

CHAPTER THREE

Women and the Armed Conflict in Sierra Leone

Introduction

1. Sierra Leone sits on the beautiful west coast of Africa, facing out onto the Atlantic Ocean. It is bordered by Guinea to the north and Liberia to the southeast. Sierra Leone consists of a hilly western peninsula and a hinterland abundant in diverse natural riches, including agricultural and mineral resources. Mountains rise to over 6,000 feet in the northeast, while the territory is blessed with plentiful rainfall that yields dense forest vegetation interspersed with swamps. It is a land of staggering natural scenery and personality.
2. Sierra Leone is made up of seventeen different ethnic groups, the largest of which is the Mende of the southern and eastern regions. The second largest is the Temne, followed by the Limba, both of which are dominant in the north. Other groups include the Kono in the east, the northern Koranko, the Mandingo, Loko, Susu, Fullah and Yalunka. Smaller groups include the Bullom, Sherbro, Vai, Gola and Krim, with the Kissi in the eastern hinterland.
3. In the eighteenth century, the abolitionist campaign led to the decision in Britain to relocate freed slaves to Sierra Leone. The British government purchased land from a Temne King in order to settle freed slaves on and around the western peninsula. This new community took on the name "Freetown" and its population became known as Krios. In 1808, the British created the Crown Colony, centred on Freetown and its environs, and in 1896 made the outlying areas into a Protectorate. For over 150 years the British dominated all spheres of life in the country. It was during this period that the Freetown-based Krios advanced educationally and economically at the expense of the people in the hinterland. The Krios developed into a highly educated group of colonial subjects compared to their counterparts in the Provinces.
4. Sierra Leone celebrated its independence on 27 April 1961. However, stability and development were steadily undermined by a series of military coups and attacks on multi-party democracy. Siaka Stevens, who became Prime Minister in 1968, engaged in a systematic campaign to centralise power around his executive. Within ten years he had made himself the President of a One-Party Republic. During Stevens' rule, corruption and nepotism became entrenched. Rampant unemployment and poverty, coupled with violent suppression of all dissent and opposition, led the population to despise and distrust its ruling elite. Persistent bad governance created the conditions for the outbreak of conflict.
5. The conflict in Sierra Leone, which lasted from 1991 to 2002, was particularly horrific because of the scope and severity of atrocities targeted at civilians. Its other defining feature was its chameleonic character, whereby many of the role players changed sides and allegiances against a background of complex military and political dynamics. The conflict was essentially self-destructive in nature: towns and villages were ravaged; crops and economic installations

were destroyed; and a whole generation of Sierra Leoneans was displaced, brutalised and traumatised.

6. Women and girls became particular targets of malice and violence during the conflict. They suffered abduction and exploitation at the hands of the various perpetrator factions. Their vulnerability was deliberately exploited in order to dehumanise them and perpetrate against them the most gross of violations. They were raped, forced into sexual slavery and endured acts of great sexual violence. They suffered mutilations, torture and a host of cruel and inhuman acts. They were taken from their homes and villages by force. Refusal to comply with the demands of their captors often met with death. For those fortunate enough to escape, there followed displacement and separation from families. While some went into exile, many were housed in camps in Sierra Leone and in neighbouring countries. Shockingly, women and girls were not safe even in these camps. Humanitarian workers – meant to offer them respite and protection – also violated their rights. Women and girls were compelled to barter their bodies in order to survive and access aid to which they were rightfully entitled. Girls as young as 12 were forced to pay for aid with sex to secure assistance for their families.
7. Statistics pertaining to the numbers of women affected by the conflict in Sierra Leone remain a huge concern. In 2003, Human Rights Watch published a report in which they stated that as many as 275,000 women and girls may have been sexually violated during the war.¹
8. While peace has returned to Sierra Leone, many of the wounds still remain open. Women and girls still bear the scars, both physically and psychologically. Many have borne children from their horrific experiences. These children are a daily reminder of their pain and suffering. Many women and girls are shunned and punished by members of a society who refuse to acknowledge that it is their failures that led to this conflict and their failure to protect women and girls that has led to the plight they find themselves in today. Women and girls who were violated throughout the conflict are ostracised from society for giving birth to children of “rebels”. It is the price they continue to pay, even today.
9. The UN Secretary-General, in his Twenty-first Report to the Security Council on the UN Mission in Sierra Leone, has stated that “violence against women, including sexual exploitation, as well as discrimination against women in law and in practice and the low rate of participation of women and youth in the political and administrative affairs of the country needs to be addressed.”²

Mandate of the Truth and Reconciliation Commission

10. The Truth and Reconciliation Commission (“TRC” or “the Commission”) was founded by an Act of Parliament in February 2000 and its Commissioners were inaugurated in July 2002. Section 6(2)(b) of the TRC Act mandated the Commission to restore the dignity of victims. In this context, there was a duty to afford “special attention to the subject of sexual abuse”. While women are not explicitly mentioned in the TRC Act, given that they were the overwhelming victims of sexual abuse, the Commission interpreted this provision to mean that it should pay special attention to the experiences of women and girls.

¹ See Human Rights Watch, “*We’ll Kill You if you Cry*”, a report on gender-based violence during the conflict in Sierra Leone, Vol. 95, No. 1(a), New York, January 2003 (hereinafter “Human Rights Watch, *We’ll Kill You if you Cry*”). The full report is available at the website: www.hrw.org.

² See the Twenty-first Report of Secretary-General on the United Nations Assistance Mission in Sierra Leone (UNAMSIL), UN Doc. S/2004/228, 2004, at paragraph 45.

11. The Commission intends in this chapter to capture the experiences of both women and girls in respect of sexual violence, as well as their complete gendered experiences at a political, legal, health and social welfare level. While the majority of the women in Sierra Leone were victims, the Commission recognises that many women took on the role of perpetrators and / or collaborators, out of personal conviction or simply in order to survive.
12. While the National Commission for Disarmament, Demobilisation and Reintegration (NCDDR) recorded that 4,751 girls entered the DDR process, actual estimates of female combatants are said to be much higher. Dyan Mazurana and Kristopher Carlson, for example, estimate that 12,056 of 48,216 child soldiers were girls. In their report they note that 44% of the girls they interviewed claimed to have received basic military and weapons training. The UN Secretary-General has also acknowledged that “women combatants did not adequately benefit from the disarmament, demobilisation and reintegration programme, particularly because the fast-tracking of the cantonment period resulted in a loss of focus on special programmes intended for women”. He reported that “no provision was made for female camp followers, most of whom had been abducted by the combatants.”³
13. While women played a strong role in peacemaking, only two women attended the negotiations that led to the signing of the Lomé Peace Agreement in 1999. Nonetheless women are increasingly playing a more prominent role in the public life of Sierra Leone.
14. The Commission, primarily through the testimonies it received from women and girls, seeks to find answers as to why such extraordinary violence was perpetrated against women. Did the origins lie in the cultural and traditional history of Sierra Leone, where women were afforded a subservient status to men? Did the low status of women in socio-political life make them easy targets? Or is it because men still perceive women to be chattels, possessions belonging to them, symbols of their honour, making them the deliberate targets of an enemy determined to destroy the honour of the other? The answers probably lie somewhere in a combination between all of these factors.
15. The Commission believes that it is only when the legal, social and political system treats women equally that they will realise their full potential. Women must be given full access to economic opportunities, which allow for their complete, holistic development. They must be able to participate freely in both public and private life. Developing robust accountability mechanisms for those who perpetrate gender-based crimes is a necessary part of this evolution, in order to ensure that women are never again dehumanised the moment the rules of society break down.

³ See the Twenty-first Report of Secretary-General on the United Nations Assistance Mission in Sierra Leone (UNAMSIL), UN Doc. S/2004/228, 2004, at paragraph 45.

TRC POLICY AND METHODOLOGY

16. The TRC in Sierra Leone boldly confronted the task of dealing with its special mandate in respect of sexual violence by formulating policy and determining a methodology to reach as many women and girls as possible in order that their experiences could be documented. In formulating policy, the Commission was driven by several imperative needs: to protect the victims; to engender an atmosphere of trust in the Commission; to observe issues of confidentiality; to create a safe environment for women; and to ensure that women and girls would not be “retraumatised” or “revictimised” in the process.
17. The Commission decided, at the outset, that women, particularly those who had suffered rape and sexual violence, should make their statements to women statement-takers who would be trained specifically to deal with accounts involving rape and sexual violence. The Commission also decided that women themselves should have the option of deciding whether their statements should be regarded as confidential in terms of the provisions of the Act.
18. Once policy was formulated in respect of women and girls, the Commission had to consider how to implement this policy in the various aspects of its operations: raising awareness of the Commission’s mandate; statement-taking; hearings; report writing; findings; reparations; and recommendations.
19. In the “barray phase” – when Commissioners and staff held public meetings in local “barrays”, which are equivalent to town halls – the TRC reached out especially to women, women’s groups and agencies dealing with women, sensitising them to the aims and objectives of the Commission’s work. The Commission made it clear that it intended to “mainstream” gender in all its activities, that it would deliberately recruit women to be trained as statement takers and that it would welcome suggestions and assistance from agencies dealing with women and girls. At the outset, the Commission made an effort to recruit women into senior staff positions. In addition, it ensured that more than 40% of the statement-takers were women.
20. The Commission arranged for the training of all statement-takers on issues of rape and sexual violence, as well as helping them to cope with trauma. Two training sessions dedicated to this purpose took place in Bo and Kenema. In order to prepare the statement-takers as comprehensively as possible, the Commission also provided guidelines on how to deal with women who had suffered sexual abuse. In summary, these guidelines directed statement-takers to ensure the following conditions:
 - i. That statement-taking should always be on a one-to-one basis;
 - ii. That the presence of husbands and fathers should be discouraged during statement taking, unless insisted upon by the statement-giver; and
 - iii. That as a rule of thumb, when dealing issues of rape and sexual violence, female statement takers should take the statements. This policy did not preclude a preference being expressed by statement-giver that she was willing to make her statement to a male statement-taker.

21. The Commission trained its statement-takers to explain to women who were victims of sexual violence that they should be asked whether or not they would be willing to appear at a TRC hearing. The Commission also made it clear that if a woman preferred, she could appear at a closed hearing to give her testimony. The Commission advised that women should at all times be at liberty to choose for themselves the circumstances in which they testified.
22. Once training had taken place, the TRC embarked upon a pilot phase in December 2002, which saw statement-takers deployed to the various regions. The Commission was pleasantly surprised to discover that women and girls had come out in large numbers to participate in the statement-taking process during the pilot phase. At that early stage, however, women ex-combatants did not turn out in large numbers.
23. While the Commission held public hearings for all witnesses who chose to participate, including women who had suffered violations that were not sexual in nature, it was also decided that there should be special hearings for women and girls who had been sexually violated. These special hearings were “closed”, which meant that members of the public were not allowed into the hearings venue. Accordingly, the Commission adopted a special hearings procedure.
24. The Commission decided that these hearings would be held *in camera* and would be presided over and attended only by female Commissioners and staff. The Commission through its reconciliation unit provided trained counsellors who would brief and debrief the women and girls who appeared at these special hearings. These counsellors also met with witnesses before their appearances at other hearings. The counsellors and staff members responsible for the hearings would go through the statements previously given by the witness to refresh the memory and ensure consistency.
25. Counsellors would also sit beside witnesses while they were giving testimony and provide assistance to them if they needed it. Immediately after each hearing, the counsellors would debrief and counsel each witness. Women Commissioners would explain to the women and girls who were to testify about what the process entailed and why their testimony was needed. They would then attempt to draw out the totality of each witness’ experiences. If witnesses lost their composure or broke down completely, the Commissioners would assess the situation and would either adjourn the hearing to allow the witness to regain composure or counsel them until they indicated that they were ready to resume their testimony.
26. The Commission was intent on ensuring that victims would be treated with respect and dignity during hearings. Witnesses who appeared during the closed hearings were provided with food, drink and medical assistance whenever they needed it. They were also provided with transport to and from the hearings venues and, where necessary, overnight accommodation.

27. The Commission had expected that most women who were willing to testify would choose to do so *in camera*. Surprisingly this was not the case, particularly in the rural areas, where women wanted the community to hear their stories. Many women volunteered to testify in public. As far as girls under 18 years of age were concerned, the Commission employed a policy that all testimony would be given in camera and that mechanisms would be found to have this testimony heard without making identities public. Of course there were also many women who were content to make written statements only to the Commission and who chose not to appear before any hearings. Their statements were also of immense value to the Commission.
28. The TRC Legal and Reconciliation Unit worked quite intensively with witnesses and a number of counselling agencies in Sierra Leone. The unit provided witnesses with referrals to counselling agencies where appropriate. The reconciliation unit also ensured that follow-up sessions were provided by trained counsellors after the hearings. Counsellors visited the witnesses later in their homes and completed questionnaires that dealt with the impact and consequences of appearing before the Commission.
29. An event of great significance for the Commission was the session of Special Thematic Hearings on Women, which took place in Freetown from 22 to 24 May 2003. This session started with a march through some of the main streets in the city centre of Freetown, culminating at the hearings venue. The march was led by the Deputy Minister of the Ministry of Social Welfare, Gender and Children's Affairs, accompanied by staff of the Ministry, women activists, Commission staff, many women's organisations and hundreds of supporters. The Minister of Social Welfare, Gender and Children's Affairs, Dr. Shirley Gbujama, then formally opened the Special Hearings session.
30. During the TRC Special Thematic Hearings on Women, the Commission received submissions from a number of women's groups, UNIFEM and other donor agencies. Testimony was heard from women who had suffered sexual violations. The Commission was careful to protect the identities of the women who gave testimony. While both male and female Commissioners were present, it was only the women Commissioners who asked questions.

Partnership with UNIFEM

31. The Commission entered into an important partnership with the United Nations Development Fund for Women (UNIFEM), which led to the launch of the "Initiative for the Truth and Reconciliation Commission" under UNIFEM'S Peace and Security Programme. The initiative made available training for Commissioners, staff and UNIFEM's NGO partners. UNIFEM also assisted the NGO community to make submissions on issues affecting women.
32. UNIFEM became involved in mobilising women's groups in Sierra Leone to participate in the Commission's activities by making submissions to the Commission, assisting with the hearings, providing witnesses to the Commission and attending the hearings. UNIFEM also spearheaded the organisation of the march through Freetown and provided funding for some of the items used in the Special Hearings, including refreshments. UNIFEM provided two international gender consultants to assist the Commission and women's organisations both with writing the report and formulating the recommendations.

Partnerships with women's organisations

33. The Commission was keen to establish a working relationship with all of the women's groups in Sierra Leone when it began its work. A number of consultations took place where issues affecting women were discussed, providing valuable input for the Commission's work. Women's organisations also made an important contribution to the work of the Commission by calling upon the women of Sierra Leone to support its work.
34. The Commission is deeply grateful to UNIFEM, the Ministry of Social Welfare, Gender and Children's Affairs and to all the agencies and women's groups for their assistance in realising its mandate as set out in the founding Act.

THE STATUS OF WOMEN BEFORE THE CONFLICT

WOMEN AND EDUCATION

35. Culture and tradition in Sierra Leone have in the past prevented women, particularly women in the rural Provinces, from accessing education. The practice in rural societies within Sierra Leone, where most people live below the poverty line, is usually to favour the education of men and boys at the expense of women and girls. Such traditional favouritism of males led to a great disparity existing between men and women in education prior to the war.
36. The Analytical Report on the 1985 Census confirmed that in 1985, 91.5% of all females in Sierra Leone aged five years and older were regarded as illiterate. While the average illiteracy level for the whole country for females exceeded 90% in all the districts, Kambia and Koinadugu were the worst at 97.7%. The illiteracy level for females in the Western Area was the lowest, at 68.7%. The 1985 report also confirmed that out of a total of 1.32 million of females aged five years and older, 1.02 million and 0.01 million had completed primary and secondary school respectively.⁴
37. The National Action Plan for Development made an analysis of the 1984 GCE 'O' level results and found that out of 641 entrants, 25% were females.⁵ It also noted with dismay the high rate of female school dropouts. Reasons advanced for this state of affairs included the general lack of access to schools, as 80% of people lived in rural areas whilst most schools were concentrated in the urban areas. The Western Area, including Freetown, housed the majority of schools despite its relatively small area of territory and its residents therefore fared somewhat better than those in the rest of the country.

⁴ See Kandeh, H. B. S. and Ramachandran, K. V. (eds.); *The Analytical Report, 1985 Population and Housing Census for Sierra Leone*, Freetown, Central Statistics Office, 1985, at pages 7 – 14.

⁵ See *Partners in Adult Education Women's Commission (PWC); Female Self-Perceptions and Attitudes*, Report on a Survey of Sierra Leonean Women aged 15 years and above; Freetown; Adult Education House; 1998, at page 6.

38. The Government of Sierra Leone had not “mapped” its schools in the Provinces efficiently or appropriately, which resulted in the location and establishment of many schools far away from the most needy rural communities. The great distance that children had to travel from their homes to get to school discouraged many parents and guardians from sending their children and wards to school. Such reluctance appears to have affected the enrolment and attendance of girls more so than boys, which has contributed to the particularly low level of education of women in the regions.⁶
39. According to the Analytical Report on the 1985 Census, of the four major administrative regions, the North showed the lowest levels of school attendance, attainment and literacy in English. The statistics were accompanied by an observation that perhaps school education was relatively unattractive in the Northern Province, due in part to the perceived influence of Islam in the region.⁷
40. Cultural and economic factors are also cited as contributing factors to the low levels of educated women. The economic crisis that Sierra Leone experienced in the 1980s meant that as resources became scarce and priorities were set, most families chose to educate their males rather than their women and girls. This preference is common in many African societies, where families believe that by educating their men they will support their own kin, whereas by educating their women they will benefit the families those women marry into. Women and girls are usually kept at home to attend to household chores, which, for a large number of them, is also preparation for early marriage.
41. The historical prevalence of early and forced marriages in Sierra Leone has also played a role in the decisions of parents on whether to educate their girl children or withdraw them from school, further compounding the illiteracy level of women. The high levels of illiteracy among women in Sierra Leone before the war have greatly disadvantaged them, particularly in the public arena. Women have been unable to participate fully in many sectors of public life and therefore have never mustered enough power to change the lives or social status of women for themselves.
42. High levels of illiteracy have also had implications at a political level, where women and women’s issues have generally been relegated to the back burner. There has always been a great lack of awareness of the need for women to participate in issues affecting their lives, even among women themselves. It was therefore relatively easy for successive governments before the war to ignore issues affecting women and girls. The low level of female participation in formal education has had negative consequences in terms of economic viability, politics, health and social welfare level for women.

⁶ See Kandeh, H. B. S. and Ramachandran, K. V. (eds.); *The Analytical Report, 1985 Population and Housing Census for Sierra Leone*, Freetown, Central Statistics Office, 1985, at pages 7 – 14.

⁷ See Kandeh, H. B. S. and Ramachandran, K. V. (eds.); *The Analytical Report, 1985 Population and Housing Census for Sierra Leone*, Freetown, Central Statistics Office, 1985, at pages 7 – 14.

WOMEN AND POLITICS

43. A paradox exists in Sierra Leone in the realms of women and politics: some women have been political pioneers, whilst the vast majority have languished on the sidelines. This paradox has its origins in the history of how women in Sierra Leone became involved in politics. At the end of World War I, women of Krio origin, born in the Colony,⁸ made their voices heard in the political arena. At the same time, in the Protectorate, a few women wielded political power by becoming Paramount Chiefs or Section chiefs. In Freetown, women of Protectorate extraction, e.g. Mende and Temne, served and still serve as both Section and Tribal Headmen.⁹
44. The activities of those first, feisty women politicians in the Colony resulted in some landmark events. In 1938, Constance A. Cummings-John became the first woman to stand for office in Freetown in the municipal elections, which she went on to win.¹⁰ In 1951, the Sierra Leone Women's Movement (SLWM), a non-political representative organisation, was established. Its goals were "to improve the status of all Sierra Leonean women, whether born in the Colony or in the Protectorate, and to seek female representation on government bodies concerned with education, social welfare and the economy."¹¹ Due to the formation of this group, in 1954, one of the founding members, Mabel Dove, became the first woman in West Africa to be elected to the legislature.¹² The SLWM had a broad base of membership, with about 2,000 members from the Colony and about 3,000 from the Protectorate.¹³ The movement has been described as the only mass-based organisation in the 1950s that actively worked to unite all ethnic groups within its structure and to inculcate a common national identity among Sierra Leoneans.¹⁴
45. Women made real progress in the political arena, which resulted in some of them holding political office in the 1950s in Sierra Leone. In the process certain politicians made history that impacted on a world beyond Sierra Leone. In 1958, three women – Constance Cummings-John, Lena Weber and Stella Ralph-James – became members of the municipal council while, in 1960, one woman was elected Deputy Mayor of Freetown and another, Nancy Koroma, was elected Mende Headman in Freetown.¹⁵
46. Women personalities continued to make their voices heard on political issues in Freetown right through to the time of independence, despite the fact that the vast majority of women were excluded. In the 1957 election, despite the apathy shown by most women, four women did contest for election under the auspices of the SLPP and the two contesting seats in the Colony won.¹⁶ It is instructive to note that neither of these two women ultimately took up their seats in Parliament, due to election petitions filed against them.

⁸ The "Colony", or the "Crown Colony", was the name given to Freetown during colonial rule. The remainder of the territory of Sierra Leone was known as the "Protectorate".

⁹ See Denzer, LaRay, "Women in Freetown Politics 1914 – 1961, A Preliminary Study", in Last, M., Richards, P. and Fyfe, C. (eds.); *Sierra Leone 1787 -1987: Two Centuries of Intellectual Life*, Journal of the International African Institute, Volume 57, No. 4, 1987 (hereinafter "Denzer, *Women in Freetown Politics 1914 – 1961*", at page 451.

¹⁰ See Denzer, *Women in Freetown Politics 1914 – 1961*, at page 444.

¹¹ See Denzer, *Women in Freetown Politics 1914 – 1961*, at page 447.

¹² See Denzer, *Women in Freetown Politics 1914 – 1961*, at page 447.

¹³ See Denzer, *Women in Freetown Politics 1914 – 1961*, at page 448.

¹⁴ See Denzer, *Women in Freetown Politics 1914 – 1961*, at page 448.

¹⁵ See Denzer, *Women in Freetown Politics 1914 – 1961*, at page 451.

¹⁶ See Denzer, *Women in Freetown Politics 1914 – 1961*, at page 450.

Nevertheless, the same election of 1957 saw the first and, eventually, the only woman to become a Member of Parliament in that term, Madam Ella Kblo Gulama, a Paramount Chief. She also became the first female Minister in Sierra Leone, although she was never in charge of any specific Ministry.¹⁷ Two women (Constance-Cummings-John and Etta Harris) were also made delegates to the constitutional talks that resulted in Sierra Leone's independence, having petitioned the then government against their exclusion from the talks. The petition, which was organised by the SLWM, resulted directly in the inclusion of women at the constitutional talks.¹⁸

47. Upon achieving independence, women were shocked when the men failed to share positions of power equitably. According to the historian LaRay Denzer:

“Naturally, [women] expected to reap the reward of their loyalty and service [by] obtaining party support for election and campaigning, appointments to decision making bodies and government committees, and reforms in discriminatory laws. Instead, they were shunted aside as male leaders monopolised the spoils of office. By and large, male leaders defaulted in their commitments to their female colleagues.”¹⁹

48. In spite of this kind of resistance, Cummings-John became the first black African woman to govern a capital city on the continent in 1961.²⁰ Alongside Cummings-John, notable women political leaders of this era included Adelaide Casely Hayford, Stella Thomas Marke, Edna S. Elliot-Horton, Lorine E. Miller, Lottie Black, Mabel Dove, Nancy Koroma and many others.
49. After independence and undeterred by the fractious political climate that ensued over the years, some women continued to forge on in politics, with interesting results. During the reign of the APC Government of Siaka Stevens, another women's organisation, the National Congress of Sierra Leone Women (NCSLW), headed by Nancy Steele, was formed based on a Marxist approach.²¹ This organisation enjoyed some measure of success but lost relevance as the APC became more and more distanced from the population and was eventually ousted from power.
50. Among its other accomplishments, the NCSLW raised the level of women's political consciousness and encouraged the appointment of women to high office. This continued momentum resulted in five women gaining office in Freetown City Council in 1975. In 1977, a woman again became the Mayor of Freetown.²² Also, from the Provinces, a woman Paramount Chief named Madam Honoria Bailor-Caulker represented Moyamba District in Parliament.²³

¹⁷ See Denzer, *Women in Freetown Politics 1914 – 1961*, at page 450.

¹⁸ See Denzer, La Ray; *Constance Cummings-John: Memoirs of a Krio Leader*, Sam Bookman, Ibadan, Nigeria, 1995 (hereinafter “*Cummings-John: Memoirs of a Krio Leader*”), at page 2.

¹⁹ See Denzer, *Women in Freetown Politics 1914 – 1961*, at page 450.

²⁰ See *Cummings-John: Memoirs of a Krio Leader*, at page 3.

²¹ See Denzer, *Women in Freetown Politics 1914 – 1961*, at page 451.

²² See *Cummings-John: Memoirs of a Krio Leader*, at page 66.

²³ See *Cummings-John: Memoirs of a Krio Leader*, at page 66.

51. Another women's organisation, the Women's Association for National Development (WAND), was established in 1987. A non-political movement, the stated main aim of WAND was:

"To ensure the participation of women in all aspects of the life of the nation."²⁴

52. During APC rule under Siaka Stevens, no woman held a Ministerial position, although women were members of the party's central committee. This situation improved slightly during President J. S. Momoh's tenure, with three women holding positions as Deputy Ministers.²⁵
53. While some women in Sierra Leone, especially the Krios, became deeply involved in politics quite early on in the post-independence period, it was much later that women from the Provinces were able to join the bandwagon. The Krios, on the whole, were better educated than those in the outlying areas and that disparity applied to Krio women as well. