

Why Testify? Witnesses' Motivations for Giving Evidence in a War Crimes Tribunal in Sierra Leone

Shanee Stepakoff,* G. Shawn Reynolds,[†] Simon Charters**
and Nicola Henry^{††}

Abstract¹

Although witnesses are indispensable to the operation and success of war crimes courts, little is known about their motivations for agreeing to testify. This article advances existing knowledge by drawing on findings from interviews conducted with 200 witnesses after they gave evidence in the Special Court for Sierra Leone. Participants were asked to describe their reasons for testifying. Content analysis was used to examine the variety and frequency of responses. Overall, 18 conceptually distinct motivations were mentioned, with most witnesses reporting multiple motivations. The response given most frequently was 'to denounce wrongs committed against me during the war,' followed by 'to contribute to public knowledge about the war.' Desires for retributive justice (e.g., accountability, punishment), and to fulfill a moral duty to other victims, were each mentioned by approximately one in four witnesses. Other key motivations included establishing the truth and narrating their stories. Motivations differed by gender, age, victimization status, side (prosecution versus defense) and trial. The results support the idea that witnesses value the opportunity to publicly denounce atrocities committed against themselves and others. The findings point to both congruities and incongruities between the aims of witnesses and the goals of war crimes courts. Further, the findings suggest that there may be two broad, overarching aspects of the decision to testify: those that are primarily geared toward helping oneself and those that are primarily geared

* Clinical Psychologist, USA. Email: drshaneestep@aol.com

[†] Consulting Research Psychologist, Austria. Email: shawnreynolds@mail.com

** Programme Coordinator, UN Office on Drugs and Crime, Somaliland. Email: simoncharters@hotmail.com. The views expressed herein are those of the author(s) and do not necessarily reflect the views of the United Nations.

^{††} Senior Lecturer in Legal Studies, Department of Politics, Philosophy and Legal Studies, La Trobe University, Australia. Email: n.henry@latrobe.edu.au

¹ The authors wish to acknowledge the following individuals who worked with the Witness and Victims Section (WVS) of the Special Court for Sierra Leone during the time this study was conducted: Saleem Vahidy, section chief, for practical and logistical support; Naeem Ahmed and Solomon Gibba, deputy chief and movement officer, respectively, and the protection officers, for providing security during visits to witnesses; research assistant Tamba D. Sammie for input on the coding system and, in cooperation with Aminata Kpewa, helping to manage the data; Anna Maedl, intern from February to April 2006, for reviewing interview transcripts; the support officers, for entering interview transcripts onto the computer; and the following staff who conducted or assisted with interviews: Neneh Binta Barrie, Mariama Bockarie, Adikalie Kamara, Tamba Foyoh, Saidu Kay Sesay, Tamba Finnoh, Neneh Kamara, Tamba D. Sammie and Florence Sowa.

toward helping others. Pragmatically, the findings can enhance efforts to support witnesses in preparing for and completing their testimonies.

Keywords: prosecutions, Special Court for Sierra Leone, witnesses, theories of testimony

Introduction

Historically, victims and witnesses have played a rather diminutive role in prosecutions under international criminal law. At both the Nuremberg and Tokyo trials, prosecutors relied heavily on written documentation as opposed to live witness testimony, and few witnesses testified about mass atrocities. In contrast, since the establishment of the *ad hoc* international criminal tribunals in the early 1990s and the later establishment of a range of international, hybrid and domestic courts, witnesses have increasingly been viewed as the 'lifeblood' of war crimes courts.² Indeed, in the absence of forensic and documentary evidence, the success of these courts has largely depended on their ability to locate witnesses and support them through the process of preparing for and completing their testimonies.

Despite the centrality of victims and witnesses to contemporary war crimes courts, little empirical research has investigated the factors underlying their decision to testify. This represents a significant gap within the study and practice of transitional justice. A failure to understand witnesses' motivations may contribute to their dissatisfaction and disappointment or, at worst, their withdrawal from the process. Concomitantly, a better comprehension of motivations for testifying gives insight into the meanings of postconflict justice for war-affected individuals and communities. This is useful not only for the development of victim-centered initiatives in a wide variety of transitional justice contexts but also, more specifically, for providing a basis for more effective provision of support for witnesses before, during and after trials. A richer understanding of the reasons witnesses agree to testify can help to ensure that inclusivity, voice and participation are continually pursued in the prosecution of egregious crimes committed under both national and international criminal law. Moreover, this knowledge can illuminate whether witnesses' motivations align with the goals of the war crimes tribunals themselves in order to assess the contribution of such courts to broader justice goals.

This article focuses on motivations for testifying. We ask: Why do witnesses choose to give evidence in war crimes courts? Our answers are based on interviews with 200 witnesses after they completed their testimony in the Special Court for Sierra Leone (SCSL).³ The SCSL was established in 2002 by the UN and the

² Patricia M. Wald, 'Dealing with Witnesses in War Crimes Trials: Lessons from the Yugoslav Tribunal,' *Yale Human Rights and Development Law Journal* 5 (2010): 217–239.

³ The methodology is explained in detail below. Shanee Stepakoff was the psychologist for the SCSL from May 2005 to August 2007. Shawn Reynolds was a research and statistical consultant for the WVS from November 2006 to August 2007. Simon Charters was the project manager for the Witness Evaluation and Legacy (WEL) Project, under the auspices of the WVS, from October 2006 to November 2007. He assisted in this research solely while the WEL project manager, and not

Sierra Leonean government as a hybrid court with jurisdiction to try persons accused of atrocities committed during Sierra Leone's 10-year civil war under both international humanitarian law (IHL) and Sierra Leonean law. Crimes included murder, extermination, enslavement, deportation, imprisonment, torture, rape, sexual slavery, forced prostitution, forced marriage and other 'inhumane' acts. The Court held a total of four trials, corresponding to different factions involved in the war. Of these, three were conducted in Freetown, and one, that of former Liberian president Charles Taylor, was conducted in The Hague. Nine individuals who were among those accused of bearing the greatest responsibility for war crimes and crimes against humanity were convicted and sentenced by the time the SCSL closed in December 2013.

In the first section of this article, we consider the small number of empirical studies that have examined motivations for testifying in war crimes courts. In the second section, we report the results and implications of our empirical research with 200 witnesses at the SCSL.

Why Testify?

Bearing witness to mass atrocities is deeply connected to the ideals of justice, fundamentally premised on the notion that wrongdoing will be addressed and that all persons will be treated with dignity, fairness and respect. However, justice is an elusive and contested concept, and victims of injustice are diverse and heterogeneous, with differing needs in the aftermath of armed conflict and politicized violence.⁴ One way to think more pragmatically about justice is to draw distinctions along three temporal dimensions: 1) expectations (what individuals expect to achieve through their participation in legal proceedings), 2) processes (whether the processes are fair and facilitate genuine participation, dignity and trust)⁵ and 3) outcomes (whether individuals are satisfied with the outcomes). Examining the motivations for testifying can help elucidate diverse and shared meanings of justice. As such, we might think about motivations as justice 'expectations' or 'articulations.' The task would then be to assess whether

expectations meet with experience, through a focus on the processes and outcomes of justice mechanisms.

One of the key assumptions underlying the study of transitional justice (and, indeed, justice more broadly) is that victims of wrongdoing have a need to tell their story in order to seek recognition from perpetrators, family and community members and the larger public or to speak on behalf of the dead or those unable to speak. Dori Laub, a psychoanalyst who recorded Holocaust testimonials for a video archive, discerned 'an imperative to tell and to be heard: the "not telling" of the story serves as a perpetuation of its tyranny.'⁶ Disclosure, however, might not be the primary motivation of witnesses who testify in war crimes courts, and for many victim-witnesses silence might be a more appealing alternative, particularly when language fails to capture the extent and meaning of suffering.⁷ Other reasons for testifying may be grounded more in the outcomes of the process, including contributing to public knowledge, deterrence, punishment, or obtaining information or material benefits.

