boiled cassava...Brima Conteh was also slaughtered by the Kamajors during the period. He was beheaded a day after his arrest...He was cooked and eaten by Kamajors.

(FDP, February 1, 2006).

This is not to dismiss as fanciful the idea that cannibalistic practices took place in Sierra Leone. The frequency of such claims suggests that they may well have done. But the 'relish' with which FDP reported them during the trial, stripping the Kamajors of any kind of recognisable humanity, brings to mind the characterising of Rwanda's Tutsi as *inyenzi* (cockroaches) by the notorious radio station, RTLM, before and during the genocide.

The reporter who covered the CDF trial most regularly and described as its 'war crimes correspondent', was SU Thoronka. In an interview with one of the authors, he said he felt he had reported fairly and accurately on the proceedings but that his editor, Kamara, had sensationalised his copy to give it a stronger anti-Kamajor slant. However, he did not resile from some of the language used :

.....I criticised the Kamajors because, first of all, they were a tribalistic group...because they were hounding hundreds of people, who came from other parts of the country, including the North, especially the North, and especially Temnes. They were hounding them, killing them, in their hundreds and thousands, you understand. I also criticised them because they eat human flesh. They actually came out to show that they were cannibals.

(Personal interview with Binneh-Kamara, June 24, 2013).

His editor, Paul Kamara, denied deliberately skewing coverage of the trial but said there was a deep-seated divide between the Temne of the North and the Mende of the south-east and accused the Mende of destroying his country. He added that all the former presidents of Sierra Leone had been Mende (including, he said, Siaka Stevens, who was from the north and defined himself as a Limba !). President Ernest Bai Koroma, the incumbent at time of interview (September 27, 2013) was the only ‘true’ Northerner to hold the post, he said.

The ethnographic component of this study consisted of discussion groups, convened in the four distinct regions of Sierra Leone between December 2011 and January 2012. Each of the members of the groups (42 in all) was a representative of a civil society organisation so could be said to be speaking on behalf of a larger constituency. Reflecting the view that the news coverage showed clear evidence of ethno-regional bias, all of the discussants from the north (N= 11) adjudged the coverage in FDP to be ‘ balanced and fair’. In determining what this meant, we asked for their opinion of the CDF defendants. All 11 described them as ‘war criminals’ or ‘villains’. Thus, in validating and reinforcing that opinion, FDP was fulfilling its publicly acknowledged role as a tribune of the north and of the Temne.

Standard Times

In contrast to *For Di People*, *Standard Times* referred to the Kamajors as “ national heroes” (June 4, 2003); “noble fighters” (July 1, 2003) ; “brave fighters” (July 30, 2003) ; “ redeemers” (August 1, 2003) ; “restorers of peace and democracy” (March 12, 2004) ; and “a militia group that formidably resisted the deadly junta regime” (May 31, 2005). This latter phrase was intended to remind readers that the Kamajors had come to the aid of the elected (SLPP) government which had been ousted by the alliance of fighters loyal to the RUF (Revolutionary United Front) and AFRC (Armed Forces Revolutionary Council). At no time did *Standard Times* locate the Kamajors as a society springing from the south-east or made up of Mende members.

The attitude of *Standard Times* towards the Special Court for Sierra Leone underwent a significant change once the CDF leaders were indicted in 2003. Previously, it had supported the need to prosecute the perpetrators of crimes committed during the conflict. But like the other papers, it was wrong-footed by the decision to try Hinga Norman and his associates and then abruptly changed tack, condemning both the court and the chief prosecutor, the American, David Crane, as a “ racist”, “biased” and, by implication, a hypocrite (March 7, 2005). In an editorial, it set out its argument against Crane :

David Crane came to try people for cases he virtually had little or no idea about. We told him that Chief Norman and his comrades are heroes not villains, but he went about manufacturing witnesses to prosecute them.....as a people, we had the right to self-defence, and that was just what the CDF offered. When terrorists hit America in September 2001, the Americans did not sit with their hands between their legs or resign to fate.The question is : did he [David Crane] succeed in dividing us ? Certainly not, as we still believe in what the CDF did.

