

Journal: INTERNATIONAL JOURNAL OF TRANSITIONAL JUSTICE

Article doi: ijn039

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Testifying in an International War Crimes Tribunal: The Experience of Witnesses in the Special Court for Sierra Leone

Rebecca Horn*, Simon Charters† and Saleem Vahidy**

Abstract

The research described in this article investigates the extent to which witnesses who testified in the Special Court for Sierra Leone (SCSL) report the experience as positive or negative. It also seeks to identify the factors that contribute to these evaluations. It reports the results of structured interviews conducted with 171 witnesses who testified in the SCSL. The finding that emerges most strongly is that the experience of testifying was positive for the majority of witnesses. The courtroom environment was experienced as supportive, and witnesses rated the experiences of both examination-in-chief and cross-examination as being more positive than negative, with examination-in-chief being the more positive of the two. The findings suggest that a positive testimony experience can be predicted when a witness does not feel worried at the prospect of testifying, feels respected by court staff and, to a lesser extent, has a positive experience of cross-examination.

Introduction

Sierra Leone's civil war began in March 1991, when a rebel group entered the country from Liberia and took control of Kailahun district in the Eastern Province. This group, the Revolutionary United Front (RUF), went on to play a significant role in the 11 years of civil conflict that followed. Other groups, including the Armed Forces Revolutionary Council (AFRC) and the Civil Defence Force (CDF), became heavily involved before the civil war was declared over in 2002.

During the conflict, tens of thousands died and over 2 million people (more than one-third of the population) were displaced, either to another part of Sierra Leone, into a neighbouring country or further afield. A wide variety of human rights atrocities were committed, and it is alleged that the main Sierra Leonean warring factions, the RUF, the AFRC and CDF, were responsible. The war was characterised by mutilations and forced recruitment of children, as well as killings, sexual assault, looting and destruction of property. Such acts amount to war

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45 crimes, crimes against humanity and other serious violations of international humanitarian law.

In response, the Special Court for Sierra Leone (SCSL) was set up jointly by the government of Sierra Leone and the UN, following a UN Security Council Resolution (1315) in August 2000. The SCSL is mandated to try those who 'bear
50 the greatest responsibility' for serious violations of international humanitarian law and domestic law committed in the territory of Sierra Leone since 30 November 1996. The SCSL is an international body that is independent of any government or organisation. It is located in Freetown, Sierra Leone, and consists of the Chambers, the Office of the Prosecutor, the Office of the Principal Defender and the Registry.

55 The SCSL has issued indictments against 13 men, including four members of the AFRC. The trial of three of these four, including the appeal, has been concluded. The fourth man, Johnny Paul Koroma, has not yet been arrested, and his whereabouts are unknown, but the indictment against him stands. Three members of the CDF were indicted. The CDF leader, Sam Hinga Norman, died in February 2007 and
60 the proceedings against him have been terminated. The remaining two have been sentenced, and an appeal against those sentences was ongoing at the time of writing. Five indictments have been issued against members of the RUF, but two have been withdrawn because of the deaths of the indictees. The trial of the three remaining men was ongoing at the time of writing. The thirteenth indictee is Charles Taylor,
65 the former president of Liberia. His trial began in January 2008 and is being heard in The Hague, The Netherlands, for security reasons. The SCSL is due to complete its work by 2010.

The SCSL is one of a number of 'hybrid courts' worldwide (others include those in East Timor, Kosovo and Cambodia) that incorporate both national and
70 international features. These courts are composed of international and local staff and apply a compound of international and national substantial and procedural law.

The success of the SCSL is dependent, in part, on those who testify before it. If witnesses have a negative experience, there will be consequences in terms of
75 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.¹

In recognition of this, systems have been put in place to try to ensure that witnesses are not adversely affected by their experience of testifying at the
80 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. The WVS was built into SCSL structures from the beginning, and is mandated to work with both prosecution and defence witnesses. It is responsible for the welfare of all witnesses, and others who were put at risk as a result of testimony given
85 by witnesses (primarily relatives of witnesses). This involves providing adequate

¹ Thordis Ingadottir, Françoise Ngendahayo and Patricia Viseur Sellers, *The International Criminal Court: The Victims and Witnesses Unit (Article 43.6 of the Rome Statute): A Discussion Paper* (London: Project on International Courts and Tribunals, 2000).

90 protective measures and security arrangements for witnesses and recommending
 to the SCSL the adoption of additional measures to ensure witnesses' security. The
 WVS is responsible for developing both long- and short-term plans for witness
 protection and support, and for ensuring that witnesses receive 'relevant support,
 counselling and other appropriate assistance, including medical assistance, phys-
 ical and psychological rehabilitation, especially in cases of rape, sexual assault and
 95 crimes against children.'²

The WVS is led by the Chief of Section, who reports directly to the Registrar. It
 is divided into two units: a protection, security and movement unit (around 30
 staff) and a psychosocial support unit (around 10 staff). Considerable overlap exists
 100 between the work of these two units, and they work closely together. The protection,
 security and movement unit manages all the logistical and security arrangements
 for witnesses, including identification and maintenance of safe houses. It also
 ensures that witnesses' basic needs are met while they are in the care of the SCSL.
 The psychosocial unit consists of staff trained in counselling, plus two medically
 trained staff and one psychologist.

105

Protection and Support for Witnesses Testifying in the SCSL

Witnesses are selected by the prosecution and defence teams, which inform the
 WVS of the identity of a potential witness at a later date. Throughout the process,
 priority is given to concealing the identity of witnesses. Only a witness' legal team
 110 and the WVS know his or her identity, unless a witness chooses to testify openly.
 This happens relatively rarely; in most cases only a witness' closest relatives are
 aware that the witness is going to testify. Sierra Leone is a small country, and many
 of those who committed atrocities during the war now live alongside those who
 were victimised, so concealing the identity of witnesses is the most effective way to
 115 ensure their safety.

If the legal team believes that there is a high security risk to a witness, it alerts
 the WVS immediately, and that witness may be placed into 'total protective care.'
 This involves the witness and his or her family being housed in safe, protected
 accommodation until the testimony is given, at which point they may be relocated
 120 (normally within West Africa).³ In most cases, however, witnesses can stay safely
 in their own homes until the time comes for them to travel to Freetown to prepare
 for and give their testimony. This is normally when legal teams inform the WVS
 of the identity of the witness.

125 While witnesses are in Freetown in the care of the SCSL, they are housed in WVS
 secure accommodation and all their basic needs are met (e.g. food and toiletries).

130 ² See Article 16 of the Statute of the Special Court for Sierra Leone at <http://www.sc-sl.org/Documents/scsl-statute.html>. Also see Rule 34 of the statute's 'Rules of Procedure and Evidence' at <http://www.sc-sl.org/Documents/rulesofprocedureandevidence.pdf>.

³ The arrangements for relocated witnesses are not described here, as these witnesses are not included in the current study.

In addition, they receive a financial allowance as recompense for lost wages. An initial medical assessment is carried out, and all the witnesses' medical needs are attended to by the WVS to ensure that they are physically fit to testify. Psychosocial support officers are available 24 hours a day at the main accommodation facility, and all witnesses receive emotional support and counselling, when necessary, from trained WVS staff.

Before witnesses are due to testify, they receive a courtroom briefing from the WVS to familiarise them with the courtroom and its procedures. This includes a visit to a courtroom while it is not in session. They also spend time with their legal teams, reviewing their statements and being prepared for their time in court. When the time comes to testify, witnesses are brought into the SCSL compound in a WVS vehicle, which has tinted windows so that the witnesses cannot be seen, and taken directly to the court entrance. From there, they are escorted into a designated witness waiting room, where they wait with a member of the WVS psychosocial team until they are called into court. They are accompanied into the courtroom by at least one, usually two, member of WVS staff (one psychosocial support officer and one protection officer). These officers remain in the courtroom throughout the witnesses' testimony and escort them to and from the waiting room during breaks.

Witnesses' identities are protected during their testimony. Although SCSL trials are public, witnesses are seated behind a screen so that they cannot be seen from the public gallery or filmed by cameras in the courtroom. The witnesses are not addressed by name, and no identifying details are given publicly. Other protective measures may be in place, depending on the circumstances. For example, witnesses' voices may be distorted, their testimony may be given in closed session so that it is not heard by the public and, in the case of child witnesses, testimony may be given by video link from the witness waiting room.

Once the witnesses complete their testimony, which can take several days, the WVS arranges their transport home. Before they leave Freetown, they are given the contact details of key members of WVS staff and instructed to contact WVS if they experience any problems related to their testifying for the SCSL. Some witnesses live in areas without mobile phone networks or do not have access to a mobile phone, in which case alternative arrangements are made. The WVS aims to carry out a posttrial follow-up visit with each witness within six months of his or her testifying. The purpose of this visit is to assess the well-being of the witness and whether he or she has experienced any negative impact from testifying in terms of security, emotional well-being, social situation or financial situation.

If a witness returns home after testifying to find that his or her circumstances have deteriorated as a result (e.g. community members have discovered his or her identity), the WVS will become involved, taking steps to ensure that the witness and his or her family are safe.⁴ The WVS will only assist if the problem is directly related to the witness' involvement with the SCSL.

⁴ One criticism of witness protection programmes in traditional societies such as Sierra Leone and Rwanda has been that the nature of close communities makes it difficult to conceal witness

Study Aims

180 Considerable debate has emerged about the impact on witnesses of testifying in international war crimes tribunals and the extent to which the experience is empowering or retraumatising. Little empirical investigation of the experience has been conducted,⁵ but a review of research conducted with those who testified in the South African Truth and Reconciliation Commission (TRC) reveals varying opinions regarding the impact of testifying.⁶ The TRC was designed to be as supportive and empowering an experience as possible for those who testified before it, so it is difficult to generalise from its findings to the experience of witnesses testifying in an international war crimes tribunal, which focuses on the legal process rather than on 'healing.'

185 The establishment of the SCSL is indicative of the growing interest in international war crimes tribunals. A vigorous lobbying movement has emerged both for the widening of the International Criminal Court's investigations and for the establishment of *ad hoc* tribunals. As international war crimes tribunals are likely to continue to be used widely as a response to conflict, there is a need for a better understanding of the experience of those who testify before them.

190 The research described in this article was conducted as part of a larger study of the experiences of witnesses who had testified in the SCSL as of May 2007. The aims of this article are (1) to investigate the extent to which witnesses in the SCSL (excluding expert witnesses and those relocated outside Sierra Leone) report the experience of testifying as positive or negative; and (2) to identify the factors that contribute to these evaluations. It should be noted that this study was conducted from within the SCSL and was initiated by the chief of the WVS with the joint aims of understanding more about the witness experience, evaluating the service provided to witnesses by the WVS and conducting posttrial assessments of witnesses' well-being. The design of the study reflects the need to achieve all three aims.

identities, particularly when witnesses disappear for many days in order to testify, whilst it's true that nature of small communities make witness protection more difficult. However, of the 200 witnesses interviewed for this study, 129 (65.5%) said that their identity was kept secret in their communities; 16 (8%) testified openly; and the identity of 52 (26.5%) witnesses was revealed against their will.

⁵ With the exception of Eric Stover's work. See, Eric Stover, *The Witnesses: War Crimes and the Promise of Justice in The Hague* (Philadelphia, PA: University of Pennsylvania Press, 2005).

⁶ Inger Agger and Soren B. Jensen, 'Testimony as Ritual and Evidence in Psychotherapy for Political Refugees,' *Journal of Traumatic Stress* 3(1) (1990): 115–130; Cheryl De La Rey and Ingrid Owens, 'Perceptions of Psychosocial Healing and the Truth and Reconciliation Commission in South Africa,' *Peace and Conflict: Journal of Peace Psychology* 4(3) (1998): 257–270; Priscilla Hayner, *Unspeakable Truths: Confronting State Terror and Atrocity* (London: Routledge, 2001); Debra Kaminer et al., 'The Truth and Reconciliation Commission in South Africa: Relation to Psychiatric Status and Forgiveness among Survivors of Human Rights Abuses,' *British Journal of Psychiatry* 178 (2001): 373–377; Sandra Young, 'Narrative and Healing in the Hearings of the South African Truth and Reconciliation Commission,' *Biography* 27(1) (2004): 145–162; Ashraf Kagee, 'The Relationship between Statement Giving at the South African Truth and Reconciliation Commission and Psychological Distress among Former Political Detainees,' *South African Journal of Psychology* 36(1) (2006): 10–24.

Methodology and Procedure

Selection of Interviewers

225 As stated above, the priority for all SCSL staff who have contact with witnesses
is the security of those witnesses. The identities and locations of those who have
testified in the SCSL are known only to WVS staff and the witnesses' legal teams,
and great efforts are made to preserve witnesses' anonymity. Therefore, the only
people able to find and approach witnesses regarding their participation in this
study were staff of the SCSL who already knew, and were known by, the witnesses.

230 Thirteen staff members from the WVS were trained in administering the struc-
tured interview. Although all of them had experience in conducting interviews,
they varied considerably in their research skills and experience. The WVS staff
chosen to assist with this research are Sierra Leonean nationals who are able to
235 communicate in English, Krio (the common language of Sierra Leone) and at least
one of the local languages (e.g. Mende and Temne). The research team included
two British nationals, who focused on research design and analysis, as well as
logistics.

Sampling Strategy

240 The aim of the study was to interview all those who had testified in the SCSL by May
2007. Expert witnesses were excluded because their experiences are qualitatively
different to those of the majority of witnesses and because they are mainly located
outside Sierra Leone. No witnesses residing outside Sierra Leone were interviewed
245 because of a lack of resources and time. The total number of witnesses who had
testified in the SCSL by May 2007 was 324. Once expert witnesses and those
relocated abroad were excluded, a total of 292 witnesses were eligible to participate
in the study.

Structured Interview Schedule

250 The research team made the decision to develop a structured interview schedule
that would be administered in a standardised way to all eligible witnesses. A draft
structured interview schedule was developed following exploratory interviews with
38 witnesses to identify issues most salient to those who have testified in the SCSL.
255 The issues identified at the drafting stage were combined with issues identified
in research conducted in other relevant settings (e.g. the International Criminal
Tribunal for the former Yugoslavia and the South African TRC) to create a list of
factors that affect the well-being of witnesses. This list formed the basis of the pilot
structured interview schedule.

260 The initial version of the structured interview consisted of questions with both
qualitative and quantitative response formats. For the quantitative parts, a rating
scale was used to assess witnesses' feelings and beliefs about various aspects of their
experience with the SCSL. It is a five-point rating scale ranging from 1 ('not at
all') to 5 ('extremely'). As a large proportion of witnesses have limited education, a

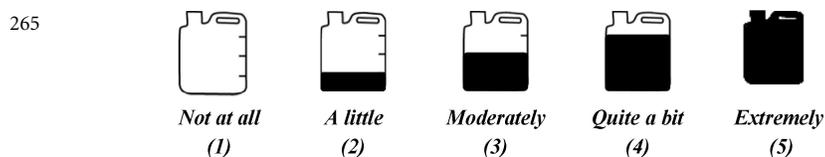


Figure 1. Illustrated Quantitative Response Format

275 picture card was produced to help them understand the scale. It portrayed five jerry cans filled with various amounts of water that corresponded to the points on the scale (Figure 1). Respondents were told to point to the image that best represented their point of view or feelings. This approach was modelled on a strategy used by Jeannie Annan et al. in Uganda.⁷

280 In addition to the questions using a rating-scale response format, the interview schedule included some questions with a 'yes/no/not sure' response format, as well as a series of open-ended questions.

285 The interview schedule was translated into Krio by two members of the SCSL Language Unit and back-translated by a third member of the unit. The pilot interview schedule was administered to 30 witnesses. Interviewers used either the Krio or the English version of the interview schedule, depending on the preference of the respondent. The vast majority of respondents chose to be interviewed in Krio. All responses were recorded on the form in English by the interviewer.

290 The data from the pilot study were used to revise the questions and create a 'multiple-choice' response format for the open-ended questions (Figure 2). This means that in the final version of the interview schedule, instead of interviewers writing out in longhand the responses given by the witness, they were able to indicate their responses on a checklist.

295 The options in the final version were based on the responses given by the witnesses interviewed during the pilot study. The interviewees first were asked to rate how worried they had felt about testifying using the rating scale and to explain their responses. The interviewer ticked the options mentioned by the witness, and noted issues that did not correspond to one of the existing options in an 'other' category. This retained the advantages of the open-ended question whilst reducing the time involved in recording and coding the witnesses' responses.

300 The interview was preceded by an 'introduction and informed consent' section, during which the interviewers explained who they are and the purpose of their visit, the nature and aims of the research, as well as uses to which the information would be put. They were assured that their identity would not be disclosed. Finally, respondents were assured that whether they agreed to participate in the study or not would not affect any assistance they might receive from the WVS, and that,

305

⁷ Jeannie Annan et al., *Training Manual for Community Volunteer Counsellors* (Kampala: Association of Volunteers in International Service, 2000).

310 When the time came for you to testify, how worried did you feel?
 1 2 3 4 5

H1a. Explore the reasons for the witness' answer .

Not worried because ...	✓	Worried because ...	✓
315 1. Confident because I was only to say what I knew/what is true		4. Unfamiliar with court/first time in court	
320 2. Many security personnel present		5. Fear of cross-examination	
325 3. Reassured by lawyer/WVS staff		6. Fear of arrest	
7. Other reason for not feeling worried (describe)		8. Other reason for feeling worried (describe)	

330 **Figure 2. Illustration of Question and Response Format**

if they agreed to participate, they could stop at any time or decline to answer any question they chose.

335 **Administration of Interviews**

Over a 10-week period, eight missions were carried out in districts in which witnesses were located, and a total of 171 witnesses were interviewed. It was not possible to locate all the witnesses because of the length of time that had lapsed since their last contact with the WVS and the poor flow of information regarding witnesses' locations. Researchers had difficulties contacting witnesses ahead of the interviews because some lived in remote and inaccessible locations or lacked access to a telephone. On arrival in each district, the researchers sometimes discovered that individuals had moved or were unavailable for interview.

345 Interviews lasted between 40 and 155 minutes. The data gathered from the interviews were entered into a Statistical Package for the Social Sciences (SPSS) database for analysis. Data from SCSL and WVS records also were entered into the SPSS database (e.g. whether the witness testified for the defence or the prosecution).

350 **Description of Sample**

The interview sample consists of 32 women and 139 men. The majority of witnesses interviewed are male (81%), which is representative of the witness population as a

Table 1. Types of Witnesses Who Testified for the Prosecution and the Defence

	Prosecution	Defence	Total
355			
Child soldier	5	0	5
Victim	91	33	124
Insider	5	29	34
Nonfighting insider	0	6	6
360			
Victim insider	0	1	1
Unknown	0	1	1
360			
Total	101	70	171

whole. The mean age of interviewees is 46.17 (standard deviation = 15.63), which is broadly representative of the total witness population, although there are slightly more elderly witnesses in the sample than in the witness population.

More than one-third of the sample (40%) has no education at all, and almost another third (27%) has secondary education. The remaining third is divided between those who completed primary school only (17%) and those who continued to tertiary education (13%), with a smaller proportion completing a vocational training course (2%).⁸ Those with no education and primary education are slightly overrepresented in the sample.

Seventy witnesses interviewed (41%) testified for the defence and 101 (59%) for the prosecution. Witnesses were classified according to their experience of the conflict:

- Child combatant
- Victim
- Insider (an active member of one of the armed groups during the war, who has special 'insider' knowledge of the activities conducted by that armed group)
- Nonfighting insider (part of an armed group but as a noncombatant, e.g. advisors)
- Victim insiders (members of an armed group who were victimised by members of their own group)

Clearly, these classifications are somewhat subjective, as a witness could be classified both as a 'child combatant,' by virtue of his or her age, and as an insider. Because witnesses were not asked during the interview about their experiences during the war, respondents were placed in a particular group based on the information contained in WVS records. The types of witnesses in the sample who testified for the prosecution and for the defence are detailed in Table 1.

Results

The results presented here are from the part of the interview on participants' experience of giving testimony in court. The process of testifying normally involves

⁸ This information was missing for 1 percent of those interviewed.

Table 2. Witnesses' Experience of Testifying in the SCSL: Descriptive Statistics

	Response format	N	Min.	Max.	Measure of central tendency	
400	1. Time spent in examination-in-chief	Minutes	164	5	717	Median: 72.5
	2. Time spent in cross-examination	Minutes	164	0	1,264	Median: 64.0
	3. When the time came for you to testify, how worried did you feel?	1 = not at all; 5 = extremely	170	1	5	Mean: 2.48 (SD = 1.56)
405	4. How many people did you feel were in the courtroom supporting you whilst testifying?	Number of people	171	0	20	Mode: 0
	5. How painful were the feelings you had while you were on the witness stand giving your testimony?	1 = not at all; 5 = extremely	166	1	5	Mean: 3.30 (SD = 1.35)
410	6. How was the experience of giving your testimony to your lawyer (examination-in-chief)?	1 = very good; 5 = very bad	171	1	5	Mean: 2.05 (SD = 1.12)
	7. How was the experience of being cross-examined?	1 = very good; 5 = very bad	168	1	5	Mean: 2.74 (SD = 1.40)
	8. How respected were you by court staff at the time of your testimony?	1 = not at all; 5 = extremely	170	1	5	Mean: 4.64 (SD = 0.72)
415	9. Overall, how would you rate your experience of testifying in the Special Court?	1 = very good; 5 = very bad	170	1	4	Mean: 1.73 (SD = 0.72)

witnesses being led through their testimony by a lawyer from their own legal team (the examination-in-chief). This is followed by questioning from the 'other side' (by a defence lawyer if the witness is testifying for the prosecution, and vice versa). This process is called 'cross-examination,' and it is intended to test the credibility and reliability of witnesses' testimony. Finally, the witness's own legal team is invited to conduct a reexamination, if they wish.

Descriptive statistics summarising the time taken for examination-in-chief and cross-examination for the witnesses in our sample are presented in Table 2, along with statistics relating to respondents' answers to questions about their experience of testifying.

Witnesses' ratings of their 'worry' at the time of testifying varied considerably, but the mean score suggests that, on average, witnesses did not feel very worried. Those who said that they were not worried (1 or 2 on the scale) ($N = 95$) most frequently gave the reason that they felt confident because they knew that they only had to tell the court what they knew or only had to tell the truth ($N = 82$). Other reasons include the many security personnel present ($N = 14$) and being reassured by their lawyer and/or by WVS staff ($N = 12$). A smaller proportion reported feeling worried (4 or 5 on the scale) ($N = 53$), and the reason they most commonly gave was that they were unfamiliar with the court ($N = 42$). The second most common reason was fear that they themselves might be arrested ($N = 13$), but lack of familiarity with the court was by far the main reason given.

When asked whether they felt that there was anybody in the courtroom supporting them whilst they testified, 127 participants (74.3%) said that there was

and 43 (25.1%) said that there was not. When the two groups are combined, the mean number of people witnesses felt supported by is three. The 127 witnesses who did feel supported were asked to describe the people supporting them. They most commonly mentioned their legal teams, followed by WVS psychosocial staff and the judges.

Respondents tended, on average, to report experiencing some level of painful feelings whilst testifying, but the mean score is only slightly above the mid-point and there is considerable variation in responses. Reports of the experience of examination-in-chief and cross-examination were more positive than negative, with the examination-in-chief rated more positively, as might be expected. Those who said that they found the experience 'good' or 'very good' (1 or 2 on the scale) ($N = 97$) most often gave the reason that they had no problems because they were confident ($N = 74$). Other reasons include the witnesses feeling that they had been tested during cross-examination and had succeeded ($N = 38$) and that they were ready for the experience because they had been prepared well by their lawyers ($N = 37$). Those who rated their experience of cross-examination as 'bad' or 'very bad' (4 or 5 on the scale) ($N = 69$) gave their reasons as the cross-examining lawyer repeatedly trying to confuse them ($N = 48$), the lawyer accusing them of lying ($N = 42$), the lawyer repeating questions over and over ($N = 26$) and feeling that the lawyer harassed or tried to provoke them ($N = 23$).

The respondents generally felt well respected by the court staff they came into contact with and rated the experience of testifying overall as somewhat positive. When asked whether they would testify again if asked to do so, 137 (80.1%) respondents said that they would, 25 (14.6%) said that they would not and six (3.5%) said that they were unsure.

Factors Contributing to Witnesses' Evaluation of the Experience of Testifying

A multiple linear regression analysis was conducted to assess the impact of a number of factors on witness evaluation of the testimony experience. In the absence of a body of research in this area on which to base the selection of the predictor variables, 11 factors were hypothesised to have a potential impact on the witnesses' experiences: the first eight variables in Table 2, plus gender, age and whether the witness testified for the defence or the prosecution. These were entered into the multiple regression as predictor variables. Because there were no solid theoretical reasons for entering the predictor variables in any particular order, the 11 variables were entered in a single step using a 'forced entry' method. Although this is a large number of predictor variables, the sample size is large enough to allow it.⁹ The ninth item in Table 2 – the witness' rating of his or her experience of testifying in the SCSL – was entered as the outcome variable. The small amounts of missing

⁹ Jeremy Miles and Mark Shevlin, *Applying Regression and Correlation: A Guide for Students and Researchers* (London: Sage, 2001).

485 **Table 3. Summary of Multiple Regression Analysis for Outcome Variable ‘Witness Evaluation of Testimony Experience’**

Predictor variable ^a	Beta ^b	SE ^c	Std. Beta ^d	<i>f</i> ^e	<i>p</i>
(Constant)	2.21	0.50		4.45	<0.01
490 Gender	0.03	0.15	0.01	0.02	0.99
Age	0.01	0.01	0.01	0.11	0.91
Defence/prosecution	0.08	0.12	0.06	0.68	0.50
Testimony time	0.01	0.01	0.07	0.79	0.43
Worry at time of testimony	0.10	0.04	0.21	2.48	0.01
495 Number of people supporting	-0.02	0.02	-0.07	-0.91	0.36
Painful feelings	0.03	0.05	0.06	0.69	0.49
Evaluation of examination-in-chief	0.05	0.06	0.08	0.89	0.38
Evaluation of cross-examination	0.08	0.04	0.16	1.97	0.05
Respect from court staff	-0.27	0.08	-.27	-3.35	<0.01

500 ^aFactors hypothesised to have an impact on a witness’s evaluation of their testimony experience.

^bBeta indicates the strength of the relationship between the predictor variable and the outcome variable; the higher the ‘beta,’ the stronger the relationship.

^c‘Standard error’ is a measure of sampling distribution.

^dStandardised betas are, unlike, the beta value itself, directly comparable, so are a better indication of the ‘importance’ of a predictor variable.

^eIf the ‘*f*’ value is significant (if the value in the column labelled ‘*p*’ is less than 0.05), then the predictor makes a significant contribution to the model.

505

data were dealt with by removing the cases containing the missing values. The analysis was therefore conducted on 152 cases.

An initial assessment of multicollinearity (a strong correlation between two or more variables) found that the time spent on examination-in-chief and the time spent on cross-examination were highly correlated, and that this relationship biased the regression model. These two variables were therefore combined into a single ‘time spent testifying’ variable, and the analysis was repeated with the remaining 10 predictor variables.

The model significantly predicted witness evaluation of the testimony experience, whilst accounting for a relatively small proportion of variance ($F(10,141) = 3.45$, $p < 0.001$, $R^2 = 0.20$) (Table 3).

If $p < 0.05$ is taken to indicate statistical significance, only two variables – worry at the time of testimony and respect from court staff – clearly predict witnesses’ evaluation of their testimony experience. A third variable – evaluation of cross-examination – was very close to meeting the criteria for significance.

Demographic factors (gender and age) failed to predict any of the variance, as did whether the witnesses testified for the defence or the prosecution and the length of time they spent testifying. In terms of the witnesses’ self-reported experience, the painfulness of their feelings did not predict their overall evaluation of the testimony experience, nor did their evaluation of being examined by their own lawyer or how many people they felt were supporting them. Together, these variables account for 20 percent of the variance in witness evaluation of the experience of testifying in the SCSL.

530 The length of time between witnesses testifying and their being interviewed
for the study varied greatly. In order to evaluate the relationship between the
length of this time lapse and witnesses' overall evaluation of the experience of
testifying, the correlation between these two factors was calculated. The result
suggests that there is very little relationship between the length of time since a
witness has testified and his or her evaluation of the experience (Pearson's $r = -0.02$,
535 $p = 0.77$)¹⁰.

Discussion

540 The finding that emerges most strongly from the results is that, for the witnesses
of the SCSL, the experience of testifying was a positive one. When asked directly
to rate the experience on a scale ranging from 'very good' to 'very bad,' witnesses
overwhelmingly chose positive ratings, with 80 percent saying that they would
testify again if asked. The majority of witnesses interviewed felt that there were
people in the courtroom supporting them while they testified. They also felt
545 generally respected by the court staff they encountered.

Witnesses did not, on average, report being highly worried when the time came
for them to testify, and although witnesses experienced the process of testifying as
painful to some extent, they generally rated the experience of testifying, including
examination-in-chief and cross-examination, as more positive than negative. It is
550 not surprising that cross-examination was rated as a more negative experience than
examination-in-chief, but it should be noted that well over half the respondents
reported that their experience of cross-examination was positive. Most attributed
this to their own confidence and ability, while a smaller group attributed it to
the preparation the witnesses received from their lawyers. This emphasises the
555 important role good preparation plays in the welfare of witnesses.

It is of interest that witness demographics in themselves do not predict eval-
uation of the testimony experience. It is not possible, therefore, to identify wit-
nesses who are likely to require additional support solely from demographic fac-
tors. The variables found to have the most impact on witnesses' evaluation are
560 how worried they felt when the time came to testify and the respect they felt
from court staff, though their evaluation of cross-examination also appears to be
important.

The factors considered in this analysis account for only 20 percent of the variance
in witness evaluation, which suggests that other factors that were not included in
565 this study have a considerable impact on the witness experience. As mentioned
earlier, this research was part of a larger study of witnesses' experience of testifying
in the SCSL. As part of this, witnesses were asked about their interactions with the
court from the first point of contact, through the waiting and preparation stages,
and to the actual testimony itself (which is reported here) and their experience
570 of posttestimony support. The court provides support to the witnesses in many

¹⁰ Pearson's r is a measure of the relationship between two variables. A ' p ' value of less than 0.05 indicates that the two variables are significantly related.

ways, and the interactions between SCSL staff and witnesses can affect witnesses' experience of the court and of testifying.¹¹ These factors may serve to mediate the effects of the testimony experience itself. For example, whether witnesses feel protected and supported in the periods both before and after they testify may affect their evaluation of the testimony experience.

Limitations of the Study

The research reported in this article was conducted in a postconflict setting with a group of highly vulnerable respondents. As a result, there are limitations to the study that should be taken into account when interpreting the results. One factor that is likely to have influenced the data, although it was unavoidable, is that the interviewers were members of WVS staff. There was an existing relationship between the interviewer and interviewee, based on the interviewer having provided assistance and support to the interviewee in the past. If the witness' previous experience of this interviewer had been positive and a trusting relationship existed between them, the witness might have felt secure enough to answer openly and honestly. Alternatively, the witness might have wished to please the interviewer and so might have given answers he or she believed to be desirable. If the witness' previous experience with the interviewer, or with the SCSL generally, was negative, this also likely was reflected in the responses. It is not possible to say exactly how the involvement of WVS staff in the data collection affected the data, but we must acknowledge that there would have been some impact. It should be noted, however, that the data would also have been affected by the interviews being conducted by people unknown to the witnesses, especially considering the fear many have of their identity being exposed.

One way in which the involvement of WVS staff certainly had an impact is in witnesses' expectations of material assistance. The relationship between the WVS and witnesses had been one of providing assistance, and it is likely that some witnesses saw the research interview as an opportunity to request further assistance, despite being told that they would not receive any material benefit from participating. This might have affected the validity of the information about witnesses' current circumstances and concerns. Some witnesses might have exaggerated the extent of their problems in an attempt to obtain material assistance from the WVS.

Although the researchers attempted to locate all eligible witnesses, they could not find some. It might be that the experiences of these witnesses were different from those of the respondents. Perhaps they moved away from their home area because of security difficulties, or perhaps they did not maintain contact with the SCSL because their involvement with the court was negative for them. In addition, it is unfortunate that the researchers could not interview relocated witnesses residing outside Sierra Leone, as they had the greatest security concerns when they

¹¹ Simon Charters, Rebecca Horn and Saleem Vahidy, *Best-Practice Recommendations for the Protection and Support of Witnesses: An Evaluation of the Witness and Victims Section* (Freetown: Special Court for Sierra Leone, 2008).

testified and, again, their experience might have been different from those of the respondents.

An important methodological limitation is the retrospective nature of the study. Witnesses were asked to report how they felt at certain points in the process, but they made this assessment 'with hindsight.' For example, a witness who had a relatively positive experience of testifying but was subsequently disappointed by the SCSL might have had his or her view of the testimony experience affected by this later incident. Since this research was effectively a 'snapshot' conducted at a single point in time, the testimony experience was relatively recent for some respondents and more than two years old for others. We would expect witnesses' recall to be affected by the time elapsed. Our results suggest, however, that there is no relationship between time elapsed and witnesses' evaluation of the experience as positive or negative. A more reliable measure of witnesses' feelings might be a more longitudinal study that follows witnesses through the process. Retrospective self-reporting is necessarily a less reliable measure.

Conclusions

In terms of practical recommendations, our findings suggest that witnesses testifying in international war crimes tribunals benefit from a thorough preparation period prior to testifying, both by their legal teams and by others responsible for providing support in the pretestimony phase. This support could usefully focus on increasing witnesses' familiarity with court processes and structures, as well as their confidence, so as to reduce their 'worry.' This would involve ensuring that witnesses are as familiar as possible with the courtroom environment and that they have a good understanding of what is involved and what will be required of them. It could also involve teaching some witnesses techniques for managing their negative feelings once they are in the courtroom. Preparation for the cross-examination process would be particularly useful, as this experience has an impact on witnesses' overall feelings about the testimony experience.

Another factor that can have a considerable impact on the witness experience is respect from court staff. It appears that simply by ensuring that all court staff members (including security, cleaners and anybody else the witness encounters) interact with witnesses in a respectful way, a witness' experience of testifying is greatly enhanced. This can be achieved easily and can have a considerable impact on witness welfare.

As stated above, the main methodological limitation of the current study is the retrospective nature of the assessment. A more effective study would be to assess witnesses at various points in the process. The trial of Charles Taylor is ongoing in The Hague. Witnesses testifying in this trial will have a very different experience from those who testified in the trials in Freetown, but a study of their experiences would inform witness support units in other international war crimes tribunals, where it is more common for witnesses to travel outside their own countries to testify (such as the International Criminal Court). Moreover, the Charles Taylor

trial will be the first time when witnesses travel from Africa to Europe (and back again) in order to testify. The court has plans to do this in the future for Ugandan and Sudanese witnesses. The trial also offers a unique opportunity to study the impact of testifying on witnesses in 'real time,' which would offer a much more accurate understanding of the witness experience.

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