While some key assumptions have dominated popular, scholarly and practitioner discourses on postconflict justice, and in the past decade there has been a growing discussion about the evolving role witnesses play in war crimes courts,⁸ to date little empirical work has been undertaken to understand witnesses' motivations for testifying in war crimes trials. Eric Stover's ground-breaking study of 87 prosecution witnesses at the International Criminal Tribunal for the former Yugoslavia (ICTY) is one exception.⁹ Stover sought to analyze the meanings that witnesses attach to testifying and to provide insight into the processes of giving evidence in war crimes courts. His main conclusion in relation to motivations was that ICTY witnesses had a 'compelling need to tell their story.'¹⁰ This motivation was reflected in another study by Stover and colleagues, which investigated experiences of testifying before the Extraordinary Chambers in the Courts of Cambodia (ECCC).¹¹ Based on interviews with 21 witnesses who testified as

during his subsequent positions as special assistant to the registrar (SCSL, Freetown) or special assistant to the prosecutor (SCSL, The Hague).

⁴ It is important to note that once victims testify in war crimes courts they technically become 'witnesses.' This is similar to many common law jurisdictions where a victim is specifically referred to as the 'complainant' rather than 'victim.' The rationale is that there is a presumption of innocence for accused persons before a verdict of a trial is rendered. In addition, not all witnesses who testify are in fact victims. Throughout this article, we adopt the terminology of 'witness' rather than 'victim' not only to indicate the status of victims in the legal process but also to encapsulate the diversity of witnesses. It is interesting to note that the Extraordinary Chambers in the Court of Cambodia (ECCC) have allowed witnesses to take part in the proceedings as civil parties, meaning that victims enjoy procedural rights not available to witnesses in other international war crimes courts.

⁵ Tom R. Tyler, 'The Psychological Consequences of Judicial Procedures: Implications for Civil Commitment Hearings,' in *Law in a Therapeutic Key: Developments in Therapeutic Jurisprudence*, ed. David B. Wexler and Bruce J. Winick (Durham, NC: Carolina Academic Press, 1996).

⁶ Dori Laub, 'An Event Without a Witness: Truth, Testimony and Survival,' in *Testimony: Crises of Witnessing in Literature, Psychoanalysis, and History*, ed. Shoshana Felman and Dori Laub (London: Routledge, 1992), 78–79.

⁷ Marianne Constable, *Just Silences: The Limits and Possibilities of Modern Law* (Princeton, NJ: Princeton University Press, 2005).

⁸ See, e.g., Marie-Bénédicte Dembour and Emily Haslam, 'Silencing Hearings? Victim-Witnesses at War Crimes Trials,' *European Journal of International Law* 15(1) (2004): 151–177; Emily Haslam, 'Victim Participation at the International Criminal Court: A Triumph of Hope over Experience?' in *The Permanent International Criminal Court: Legal and Policy Issues*, ed. Dominic McGoldrick, Peter Rowe and Eric Donnelly (Oxford: Hart, 2004); Eric Stover, *The Witnesses: War Crimes and the Promise of Justice in The Hague* (Philadelphia, PA: University of Pennsylvania Press, 2005); Wald, supra n 2.

⁹ Stover, supra n 8.

¹⁰ Ibid., 126.

¹¹ Eric Stover, Mychelle Balthazard and K. Alexa Koenig, 'Confronting Duch: Civil Party Participation in Case 001 at the Extraordinary Chambers in the Courts of Cambodia,' *International Review of the Red Cross* 93 (2011): 503–546.

civil parties, the authors found that most of the witnesses expressed one of four motivations:

a need to know more about what had happened to themselves and their loved ones; a desire to pursue 'justice'; a need to tell their story; and a need to educate the world about the Khmer Rouge regime.¹²

Another investigation of motivations for testifying in war crimes courts is Phil Clark and Nicola Palmer's study of 60 Rwandan prosecution and defense witnesses who testified before the International Criminal Tribunal for Rwanda (ICTR), Rwandan national courts and/or community-based *gacaca* courts.¹³ Similar to the two studies discussed above, Clark and Palmer found four main motivations for testifying about crimes committed during the 1994 Rwandan genocide:

(a) a moral obligation to be truthful about events that they witnessed firsthand; (b) a desire to obtain more information about what happened during the genocide, including locating the bodies of murdered loved ones and identifying perpetrators; (c) a need for public acknowledgement of suffering; and (d) contribution to rebuilding broken communal relations and broader societal reconstruction.¹⁴

The 'strongest motivation to testify,' according to this study, was 'the individual sense of obligation to bear witness to the genocide.'¹⁵

Finally, two further empirical studies have been conducted on the experiences of victims of sexual violence who testified at international war crimes courts. In interviews with 10 victims of sexual violence who sought to give evidence in the SCSL, desire to provide evidence of atrocities and for narration of experiences of violation were among several discernible motivations.¹⁶ The second is Gabriela Mischkowski and Gorana Mlinarević's *Medica Mondiale* study, in which 45 interviews were conducted with women who testified at the ICTY and/or the War Crimes Chamber of the Court of Bosnia and Herzegovina. Their study concluded that the most frequently stated reasons these women testified about their experiences of sexual violence were perpetrator accountability and punishment, prevention and to 'tell the truth about what really happened.'¹⁷

Drawing on these empirical studies, in the next section we identify five key motivations for testifying: fulfilling a moral duty; seeking retributive justice; reducing psychological pain; confronting the accused and obtaining material benefits.

¹² Ibid., 518.

¹³ Phil Clark and Nicola Palmer, *Testifying to Genocide: Victim and Witness Protection in Rwanda* (London: Redress, 2012).

¹⁴ Ibid., 10.

¹⁵ Ibid., 10.

¹⁶ Michelle Staggs-Kelsall and Shanee Stepakoff, '“When We Wanted to Talk about Rape”: Silencing Sexual Violence at the Special Court for Sierra Leone,' *International Journal of Transitional Justice* 1(3) (2007): 355–374.

¹⁷ Gabriela Mischkowski and Gorana Mlinarević, *The Trouble with Rape Trials: Views of Witnesses, Prosecutors and Judges on Prosecuting Sexualized Violence during the War in the Former Yugoslavia* (Cologne: Medica Mondiale, 2009).

The aim is to bring together these diverse studies and to critically examine the various assumptions about motivations to testify. This analysis provides a context for our empirical study, allowing us to consider whether these motivations are reflected in the findings we report, and how any discrepancies might be explained.

Fulfilling a Moral Duty

A 'moral duty' is an obligation to do something, shaped by ideas of right and wrong. Contemporary war crimes tribunals rely on the notion that there is a shared human interest in prosecuting individuals for grave violations of international norms and laws, and that doing nothing is immoral and intolerable.¹⁸ For witnesses, a moral duty to testify is determined by one's relation to the broader social community. For example, in Stover's ICTY study, the main finding was that 90 percent of the 87 interviewees said that it was their 'moral duty to testify' to ensure that the truth be recorded and acknowledged.¹⁹ We examine three aspects of a moral duty to testify: 1) to make known the truth; 2) to prevent future war crimes; and 3) to honor victims.

To Make Known the Truth

Among the key goals of war crimes courts are the establishment of an 'indisputable historical record,' 'combating denial' and 'helping communities come to terms with their recent history.'²⁰ Congruent with these goals, witnesses express a desire to make known the truth. First among the four motivations of 60 Rwandan interviewees in the Clark and Palmer study was the 'individual sense of obligation to bear witness to the genocide.'²¹ In his ICTY study, Stover found that the majority of witnesses sought 'to set the record straight about the suffering of their families and communities in the presence of the accused.'²² A desire to ensure that the horrors of the Khmer Rouge regime be made known to the international community was also found in the ECCC study.²³ Similarly, most of the women who testified about sexual violence at the ICTY mentioned that they wanted the truth about wartime sexual violence to be known.²⁴

To Prevent Future War Crimes

A moral obligation to testify may include a desire to prevent future war crimes. This aligns with the broader goal of deterrence explicitly articulated in the majority of war crimes tribunals. In the ECCC study, respondents hoped that by

¹⁸ Diane F. Orentlicher, 'Settling Accounts: The Duty to Prosecute Human Rights Violations of a Prior Regime,' *Yale Law Journal* 100(8) (1998): 2537–2615.

¹⁹ Stover, *supra* n 8.

²⁰ International Criminal Tribunal for the former Yugoslavia, 'About the ICTY,' <http://www.icty.org/sections/AbouttheICTY> (accessed 12 August 2014).

²¹ Clark and Palmer, *supra* n 13 at 10.

²² Stover, *supra* n 8 at 127.

²³ Stover, Balthazard and Koenig, *supra* n 11.

²⁴ Mischkowski and Mlinarević, *supra* n 17.

educating the world about the Khmer Rouge, there would be less likelihood that similar crimes would be committed in the future.²⁵ In the *Medica Mondiale* study, participants expressed the hope that if perpetrators were prosecuted and imprisoned, the risk of future sexual violence would be reduced.²⁶ Additionally, some hoped that testifying would help prevent ethnic violence by showing that identifiable individuals, not entire ethnic groups, were responsible for the atrocities. In contrast to these studies, Stover found that only two of the 87 ICTY witnesses said they testified for broad altruistic reasons such as wanting to prevent similar atrocities from happening elsewhere in the world.²⁷

To Honor Past Victims

A third aspect of the moral obligation to testify is the desire to 'speak for the dead.'²⁸ In the *Medica Mondiale* study, more than three-fifths of the witnesses expressed a desire to honor other women who had been harmed during the war, especially those who had not survived.²⁹ Stover, too, noted that some ICTY respondents wanted to testify on behalf of those who were killed, and/or as a constructive response to the murder of their loved ones. Indeed, he states that this motivation was 'so pervasive' that even when witnesses had reservations about the ICTY, they would testify again in order to honor the dead.³⁰ In the ECCC study, nearly all respondents hoped that by testifying the memory of their murdered loved ones would be preserved, both in the Court record and in the minds of the listeners.³¹

Seeking Retributive Justice

The second key motivation for testifying in war crimes courts reported in the existing literature is to seek retributive justice. Perhaps more than any other motivation, this is the one that most closely aligns with the goals of courts, where the primary aim is to try and convict individuals responsible for egregious crimes committed under both domestic and international criminal laws. As Hannah Arendt famously (and controversially) noted,

the purpose of a trial is to render justice, and nothing else; even the noblest of ulterior purposes . . . can only detract from law's main business: to weigh the charges brought against the accused, to render judgment, and to mete out due punishment.³²

²⁵ Stover, Balthazard and Koenig, supra n 11.

²⁶ Mischkowski and Mlinarević, supra n 17.

²⁷ Stover, supra n 8.

²⁸ Wendy Lobwein, cited in Women's Caucus for Gender Justice, *Recommendations and Commentary for the Elements Annex*, submitted to the 26 July to 13 August 1999 Preparatory Commission for the International Criminal Court.

²⁹ Mischkowski and Mlinarević, supra n 17.

³⁰ Stover, supra n 8 at 105.

³¹ Stover, Balthazard and Koenig, supra n 11.

³² Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil* (New York: Penguin, 1994), 253.

For many witnesses, justice is inherently retributive and is measured according to prosecution, judgment and sentencing. Consistent with this view, several psychologists and legal theorists have maintained that most victims of mass violence want perpetrators to be prosecuted.³³ In the ECCC study, the hope for justice was mentioned by every respondent, although given the elusiveness of the concept of justice it is difficult to know precisely what this means. In the *Medica Mondiale* study, 92 percent of respondents indicated that the punishment of perpetrators was their principal aim.³⁴

Reducing Psychological Pain

The third key motivation is based on the expectation that testifying will alleviate psychological suffering. In contrast to some of the other motivations discussed here, this is possibly the least aligned with the goals of war crimes courts. Although it is widely accepted that such courts should provide a space for witnesses to tell their stories, there is a fundamental tension between the need to adhere to the rigorous demands of legal 'process and victims' need to exercise some measure of control over the narration of their experiences.³⁵ Despite this tension, witnesses do express the desire to tell their stories. This motivation has two components: the desire to verbalize their traumatic experiences and the desire for recognition of the abuses they suffered and the harm they sustained. We discuss each in turn below.

To Tell of Difficult Experiences

A number of theorists have argued that victims of violence seek to give verbal form to their traumatic experiences.³⁶ In the ICTY and ECCC studies, the 'need to tell their story' was one of the main motivations described.³⁷ In a case study of a survivor who testified in the SCSL, and also created, directed and performed in a play about her victimization, desires to verbalize painful events and gain relief from psychological pain were discernible.³⁸ These desires were also apparent in the study of sexual violence survivors at the SCSL,³⁹ as well as the *Medica*

³³ Brandon Hamber, *Transforming Societies after Political Violence: Truth, Reconciliation, and Mental Health* (New York: Springer, 2009); Diane F. Orentlicher, 'Settling Accounts Revisited: Reconciling Global Norms with Local Agency,' *International Journal of Transitional Justice* 1(1) (2007): 10–22; Daniel W. Shuman and Alexander McCall Smith, *Justice and the Prosecution of Old Crimes: Balancing Legal, Psychological and Moral Concerns* (Washington, DC: American Psychological Association, 2000).

³⁴ Mischkowski and Mlinarević, supra n 17.

³⁵ Dembour and Haslam, supra n 8.

³⁶ Judith Herman, *Trauma and Recovery* (New York: Basic Books, 1992); Chris van der Merwe and Pumla Gobodo-Madikizela, *Narrating our Healing: Perspectives on Working through Trauma* (Newcastle: Cambridge Scholars, 2007); Stevan M. Weiner, *Testimony after Catastrophe: Narrating the Traumas of Political Violence* (Evanston, IL: Northwestern University Press, 2006).

³⁷ Stover, supra n 8; Stover, Balthazard and Koenig, supra n 11.

³⁸ Shanee Stepanoff, 'Telling and Showing: Witnesses Represent Sierra Leone's War Atrocities in Court and Onstage,' *TDR: The Drama Review* 52 (2008): 17–31.

³⁹ Staggs-Kelsall and Stepanoff, supra n 16.

Mondiale study, where the wish to tell one's story was a key reason for testifying.⁴⁰ In fact, in the latter study, nearly half of the participants expressed the desire to gain a sense of relief. One remarked, 'I couldn't carry it in my soul.' Another said, 'I would go crazy if I couldn't speak about it.' A third described the need to 'say these things in a place where it would make some difference.' This last remark suggests that for some women, it is not only the opportunity to give voice to painful experiences that matters, but the desire to do so in a public forum and/or a forum that carries the power to impose punishments on perpetrators.

A number of scholars, however, have argued that war crimes tribunals are quite limited in their ability to let victims narrate their stories.⁴¹ It is also worth noting that some Zimbabwean survivors of human rights abuses were reluctant to testify in Zimbabwe's High Court due to cultural norms that painful stories should not be told publicly, and fears of placing themselves or their loved ones at risk.⁴² Thus, while some individuals may value the opportunity to tell their stories in a broad public forum, others may prefer to keep silent, or to self-disclose only in private settings or in smaller, local contexts.

To Receive Public Acknowledgment

Closely related to the need to tell one's story is the desire for public acknowledgment. In Stover's ICTY study, some witnesses were motivated by a desire for the Tribunal to acknowledge their suffering. It was not entirely clear, however, whether witnesses were seeking acknowledgment from the Court staff (e.g., judges, attorneys, psychosocial counselors) or the broader public (e.g., postconflict communities and/or the international community).⁴³

In the interviews with six ICTR victim-witnesses, and three who were scheduled to testify, the researchers reported that respondents were seeking 'public acknowledgment of the crimes committed against them.'⁴⁴ A need for public acknowledgment was also reported in the interviews with 60 Rwandan ICTR and *gacaca* witnesses, though the researchers noted that respondents sought public acknowledgment of their *suffering*.⁴⁵ This is, admittedly, a subtle distinction, but it suggests that those witnesses cared more about recognition of the harm they sustained from the crimes than an admission of the perpetration of the crimes per se. Also, witnesses in the *gacaca* courts wanted to 'overcome feelings

of... isolation by publicly describing the personal impact of genocide crimes and receiving communal acknowledgement of their pain.'⁴⁶

Encountering the Accused

Another set of motivations for testifying concerns the opportunity to come face to face with the accused. As discussed below, there are two distinct sub-aims that witnesses seek to fulfill by seeing, hearing from or talking to the accused: to obtain information and to confront the accused.

To Obtain Information

The 'need to know more about what happened to themselves and their loved ones' was one of the main motivations for testifying reported in the ECCC study.⁴⁷ Witnesses wanted to confront the accused in the courtroom and obtain information about relatives who were killed. Typical remarks included, 'I wanted [the accused] to tell me what exactly had happened to my family.'⁴⁸ Likewise, in the study with Rwandan witnesses, a desire to obtain more information about what happened during the genocide, including the identities of the direct perpetrators and the location of the bodies of murdered loved ones, was a central motivation for testifying.⁴⁹

In Stover's ICTY study, as well as the *Medica Mondiale* study,⁵⁰ some questions respondents wished to ask the accused were focused not on eliciting factual information about victims or events but on why the accused and his peers had behaved so cruelly.

To Confront the Accused

Most of the participants in Stover's ICTY study wished to confront the accused in regard to their crimes and the harm they had caused.⁵¹ Similarly, of the 14 ECCC interviewees whose loved ones were killed at S-21 in Cambodia, 10 stated that the opportunity to confront the accused was of central importance to them. They also wanted the accused to accept responsibility for his crimes.⁵² One remarked, 'It was important for me to tell [the accused] that he hurt us, not only the people he killed, but us.'⁵³

In the study with sexual violence survivors at the SCSL, a desire to confront the accused was alluded to by most of the 10 interviewees.⁵⁴ In the *Medica Mondiale*

⁴⁰ Mischkowski and Mlinarević, supra n 17 at 518.

⁴¹ Dembour and Haslam, supra n 8; Nicola Henry, 'Witness to Rape: The Limits and Potential of International War Crimes Trials for Victims of Wartime Sexual Violence,' *International Journal of Transitional Justice* 3(1) (2009): 114–134; Nicola Henry, 'The Impossibility of Bearing Witness: Wartime Rape and the Promise of Justice,' *Violence Against Women* 16(10) (2010): 1098–1119.

⁴² Amani Trust, *Heroism in the Dock: Does Testifying Help Victims of Organized Violence and Torture? A Pilot Study from Zimbabwe* (unpublished manuscript, 2002).

⁴³ Stover, Balthazard and Koenig, supra n 11.

⁴⁴ Binaifer Nowrojee, "'Your Justice Is Too Slow': Will the ICTR Fail Rwanda's Rape Victims?' UN Research Institute for Social Development Occasional Paper 10 (2005), 4.

⁴⁵ Clark and Palmer, supra n 13.

⁴⁶ Ibid.

⁴⁷ Stover, Balthazard and Koenig, supra n 11 at 518–519.

⁴⁸ Ibid., 519.

⁴⁹ Clark and Palmer, supra n 13.

⁵⁰ Mischkowski and Mlinarević, supra n 17.

⁵¹ Stover, supra n 8.

⁵² Stover, Balthazard and Koenig, supra n 11.

⁵³ Ibid., 522.

⁵⁴ Staggs-Kelsall and Stepakoff, supra n 16.

study, many respondents expressed a wish to look the perpetrator in the eye and tell him what he had done.⁵⁵ In the Zimbabwe study, several witnesses stated that they wanted the accused to see them in the courtroom and to listen to their testimonies, though some expressed fears about encountering the accused.⁵⁶

Obtaining Material Benefits

The fourth motivation for testifying that has been occasionally identified in literature on witnesses in transitional justice settings, although not frequently in the empirical studies, is the desire to obtain material benefits. In relation to Sierra Leone's Truth and Reconciliation Commission, Rosalind Shaw claims that 'a substantial portion of the victims and survivors who had testified had done so in the hope that this would give them access to economic assistance.'⁵⁷ Tracey Gurd has argued that many witnesses who testify in war crimes trials are likewise motivated by a desire for financial benefits.⁵⁸ Similarly, the view that financial incentives may have influenced the decision to testify was mentioned in a report on 14 child witnesses from the SCSL,⁵⁹ though this view was based on defense attorneys' remarks, not self-reports.

In empirical research on war crimes witnesses, expressions of financial or material expectations are largely absent. A desire for such benefits was not included among the motivations for testifying reported in the Stover ICTY and the ECCC studies.⁶⁰ In the ICTY sexual violence study, financial/material incentives were not mentioned among three major, and several minor, reasons for agreeing to testify,⁶¹ and a wish for financial/material benefits was not among the four motivations reported in the study of Rwandan witnesses.⁶² Thus, based on existing empirical research, it remains unclear whether witnesses in a variety of postconflict justice settings have expectations of financial gain when they decide to testify. It is possible, however, that in tribunals, where victim-witnesses may anticipate the intangible rewards of seeing perpetrators held accountable for war crimes, financial motivations may be less salient than in truth commissions, where the possibilities for the intrinsic satisfactions of retributive justice processes are less available.

In summary, existing studies on witnesses in war crimes trials have pointed to a wide variety of motivations for testifying. Although it appears that most witnesses

have multiple motivations, it is difficult to account for the discrepancies across studies. This difficulty may be partly attributable to methodological and conceptual shortcomings in this body of research. For example, many studies have relied on a relatively small number of participants and, as such, their findings are not necessarily representative of witnesses in general. In addition, existing studies have tended to use structured or semistructured instruments that may influence witness responses. In this study, we felt that the best way to learn of the witnesses' own views about their reasons for testifying was to ask an open question and record their answers verbatim.

Conceptually, the existing literature is characterized by a lack of adequate appreciation for a number of contextual factors. One such factor is the nature of the conflict. For example, in the aftermath of 'disappearances' such as those that characterized the 'dirty war' in Argentina, the desire to obtain information about the fate of a loved one may be most pressing.⁶³ Similarly, after genocide and ethnically motivated violence, the decision to testify may be influenced by a desire to publicize the suffering of one's ethnic group.⁶⁴ Ethnicity was a much less salient issue in Sierra Leone's war than it was in Rwanda or the former Yugoslavia. Thus, we felt that an in-depth study of SCSL witnesses might point to some interesting comparisons between motivations for testifying about war crimes that occurred during the Sierra Leone war and those mentioned by previous researchers who focused on ethnic conflicts.

Another useful distinction concerns different types of witnesses. Previous studies have largely focused on victims and prosecution witnesses.⁶⁵ Yet insider testimony is central to the process and outcome of most war crimes trials. Furthermore, a substantial proportion of war crimes witnesses testify for the defense. Thus, it is important to understand the motivations of defense as well as prosecution witnesses, and of insiders as well as victims. Motivations may also differ according to trial.

Additionally, culture and ethnicity may be relevant variables. For example, some Zimbabwean torture survivors subscribe to cultural norms that traumatic experiences should only be disclosed in confidential settings.⁶⁶ This implies that a desire to narrate trauma stories in a public forum would not be a key motivation for some individuals.

Finally, motivations may be related to witness characteristics such as age and gender. Although no one has specifically considered how age shapes motivations for testifying, general literature on child witnesses suggests that many issues pertinent to giving evidence in court may be different for younger versus older individuals.⁶⁷ Similarly, there has not been systematic research comparing

⁵⁵ Mischkowski and Mlinarević, supra n 17.

⁵⁶ Amani Trust, supra n 43.

⁵⁷ Rosalind Shaw, 'Memory Frictions: Localizing the Truth and Reconciliation Commission in Sierra Leone,' *International Journal of Transitional Justice* 1(2) (2007): 183–207.

⁵⁸ Tracey Gurd, 'Individualizing International Justice in Africa: Focusing on the Victims,' *Justice Initiatives: A Publication of Open Society Justice Initiative* (February 2005).

⁵⁹ Kyra Sanin and Anna Stirnemann, *Child Witnesses at the Special Court for Sierra Leone* (Berkeley, CA: War Crimes Study Center, 2006).

⁶⁰ Stover, supra n 8; Stover, Balthazard and Koenig, supra n 11.

⁶¹ Mischkowski and Mlinarević, supra n 17.

⁶² Clark and Palmer, supra n 13.

⁶³ Nancy Caro Hollander, 'The Culture of Fear and Social Trauma,' in *Love in a Time of Hate: Liberation Psychology in Latin America* (New Brunswick, NJ: Rutgers University Press, 1997).

⁶⁴ Stover, supra n 8.

⁶⁵ An exception is the Clark and Palmer study, supra n 13, which also included defense witnesses.

⁶⁶ Amani Trust, supra n 42.

⁶⁷ Sanin and Stirnemann, supra n 59.

motivations to testify in men versus women, although a number of researchers have posited gender differences in patterns of moral reasoning.⁶⁸

We designed our study in the hope that the aforementioned shortcomings could begin to be addressed. We explored some of the same questions that have been examined in research with witnesses from Rwanda, Cambodia, the former Yugoslavia and elsewhere, but we focused on witnesses from Sierra Leone. This allows us to consider whether motivations vary in different postconflict settings.

Methods

Sample and Measures

The sample consisted of 200 witnesses who were interviewed after giving testimony in the SCSL. The sample included both prosecution and defense witnesses, witnesses from all three trials conducted in Sierra Leone – comprising the Revolutionary United Front (RUF), the Armed Forces Revolutionary Council (AFRC) and the Civil Defense Forces (CDF) – and victims of war crimes as well as insiders (Table 1).

Victims were defined as individuals who had been subjected to war crimes directed toward themselves or their relatives/friends/neighbors and who did not use weapons, participate in any armed faction or perpetrate violence. Insiders were defined as witnesses who had been members of the armed factions on trial and who gave testimony regarding the structure and activities of these factions. Most insiders were admitted perpetrators of war-related aggression who were not brought to trial because of the SCSL's decision to prosecute only the senior commanders. A peace accord signed in 1999 guaranteed amnesty to lower-level perpetrators.

Of the 200 participants, 147 were interviewed as part of Post-Testimony Psychosocial Assessments (PTPA) conducted by full-time staff of the SCSL's Witness and Victims Section (WVS) from June 2005 to July 2007. Twelve were interviewed more than once. Six of the witnesses who were interviewed more than once gave the same response in a later interview. Duplicate responses were excluded from the analysis, whereas unique responses across interviews were included.

An additional 53 witnesses were interviewed between March and June 2007 for an internal program evaluation conducted independently of the WVS PTPA.⁶⁹ The vast majority of participants in the internal program evaluation had already described their motivations for testifying as part of their PTPA. For witnesses who had been interviewed for the PTPA as well as the program evaluation, only

⁶⁸ Carol Gilligan, *In a Different Voice: Psychological Theory and Women's Development* (Cambridge, MA: Harvard University Press, 1982).

⁶⁹ 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 of the Special Court for Sierra Leone* (Freetown: Special Court for Sierra Leone Witness and Victims Section, 2008).

Table 1. Percentages of Participants across Demographic and Witness Categories

	%	N
Gender		
Male	76	153
Female	24	47
Age		
17–30	23	43
31–40	25	46
41–50	26	50
51 and over	26	49
Type of witness		
Prosecution	57	113
Defense	43	87
Trial*		
CDF	30	60
RUF	26	51
AFRC	52	104
Victim status		
Victim**	76	151
Insider**	22	44
Child combatant	3	5
Total		200

* Percentages do not total 100, because some witnesses participated in more than one trial. ** Former child combatants were not included in the victim or insider group.

responses to their original PTPA were included in the analysis. The 53 program evaluation participants included in the analysis were those who had not undergone a PTPA.

The PTPA question was 'Why did you testify?' The program evaluation question was 'Why did you choose to testify?' We combined these two questions into a single measure of motivations for testifying.

Procedure

The responsibilities of the WVS included assessing whether witnesses had in any way been adversely affected by having testified. The WVS psychologist (first author) designed the PTPA and supervised its administration. In addition to inquiring about motivations, the PTPA asked about witnesses' overall physical and mental health, specific aspects of their experience of testifying and the impact of testifying on their psychosocial functioning. In the additional 53 interviews, witnesses were asked a variety of questions geared toward evaluating their satisfaction with WVS services.

Witnesses were contacted in person after their testimony had been completed. The interviewers were Sierra Leonean psychosocial workers employed by the

WVS who are fluent in Krio (the lingua franca of Sierra Leone), English and at least one local language. The interviews were conducted in the language preferred by the witness. Approximately two-thirds of respondents (67%) were interviewed within a year of testifying; the remainder were interviewed more than a year after testifying. The trials lasted between 21 and 48 months, and in most instances interviewers had to travel to remote areas under challenging security conditions. Thus, the specific time between completion of testimony and post-testimony interview varied based on practical exigencies (e.g., weather, availability of vehicles, schedule of trial recesses, etc.).

During all interviews, interviewers wrote the respondent's words verbatim. These responses were then entered on the computer verbatim. The first author read through the 160 interviews several times and, on this basis, created a preliminary coding scheme for every type of motivation mentioned. The first and third author met several times to further develop the scheme and to ensure that it was comprehensive and culturally sensitive. Subsequently, the second author reviewed this draft coding scheme and proposed additional revisions.⁷⁰

The other 53 interviews were not used in the creation of the coding scheme. Subsequent examination, however, indicated that the scheme was sufficiently detailed to capture all of the responses from those interviews.⁷¹

Analysis

The first and second authors used the coding scheme to independently code all responses. Cohen's Kappa coefficient was computed to estimate inter-coder agreement. The two coders showed a substantial amount of agreement (Cohen's $k = 0.69$). The content analysis was thus performed only on the first author's codes. Frequencies of codes were then tabulated. Two-tailed chi-square analyses were used to test the dependence of responses on demographic and witness-type characteristics. All chi-square analyses had a single degree of freedom. The significance level of 0.05 was used for the chi-square analyses.⁷² Additionally, Spearman correlations were computed to examine patterns of multiple responses. Due to the large number of correlations computed and low n s for some of the codes, we set the significance level for the Spearman correlations at $p = 0.01$ to avoid spurious findings. We considered Spearman correlations with alpha levels between 0.01 and 0.05 to be marginally significant. Except for instances in which there were fewer than five expected cases per cell, all statistically significant results are reported.

⁷⁰ Shanee Stepakoff, Simon Charters and Shawn Reynolds, *Preliminary Findings from Psychosocial Follow-Up Research* (unpublished manuscript, 2007), available from the authors.

⁷¹ The final coding scheme is available from the authors, along with examples of actual responses that corresponded to each code.

⁷² With this alpha level, even with unequal n s per group we have 99.9% power to detect even small correlations.

Strengths and Limitations

Of the witnesses who testified in the SCSL, we conducted interviews with approximately two-thirds. We obtained a large sample, allowing us considerable statistical power. Further, we included insiders as well as victims. We combined qualitative and quantitative methods of analysis to systematically examine the views of the witnesses. We did not have the opportunity to test whether motivations differed for witnesses who participated in our study versus those who did not, yet we have no reason to suspect such differences.

Some witnesses may have been reluctant to admit to financial motivations, particularly to SCSL staff. It can be argued, however, that the SCSL affiliation of the interviewers would *increase* the likelihood that witnesses would report a wish for material benefits (e.g., in the hope that the interviewers would then provide such benefits, or recommend to the section chief that such benefits be approved). Given that witnesses typically showed little or no reticence about asking for various forms of posttrial financial assistance, we have no reason to suspect that they would hesitate to admit to financial motivations if these were primary.

Across witnesses, there were different time spans between the crime(s), the trial and the interview. The war lasted from 1991 to 2002, the trials began in June 2004, July 2004 and March 2005, and the interviews were conducted from June 2005 to July 2007. Unfortunately, we were not able to explore the ways that self-reports about motivations for testifying may change with the passage of time. We do, however, remain impressed that although most witnesses were interviewed several months after testifying, they were nevertheless able to describe a variety of motivations, and to do so in a richly elaborated manner.

It is possible that our findings would have differed if we had used a preset list of items rather than allowing witnesses to give narrative responses. Nevertheless, we felt that this approach would yield the richest possible data, unbiased by researcher assumptions. We also felt that allowing witnesses to answer the question in whatever manner they wished might shed light on the salience of different motivations.

Results

In this section, we present our findings from the content analysis according to question, indicate the variety of motivations respondents described and provide examples of pertinent responses. We then report statistically significant relationships between motivations for testifying and various witness characteristics.

Range of Motivations

A total of 460 responses to the question about motivations for testifying were coded. From these responses, we found 18 categories of motivations. A total of 195 witnesses gave intelligible responses to the motives-for-testifying question, which were

Table 2. Motivations to Testify Ordered from Most Frequent to Least Frequent Category of Response

Motivations to testify	Number of witnesses	% of witnesses
Respond to/denounce wrongs committed against me [the witness himself/herself]	67	33.5
Contribute to public/worldwide knowledge about the war	60	30
Contribute to justice/accountability, punish those responsible for war crimes	47	23.5
Respond to/denounce wrongs against others, fulfill a moral duty to those who were wronged	47	23.5
Assist and inform the Court/judges, respond to the interest shown in me by the Court	45	22.5
Establish the truth about what happened in the war	38	19
Desire to talk about difficult/painful experiences, break my silence	37	18.5
Contribute to peace, prevent future war crimes	34	17
Sense of patriotism, for the good of the country, sense of civic duty	22	11
Exonerate the accused	14	7
Exercise a civic right to testify	13	6.5
Unburden myself, gain a sense of relief/peace of mind, to feel better	12	6
To clarify/explain my involvement in the war	7	3.5
Other	5	2.5
Material support [i.e., to receive medical care, school fees and/or other material benefits]	4	2
Desire to face or confront the accused, to force the accused to listen	3	1.5
To help me forgive, to reduce my desire for vengeance	3	1.5
Expiation, to be cleansed of sin	1	0.5
To atone for wrongdoing or clear my conscience	1	0.5

N = 200

assignable to one or more of these 18 categories. An additional five witnesses reported motivations that did not fall into any of these 18 categories and that were therefore coded as 'other' (Table 2). The few responses coded as 'other' were either unintelligible or clearly anomalous (e.g., 'I have a child with one of the rebels, [I thought that by testifying] maybe the father would show up and take responsibility for the child'). About three-quarters of the witnesses ($n = 148$) reported multiple (i.e., two or more) motivations for testifying. A total of 67 respondents gave three or more motivations, and 19 respondents gave four or more motivations.

The motivation for testifying reported most frequently was 'to respond to and denounce the wrongs committed against me during the war.' This motivation was given by 67 witnesses. Examples include:

I was ... seriously beaten and put in a jail for some time until my boss came in and freed me, this gave me the determination to testify.

The rebels captured me and I have come to testify about what they did to me.

I testified because ... these people captured my friend and me, and ... at that time, I was powerless, I could not do anything to them.

The second most frequent motivation, given by 60 witnesses, was 'to contribute to public or worldwide knowledge about the war.' Half of these interviewees ($n = 30$) specified that they wanted to contribute to knowledge around the world, whereas three referred to knowledge within Sierra Leone. Examples include:

For all of Sierra Leone to know that we the Kamajors did good for the country.

I want the whole world to hear my story, what happened to me and my family.

My main purpose of testifying was to let the international community know what terror we went through in this country.

The motive 'to respond to and denounce the wrongs committed against others, fulfill a moral duty to those who were wronged' was given by 47 participants. Responses include:

I testified because of my son who was amputated ... so when I had the opportunity to come and testify before the Court I did it with all my heart.

Because my sister's daughter was raped to death.

I saw them torture people, and kill people, and burn houses ... so when the Special Court came ... I said let me go and testify.

Six participants indicated that the others against whom the wrongs were committed survived, whereas 14 specified that the victims were killed. The remainder did not specify whether the victims were alive or deceased.

The motive 'to contribute to justice, challenge impunity and punish those responsible for war crimes' was given by 47 participants. Responses include:

I testified for the Court to wipe away impunity and the perpetrators to be punished for the wrongs they did to us.

I wanted justice to be done.

I wanted the culprits to be dealt with properly.

A total of 45 witnesses stated that they testified 'to assist or inform the Court and/or the judges' or 'to respond to the interest shown in them by the Court.' Examples include:

I testified because of the interest the Court showed to know about what happened to us.

The reason I testified is ... I was asked to come and say in the Court what I know about what happened to my people.

The sixth most frequent motivation, given by 38 witnesses, was 'to establish/record the truth about what happened during the war.' Examples include:

I wanted the Court to know of the truth within our movement the RUF, what we did during the war.

I testified for people to know the truth about the atrocities committed at [geographic location].

Because without [my] testifying, the Special Court wouldn't have known the event occurred, where these people were killed.

A 'desire to break one's silence and talk about difficult experiences,' mentioned by 37 participants, was the seventh most frequent motivation for testifying. Examples include:

My reason for testifying is to open up to other people by telling them what happened to me.

If I just sat and kept quiet about what happened to me... and then I die, I would condemn myself for not telling anyone what happened to me.

Because... if someone does bad things to you, and you have someone else who is willing to listen, you have to go and talk and explain about the bad things they did to you.

Motivations across Gender, Age, Type of Witness and Trial

Gender

A greater proportion of women (32%) than men (14%) reported that they testified because they 'wanted to talk about their painful experiences' ($\chi^2=7.33$, $p=0.007$). Also, a total of 19 percent of women ($n=8$) testified 'to unburden themselves, to feel better, for peace of mind,' whereas only 2.6 percent of men ($n=4$) mentioned this reason for testifying ($\chi^2=16.17$, $p<0.001$). Responses assigned the latter code include:

I testified because I wanted to open up and ease the burden on my mind.

Sometimes I feel tormented, and I thought that maybe if I go and testify I'll feel better.

Because this thing was really disturbing me, so when this opportunity came for me to go and talk about it, I did, in order for me to feel relief.

The codes for desires to 'talk about painful experiences' and 'unburden oneself and attain peace of mind' are conceptually related. To test a more parsimonious variable that would encompass both these categories, we combined them into a motive for 'self-expression,' which was coded for giving either, versus neither, of these two motives. When we utilized this new variable, we found that a far greater proportion of women gave 'self-expression' as a motivation for testifying than did men (45% versus 16%, respectively) ($\chi^2=17.33$, $p<0.001$).

Also, significantly more women than men (47% versus 28%, respectively) mentioned that they testified 'to denounce and respond to wrongs committed against them' ($\chi^2=6.19$, $p=0.01$). To examine a broader variable that would encompass the overall concept of 'moral denunciation,' we combined the codes for denunciation of wrongs against self and others. Utilizing this new variable, we found that 60 percent of women, versus 38 percent of men, listed 'moral denunciation' as a motivation for testifying ($\chi^2=6.89$, $p=0.009$).

More men than women (19% versus 6%, respectively) reported the motivation 'to contribute to peace and prevent future war crimes' ($\chi^2=4.23$, $p=0.04$). Responses assigned this code include:

So they can stop any future recurrence.

For us to have an everlasting peace in our country.

To stop or prevent people who have the intention of doing the same act, because if they know that people will prosecute them and witnesses will testify against them they will not do it.

Age

A greater proportion (15%) of the younger witnesses (i.e., those below age 30, $n=7$) testified for relief or to unburden themselves than did middle-aged or older witnesses (3%, $n=5$, $\chi^2=9.41$, $p=0.02$).

Victimization Status

Five interviewees were former child combatants and were simultaneously victims and insiders. As their experiences differed in important ways from both noncombatant victims and adult insiders, these five respondents were excluded from the comparisons between victim witnesses and insider witnesses.

A significantly greater proportion of victim (28%) than insider witnesses (2%) reported testifying 'to denounce and respond to wrongs committed against others during the war' ($\chi^2=13.41$, $p<0.001$). Likewise, more victims (39%) than insiders (14%) reported testifying to denounce and respond to wrongs committed against them personally ($\chi^2=9.95$, $p=0.002$). Using the new variable of 'moral denunciation,' which combines the two above-mentioned categories, 52 percent of victims reported this motivation, in contrast to only 13 percent of insiders ($\chi^2=22.33$, $p<0.001$).

Two motivations were reported by significantly more insiders than victims. The motivation 'to establish the truth about what happened in the war' was given by 36 percent of insiders, versus 14 percent of victims ($\chi^2=9.85$, $p=0.002$). Almost all witnesses who listed the motivation 'to clarify/explain my involvement in the war' were insiders. Responses assigned the latter code include:

I want people to know I... did not contribute to atrocities, that is why it [was] necessary to testify.

To prove that I did nothing wrong.

Six of the insider witnesses gave this motivation, versus only one of the victim-witnesses. As this motivation had a low response frequency, no chi-square statistic was computed on this finding.

Side

A total of 13 (11.5%) of the prosecution witnesses reported that they testified 'to unburden themselves, to feel better, for peace of mind,' whereas no defense witnesses gave this reason for testifying ($\chi^2=10.71$, $p=0.001$). A significantly greater proportion of prosecution witnesses (35%) than defense witnesses (14%) reported testifying 'to contribute to public knowledge about the war' ($\chi^2=11.11$, $p<0.001$).

A greater proportion of prosecution witnesses (26.5%) than defense witnesses (15%) reported testifying 'to denounce and respond to wrongs committed against

others during the war' ($\chi^2 = 3.92$, $p = 0.048$). Likewise, more prosecution witnesses (38%) than defense witnesses (24%) reported testifying 'to denounce and respond to wrongs committed against them personally' ($\chi^2 = 4.37$, $p = 0.036$). When we combined these two categories to form the broader category called 'moral denunciation,' we found that a significantly greater proportion of prosecution witnesses (49.6%) gave this motivation than did defense witnesses (30.2%) ($\chi^2 = 7.81$, $p = 0.005$). A total of 12 defense witnesses (13%) reported that they testified 'to exonerate the accused,' whereas two of the prosecution witnesses reported this motivation ($\chi^2 = 15.12$, $p < 0.001$). Responses given this code include:

I testified because I want [one of the accused] to be free.

The CDF... was fighting to bring the democratically elected president to power... so I was there to give evidence to set them free.

Trial

Two-thirds of the witnesses who reported the motivation 'to exonerate the accused' testified in the trial of the alleged commanders of the CDF. A much greater proportion of CDF witnesses mentioned a desire to exonerate the accused than did witnesses from the other two trials (14% versus 3%, respectively) ($\chi^2 = 8.62$, $p = 0.003$). All of the CDF witnesses who listed this motivation testified for the defense.

There was a significant tendency for AFRC witnesses to report having testified 'to exercise their civic right' compared to witnesses from the RUF or CDF trials ($\chi^2 = 4.15$, $p = 0.04$). A total of 10 AFRC witnesses gave this response, versus three RUF witnesses and no CDF witnesses. Responses assigned this code include:

I didn't do it for money or any other thing. I did it because it is my right.

As a patriotic citizen, it is my right to testify about what happened in my presence during the war and to testify against those who were responsible.

Relationships among Motives

Here, we present evidence from the Spearman correlation estimates of the co-occurrence of codes. This evidence indicates that some motivations are interconnected. That is, some codes were reported concurrently by the same witness with a greater probability than would be expected by chance. This evidence sheds light on the underlying conceptual meanings of the various motives respondents described.

The wish to respond to wrongs committed against oneself was correlated with the wish to respond to wrongs committed against others ($r_s = 0.19$, $p = 0.004$). A desire to fulfill one's civic or patriotic duty (comprising responses such as, 'I felt that as a citizen it was my duty to give testimony before the Special Court,' and, 'Because the existence of the SCSL in Sierra Leone is a pride for our country and I

am happy to be a part of that process') was correlated with desires to exercise the civic right to testify ($r_s = 0.25$, $p < 0.001$) and to contribute to peace and prevent future war crimes ($r_s = .17$, $p = .01$).

There was an association between the wish to talk about painful experiences ($n = 37$) and a desire for greater peace of mind ($n = 12$, $r_s = .14$, $p < .04$), though this did not reach statistical significance. There were also marginally significant correlations between the wish to contribute to public knowledge about the war ($n = 60$) and desires to denounce wrongs committed against oneself ($n = 67$, $r_s = 0.14$, $p < .04$) and fulfill a moral duty to those who were wronged ($n = 47$, $r_s = .14$, $p < 0.04$).

Some categories were negatively correlated. Witnesses who mentioned a desire to respond to wrongs committed against themselves tended *not* to mention a desire to contribute to the good of the country ($r_s = -0.20$, $p = 0.004$) or establish the truth about wartime events ($n = 38$, $r_s = -0.17$, $p = 0.01$). Also, there was a marginally significant inverse correlation between the desire to contribute to the good of the country ($n = 22$) and the desire to talk about painful experiences ($n = 37$, $r_s = -0.16$, $p < 0.02$). The desire to assist the Court or the judges ($n = 45$) was inversely correlated with a desire to contribute to public knowledge about the war ($n = 60$, $r_s = -0.20$, $p = 0.004$).

Discussion

Similar to previous studies, we found a variety of reasons that witnesses decided to testify in war crimes trials. Our findings, however, suggest that previous estimates, which posited between one and seven motivations, were too low. In our study, 18 different reasons for testifying were mentioned. Most witnesses described between two and four motivations. Many of these reasons were conceptually similar to those mentioned in previous studies, though the frequency and salience of particular motivations differed. It thus appears that some components of the desire to give testimony are relevant across diverse settings, whereas others may be context specific.

The finding that a desire to contribute to public knowledge about the war was one of the main motivations for testifying may be related to the fact that the SCSL was an international, UN-backed tribunal. Motivations for giving evidence in such contexts may differ from those in truth commissions, community-level processes or national courts. In particular, SCSL witnesses may have been more inclined to value the international recognition available in UN-backed tribunals. Further, the desire to enhance public knowledge may be particularly salient in trials that take place in the same country where the war occurred, in contrast to trials such as those of the ICTR and ICTY, which took place in Tanzania and The Hague, respectively.

Consistent with key assumptions in transitional justice, a sizeable portion of SCSL witnesses (approximately one out of five) were motivated by a desire to tell their stories. This finding provides empirical support for the belief, held by many

trauma theorists,⁷³ that victims of violence seek opportunities to give verbal form to their experiences.

Similar to the observations of previous researchers who have argued that many witnesses hope for retributive justice,⁷⁴ nearly a quarter of interviewees mentioned a desire to challenge impunity. Also, only 2 percent cited financial benefits as a factor in their decision to testify. These findings are consistent with the empirical studies cited earlier.

Similar to the ICTY and ECCC witnesses,⁷⁵ some SCSL witnesses, albeit a small number, wanted to confront the accused. None of the SCSL respondents mentioned a wish to hear the perpetrator express remorse, however, probably because they were aware that the accused would not be permitted to address them in court.

Unlike in some previous studies, a sense of moral duty to past or future victims was not the motivation mentioned most often in our study. The desire to respond to wrongs committed against *oneself* and the desire to contribute to public knowledge about the war were mentioned more frequently than desires to respond to wrongs against others or prevent future war crimes. Also, no participant in our study mentioned a desire to enhance public knowledge about the suffering of particular ethnic groups. This probably reflects the fact that interethnic conflict was not a major factor in the Sierra Leone war.

Gender

In a traditional, patriarchal culture, in which women are rarely encouraged to speak in public and have few, if any, avenues for expressing their sense of injustice regarding human rights violations, the opportunity to give testimony in court may provide an important means for responding to atrocities. Alternatively, the greater prominence of moral denunciation as a motivation among women versus men may be related to the fact that many female witnesses testified as 'bush wives' (i.e., women taken against their will and forced to be spouses to members of armed factions). In many instances, 'bush wives,' along with female survivors of sexual and gender-based violence (SGBV) more generally, were shunned by their families and communities after the war. These experiences may have contributed to female witnesses' desires to emphasize their status as victims and denounce the wrongs that were committed against them.

Male witnesses showed a greater desire for sociopolitical repair (e.g., motivations pertaining to the wider society and nation), whereas women evinced a greater desire for personal, psychological repair. This gender difference may reflect the fact that the vast majority of female witnesses in the SCSL were called specifically to testify about their experiences of SGBV. In a setting in which mental health services are scarce, SGBV survivors may be more likely to view testifying as

⁷³ Herman, *supra* n 36.

⁷⁴ Hamber, *supra* n 33.

⁷⁵ Stover, *supra* n 8; Stover, Balthazard and Koenig, *supra* n 11.

a means of obtaining relief from psychological pain. It may also be that for men, abstract principles are more salient motivators than for women. This view is consistent with the finding, from research on moral reasoning, that men tend to utilize abstract principles whereas women tend to focus on interpersonal relationships and a desire to reduce suffering (i.e., 'justice' versus 'care' orientations).⁷⁶

Age

It is possible that the younger witnesses experienced a greater need for emotional relief because they had not yet developed the internal resources needed to cope with difficult wartime events. It is also possible that with increasing maturity, individuals develop a greater interest in altruistic motivations such as contributing to the good of the country. The possibility of age differences in motivations to testify should be explored further in future research.

Victim Status

Victim and insider respondents were motivated by different concerns. The former viewed testifying as a vehicle for denouncing wrongs. The latter viewed testifying as an opportunity to publicly explain their wartime actions and to correct public misperceptions about wartime events.

Side

Prosecution witnesses may have felt a greater sense of having been harmed by wartime events than did defense witnesses. This sense of having been wronged may help to explain their greater desire to ensure that the public become aware of the events and to denounce those viewed as responsible.

Trial

The finding that witnesses in the CDF trial were far more likely to mention a desire to exonerate the accused than witnesses in the other two trials is best explained by differences in public perceptions of the trials. For example, while large portions of the Sierra Leonean public viewed the RUF and AFRC indictees as war criminals, substantial segments of the population considered the CDF indictees as heroes for having restored democratic rule.

Relationships among Motives

The relationship between the desires to denounce wrongs against self and to denounce wrongs against others suggests that giving testimony in a court of law can serve as a positive means by which individuals respond to abuses of power. Similarly, the association between the desires to denounce wrongs and

⁷⁶ Carol Gilligan and Jane Attanucci, 'Two Moral Orientations: Gender Differences and Similarities,' *Merrill-Palmer Quarterly* 34 (1988): 223–237.

to contribute to public knowledge about the war, though marginal, suggests that witnesses may view public exposure as an important component of the condemnation of human rights abuses. The relationship between the desires to fulfill one's civic duty and to prevent future war crimes represents an attitude of principled citizenship, and the hope that giving testimony in a war crimes trial will serve a larger national purpose.

The inverse correlation between the desires to assist the Court and to contribute to public knowledge suggests that, for some witnesses, assisting a relatively visible, immediately accessible entity like the judges may be more meaningful than a larger goal such as contributing to public awareness. The relative salience of these desires may depend partly on a reverence for authority or a preference for more concrete forms of cognition.

It appears that there may be two broad, overarching aspects of the decision to testify: those that are primarily geared toward helping oneself and those that are primarily geared toward helping others. The latter may include the Court/judges, others who were harmed or killed during the war, potential future victims or the wider society and nation. These two aspects are not mutually exclusive, and, indeed, in many instances may even be mutually reinforcing (e.g., public acknowledgment of human rights violations may reduce the victim's psychological pain while also contributing to the good of the country).⁷⁷ Nevertheless, for some witnesses abstract principles may have central import, whereas for others self-oriented motivations may be more salient.

Conclusion

Knowledge about the reasons witnesses choose to testify is pivotal to the development of the transitional justice field, particularly as witnesses are increasingly being afforded greater participatory roles in a wide variety of contexts. Such knowledge is crucial given that witnesses in war crimes courts, in contrast to domestic legal proceedings, are not legally compelled to give evidence. Although we must be cautious about extrapolating from the results of this context-specific study to other settings, our findings suggest that many aims that witnesses seek to fulfill are highly congruent with the overall goals of tribunals (e.g., retributive justice, denouncing wrongs, contributing to public knowledge). However, others (e.g., narrating one's trauma story in an elaborated and freely chosen manner, obtaining information from the accused) may be only partially achievable. Some goals of witnesses (e.g., to honor past victims) may be realistic even when they are not official priorities for war crimes courts.

Pragmatically, recognition of the range of motivations can allow for more effectively supporting witnesses in mobilizing the inner strength needed to cope with the rigors of testifying. When a witness mentions one motivation, court staff (e.g., support workers, attorneys) may choose to highlight additional reasons that

testifying is a worthy course of action. For example, in relevant instances, they can remind witnesses that by testifying they are dignifying the memory of the victims. Similarly, if war crimes survivors express a wish for revenge, staff can point out that giving evidence in court is a more constructive response.

Also, staff can help witnesses recognize the extent to which particular motivations are realistic in a given setting. For example, if a witness seeks to contribute to international knowledge about the war, and there is a plan to keep the testimony under seal, staff can mention alternative reasons for testifying, or explore whether the evidence can be safely made public. Likewise, if a witness's primary motivation is to see the accused in custody, and s/he is expected to testify via video link, support workers could advocate for the option of giving evidence in the courtroom instead. If denunciation is a central aim, a judge may permit the witness to point at or name the accused. Investigators, when they recruit potential witnesses, can mention factors that have informed others' willingness to testify. If witnesses become distressed during 'prepping,' attorneys can encourage them to focus on their reasons for testifying. Support officers, who usually have dual responsibilities toward the tribunal and witnesses, can advocate on their behalf to help them achieve some of their goals.

The findings of this study suggest that it may be useful – both for the benefit of tribunals and the welfare of witnesses – for court staff to inquire, in the early phases of a witness's involvement, about motivations for testifying. Later, this information can help staff correct misconceptions and, to the extent feasible, customize their comments and actions based on witnesses' key motivations. A tribunal's responsiveness to their priorities and needs can reduce the risk of disappointment and increase the probability that witnesses will be satisfied with their participation in war crimes trials.

⁷⁷ Kirk Simpson, 'Voices Silenced, Voices Rediscovered: Victims of Violence and the Reclamation of Language in Transitional Societies,' *International Journal of Law in Context* 3 (2007): 89–103.