Standard Times , (March 4, 2005)

In the eyes of ST, Crane’s pursuit of the Kamajors was rooted in a Western (American, above all) notion of accountability which prioritised retribution above reconciliation. In a series of articles (March 22, 23, 24 and 29, 2005) the paper condemned the international community for wasting money and time on prosecuting the CDF leaders instead of bringing a far greater number of lower-level commanders and foot soldiers before the Truth and Reconciliation Commission.

This argument finds a distinct echo in one of the themes of Tim Kelsall’s *Culture under Cross-Examination*, in which he suggests that ‘ if international criminal law is to be meaningful in non-Western communities, it will need to adjust its outlook quite radically’ (Kelsall 2009 : 263). We return to this critique later.

ST also asked questions about the court's fairness and independence from its funders, given that, barring Nigeria, the SCSL's main financial backers came from outside Africa - the US, Canada and UK.

As stated above, the editor of the ST, Philip Neville, is not from the south-east. But his longest serving predecessor, Karim-Sei, and senior reporting staff, Augustine Beecher, Mohammed Abu, Mohammed Issa, Theophilus Gbenda and Kamour Ndullu, all of whom covered the trial, are.ⁱⁱ In interviews, some of them expressed the view which became the paper's motif, that the SCSL was a divisive influence on the country because it deterred some of those responsible for atrocities from appearing before the TRC (Abu, personal interview with Binneh-Kamara, June 26, 2013). According to Gbenda, the justice handed down by the SCSL was "selective and biased" because Crane had made prejudicial comments about Hinga Norman even before the trial started (personal interview with Binneh-Kamara, June 20, 2013).

Gbenda was remarkably candid about the motivating factor of shared ethnicity on the part of some of his colleagues :

".....maybe they decided to play the role, something like this...based on their ethnic alliance with Norman because, whilst I will not want to judge the guys in question by their names, but then when you go beyond their mere names, you will find out that they had every reason to be sympathetic to the cause of the Kamajors.....The Kamajors were going to turn the war into a tribal war. So there was this strong tribal attachment and also this strong political attachment.....I saw so many instances wherein Northerners were targeted because of their origins. I saw people being targeted because of their names, and so you will find out that there was a high level of ethnicity in the whole thing.

(Personal interview with Binneh-Kamara, June 20, 2013).

A generation of communications scholars have toiled in the cause of assessing the ‘impact’ of media reportage on society (McCombs and Shaw, 1972; Iyengar, 1987; Bennett, 1990; Entman, 1993 amongst many others). Our research shows that even the most egregious examples of partisan press comment may not leave the ‘desired’ imprint on readers. As has been demonstrated, ST could not have nailed its colours more firmly to the mast in its coverage of the CDF trial. Reporters and editorialisers repeatedly attacked the prosecution case, defended the role of the Kamajors and called the trial unfair and unnecessary. Yet, when we asked the discussion group of civil society representatives from the eastern region- heavily Mende dominated – about media coverage of the CDF trial, all 11 respondents said that it was ‘overtly biased’ *against* the CDF and favoured the *prosecution* case. We would argue that this does not undermine our central thesis that media coverage of the trial was ‘a continuation of conflict by other means’ but that it points to the many layers of polysemic complexity inherent in representing attitudes forged by an internecine war.

Awoko

During the CDF trial (excluding the appeal), it can be seen from the above Table 3 that *Awoko* focused mainly on ‘News’ (as defined by our coding system) and carried a far smaller proportion of ‘Views’ than the other two publications. *Awoko* eschewed the lurid imagery (cannibalism etc) so prominent in *For Di People* and devoted a greater proportion of coverage to the defence case than either of its two competitors. It is noteworthy that *Awoko* reporters preferred to describe the defendants as representatives of the CDF - a national political label - rather than as Kamajors, suggesting that it did not seek to place the trial in the same ethno-regional frame as either *For Di People* or *Standard Times*. Indeed, when evidence was given about the overthrow, in May 1997, of the SLPP government by a group of disgruntled soldiers, *Awoko* did not make salient in its reportage the fact that the majority of the coupists came from the North, unlike *Standard Times*, for example.

While *Awoko*'s trial coverage was certainly less partisan than that of the two other papers, it did take an editorial stance in support of Hinga Norman as the man who came to the aid of the beleaguered administration when it was beset by rebel attacks. A series of headlines reflect this position :

Penfold [former British ambassador] Says Norman is a Hero

(*Awoko*, February 9, 2006)

Disclosed : Norman, Fofana and Kondewa never planned War

(Ibid: February 20, 2006)

Norman is more heroic than Kabbah – Foh

(Ibid : February 27, 2006)

Awoko's editor, Kelvin Lewis, is not a Mende and thus had no ethnic affiliation to the CDF defendants. Nevertheless, he reflects the widely-held opinion outside of the North that they should not have been placed on trial.

It will be very difficult for me to see those people as war convicts, despite they were convicted and they are now serving their sentences. This is because the conflict that the CDF brought into the whole melee was that we were looking at the good versus the bad. And for most of the people of Sierra Leone, including me, we saw the CDF as the good guys because they stood up for us, they fought for us and they fought against the rebels who were the marauding warriors. So it is difficult for me even today to accept that these people are war criminals because for me, they were doing a patriotic service, they stood up, they placed their lives on the line because of the country, it was not for their selfish reasons. Well they said atrocities were committed and therefore they'd been held responsible. In my mind, I still reject the notion of them being war criminals.

(Personal interview with Binneh-Kamara, December 12, 2012).

As suggested above, *Awoko*'s coverage of the CDF trial was more nuanced than that of the other two publications, more reflective, it seems, of the many shades of opinion in the country about the prosecutorial versus the reconciliatory process. As the trial neared its end, the paper had begun to crystallise its views :

Special Court is not helping the Peace Process

(*Awoko* : February 28, 2006)

The editor, Kelvin Lewis, explains :

Well, we saw the TRC as a healing mechanism, and we were enthusiastic that we would get our answers as to why the war started, how it was started, and of course we were looking for a period of not only soul searching but these people coming forward to apologise, to heal the wounds which had run very very deep.And the Special Court moved in and arrested the CDF members, and even though the CDF members..... indicated that they wanted to go to the TRC to speak about what happened, why and how they prosecuted the war, the Special Court prevented them from doing that. And for us, it was like keeping something which was very vital because the CDF played a serious part in the prosecution of the war. So for the Special Court not to allow these people to talk about what had happened, how the war had been prosecuted by them, we thought that a significant part of the history of the war was being locked up.

(Personal interview with Binneh-Kamara, December 12, 2012)

These comments support that part of the Kelsall thesis which argues that the reconciliatory approach would have been more appropriate than the prosecutorial one. But even members of *Awoko*'s own staff are divided on the question. *Chief* reporter,

Betty Milton, takes the view that, even if was disliked by many people, the Special Court had a positive impact on society :

Well, I think the Special Court for Sierra Leone is successful in bringing an end to impunity in the country because without its presence people would have been roaming around causing mayhem to innocent civilians.....So I believe it has helped greatly to bring an end to violence in Sierra Leone.

(Personal interview with Binneh-Kamara, June 25, 2013).

Anthropology meets international law

We have briefly introduced the notion that the Kamajors, as traditional hunters, carried a mystical aura which, inevitably, piqued the interest of those reporting the CDF trial. *Awoko* made several references to initiation ceremonies which supposedly immunised warriors against injury or death from gunfire, so-called ‘bullet-proofing’ (*Awoko*, *January 17/19, 2006*). *For di People* struck a more sceptical note, arguing that such claims of invincibility were wholly unscientific (*For di People*, *September 13, 2004 ; February 20, 2006*). But two defence witnesses, both medical doctors (Demby and Sama Banya) were reported as testifying to the ‘ truth’ of the claims, arguing that they could not be explained by science (*Awoko*, *February 13/15/16 2006 ; Standard Times, February 16, 2006*).

This cultural collision between customary belief and the application of normative international justice offers rich pickings to Tim Kelsall, using the discipline of anthropology to analyse the trial. As he writes:

One of the most extraordinary dimensions of the CDF trial, an aspect that made it unique in the history of international justice, was the section that dealt with supernatural forces.

(Kelsall op.cit : 105).

The introduction of testimony relating to magic and the occult formed a key part of the prosecution case against one of the defendants, Allieu Kondewa. Reputedly, a herbalist and regarded as something of a seer, Kondewa was known as the ‘High Priest’ of the Kamajors and oversaw the initiation ceremonies mentioned above. New recruits were not offered a ‘free pass’ to immunity from injury. The trial was told that if they broke the rules of the Kamajors Society, such as the prohibition on eating snakes or having sexual relations whilst in combat, they no longer had protection from bullets and machetes (*Awoko*, March 3, 2005; January 30, 2006 ; *For di People*, January 26, 2006). These, it can be argued, were their ‘laws of war’.

Kelsall’s key objectives are to point up the dissonance between the way the SCSL applied doctrines grounded in international law, such as ‘superior responsibility’, and determined the credibility of witnesses, in the context of a society “ with numerous poles of power in which bureaucratic authority has always been extremely weak, and in which patrimonial and charismatic authority has been correspondingly strong.” (Ibid : 260). Kelsall calls his approach ‘anthropolitical’; it is undoubtedly innovative and, in some respects, illuminates features which tend to be concealed in conventional accounts of war crimes trials. But while his methodology is sound, we disagree profoundly with his conclusions.

Superior responsibility

The doctrine of superior military responsibility has a long antecedence but, for the purposes of postwar international tribunals (ICTY, ICTR etc), the precedent is usually

taken as the Nuremberg and Tokyo Tribunals in the immediate aftermath of World War Two. Those in positions of command or authority are required to take ‘necessary and reasonable’ measures to prevent criminal acts committed by those under their ‘effective control’ (Langston, 2004 : 178-9).

Kelsall correctly points out that this doctrine was developed in a European context. But he goes on to argue that it is a poor fit in societies where the relationship between ‘leader’ and ‘follower’ is based on a patrimonial association – in other words, a patron-client liaison where authority flows from the person rather than ‘rank’ and is exercised through the provision of resources, services and/or opportunities.

This view does not appear to be shared by any of the three newspapers analysed in this study. All three acknowledge that, whether or not Hinga Norman was guilty of war crimes, he was acting at the behest of the elected head of state, President Kabbah, And as Kabbah was also Minister of Defence and Norman his deputy, that there was clear evidence of delegated authority. Thus FDP points out :

.....the numerous crimes allegedly committed by Commander Norman[,,,] must be in the knowledge of President Kabbah. Who gave him (ie.Norman) the money to purchase arms ? Kabbah took a shovel, dug his own grave but it is Norman whom he wants to be buried in it.

FDP: March 13, 2003.

Of course, the SCSL did not allow newspaper polemic to distract it from consideration of the legal concepts of *de jure* and *de facto* responsibility which it applied in convicting the defendants ? However, Kelsall asks whether the judges should have demanded a higher threshold of proof ?

In resting an important part of his case on this point, Kelsall is ignoring recent jurisprudence emanating from international tribunals which allows for a more flexible approach to the interpretation of command responsibility,so that the test becomes

‘effective control’ whether applied through *de jure* or *de facto* authority. Indeed, as the international lawyer, Erica Bussey, points out, “*de jure* control is neither necessary nor sufficient to establish effective control.” (Bussey, 2012 :152). Kelsall makes much of the fact that, as an illiterate, the defendant, Moinina Fofana, could not have exercised sufficient *de facto* authority over one of his subordinates to have met the threshold of proof but this observation sits oddly with his contention that, in an African patrimonial context, authority and influence take myriad forms (and presumably, reliance on, or familiarity with, the written word is not one of them).ⁱⁱⁱ

Women and children first

The SCSL made history by becoming the first international court to try defendants on the charge of recruiting child soldiers. This was particularly significant in an African context where most of the continent’s recent wars have been characterised by the abduction and forcible conscription of children (that is, under the age of 15) to fight. Pursuing his ‘anthropolitical’ line of inquiry, Kelsall points to the customary practice of ‘fostering’ in southern (Mende) areas of Sierra Leone, in which children as young as seven or eight are removed from their birth parents and placed with distant relatives or other contacts as a means of teaching them discipline and extending the reach of their parents’ social networks. While he is not suggesting ‘that equipping very young persons to fight in wars is a good thing’ (Kelsall op.cit : 170), he does question whether Sierra Leonean defendants should be castigated for behaviour which would not, necessarily, attract moral or legal censure in their own culture.

Again, the trial coverage of all three newspapers belies Kelsall’s thesis that the SCSL was wrong to apply normative ‘western’ interpretations of childhood to the specific case of Sierra Leone. We could find no examples either of editorialising or commentary within articles which suggest criticism of the decision to charge the defendants with recruiting child soldiers. Here are extracts from two of many news reports :

Kamajors conscripted children and made them child soldiers that committed so many atrocities during the war.

FDP, August 1, 2003

The age of a grown up child was determined for recruitment by his ability to touch the adjacent ear in relation to age limit.

Awoko, February 13, 2006

The issue of recruitment of children under the age of 15 into so-called Small Boys Units featured prominently during the trial of Charles Taylor and the framing (and implied moral censure) employed by the three newspapers shows very little difference from that of the international media.

As with children, so Kelsall makes the case that attitudes to women and so-called forced marriage (“bush wives”) have a cultural specificity in Sierra Leone, and he criticises the decision to charge the leaders of the AFRC (Armed Forces Revolutionary Council) militia in another trial with sexual slavery and forced marriage, on the grounds that :

....it should not have been the job of the Special Court to use international law to engineer social change...nor to hold an international human rights prism, with its ethnocentric notions of individual autonomy, self-determination and sexual freedom over practices that were best viewed through a local lens.

(Ibid : 255).

On the basis that the newspaper coverage we have analysed provides a sufficiently robust ‘local lens’, we beg to disagree with Kelsall. When the additional charges of forced marriage and sexual slavery were brought against the AFRC indictees , *Awoko* commented:

.....The Office of the Prosecutor is committed to telling the world what happened in Sierra Leone during the war and gender crimes have been committed at the core of our cases from the beginning.

Awoko, May 19, 2004

Standard Times, hardly a friend of the Chief Prosecutor, reported graphically :

Women and children were the most affected during the war. Women were raped and killed. Others were forced into marriage. Children were permanently displaced.....The spread of HIV/AIDS became widespread in the country.

Standard Times, August 1, 2003

But the point Kelsall makes about the role of the SCSL in seeking to engineer social change deserves serious consideration. And this is where we disagree most strongly with him..

Africa and Human Rights

Kelsall expresses a set of definite views on what the law should *not* be. As we recorded at the start of this article, he believes that “the law should not be an instrument of cultural imperialism.” (Ibid : 258). That’s a fine anthropologist’s phrase but there are many culturally specific practices in Africa and other parts of the world which, perhaps, can only be changed or modified by application of law based on the principles of international human rights. Female genital mutilation, imprisonment or death for homosexuals, stoning of women, who have been raped, the self-immolation of widows in India, are all defended on grounds of customary belief and practice or religious conviction. Is it a form of “imperialism” to challenge them or is it the beneficial product of a Western Enlightenment, distinguished by what the Harvard psychologist, Steven Pinker, has called “ intellectual reflection on entrenched customs” ? (Pinker 2011 : 459).

Pinker's analogy that "the concept of individual rights is not a plateau but an escalator" (Ibid: 459) is a useful way of understanding the development of international justice as a steady accretion of practice in providing accountability for human rights abuses. As a hybrid court, the SCSL could be criticised for being neither truly international nor a tribunal fully attuned to the domestic customs of Sierra Leone. Kelsall calls it a "pushmi-pullyu, the Sierra Leonean and international heads determined to go their separate ways." (Kelsall op.cit : 69-70).^{iv} But that's rather too glib a comment. In one important sense, both heads were looking in the same direction, to face down the idea, particularly prevalent in Africa, of the impunity of the 'Big Man'.

We convened four regional discussion groups for our study, selecting participants in consultation with the Coalition for Civil Society. There were eleven each from the Eastern and Northern regions and 10 each from the south and west. They were asked to respond to a set of 12 questions designed to test their awareness of the issues raised by the CDF trial. On the question of impunity, there was overwhelming civil society acknowledgement that this was a customary tradition which needed to be challenged. Yet, perhaps not surprisingly, their leaders don't seem to have got the message.

With some justification, the African Union has regularly attacked the International Criminal Court for seemingly using the continent as a laboratory for testing and prosecuting human rights violations. Its riposte was to set up an African Court of Justice and Human Rights. Yet, in July 2014, meeting in Equatorial Guinea – a country hardly synonymous with the sanctity of human rights – the AU voted to grant immunity from prosecution to both sitting heads of state and senior officials while they are in power. No doubt, the decision can be defended by those it affects on the grounds that submission to the chief or leader chimes with customary cultural practice. But it also leads to cronyism and corruption, what the great Nigerian writer, Chinua Achebe, called 'godfatherism'. And it can't be right. .

Conclusion

This is the first study we are aware of which has undertaken a thorough analysis of newspaper coverage of a trial conducted by the Special Court for Sierra Leone. In doing so, we have built on research which has described war trials reporting in the Serb media as ‘a continuation of conflict by other means’. In characterising the press coverage we have examined as ‘ethno-regional’, we have sought to draw attention to the fissures in Sierra Leonean society which have, sometimes, been obscured by a focus on poor governance, endemic corruption and the ambitions of Liberia’s Charles Taylor as the key factors behind the slide into civil war in the 1990s.

While it is true that Sierra Leone has remained at peace since the end of the conflict and political power changed hands without instability at the 2007 election, a heavily contested narrative of the past is, invariably, a harbinger of future turmoil. Although the decision to try the surviving leadership of the Revolutionary United Front and of the Armed Forces Revolutionary Council received widespread support, the prosecution of the CDF leaders was highly divisive along ethnic and regional lines and, as we have demonstrated, those divisions were reflected in the press reportage. The representation of Hinga Norman, Fofana and Kondewa as ‘hero-defendants’ played into the narrative of ‘victors justice’ which, for many in the Mende population of the south and east, has indelibly tarnished the image of the SCSL.

Sierra Leone’s customary practices are fertile ground for anthropological inquiry and we applaud Tim Kelsall’s innovative ‘anthropolitical’ approach to the CDF trial. But, at a time when one African state, Senegal, is trying the former leader of another, Hissène Habré of Chad, for crimes against humanity under the principle of ‘universal jurisdiction’, we take the view that any argument which reinforces African exceptionalism is pushing against the tide of history.

- i The three were known colloquially as the Holy Trinity : Chief Hinga Norman was God, Fofana, the Son and Kondewa, the Holy Spirit.
- ii Beecher has since died.
- iii The subordinate was Albert Nallo, who was regarded as one of the key witnesses in the trial.
- iv The pushmi-pullyu was one of the exotic creations of the author, Hugh Lofting, who wrote the Dr.Doolittle books.

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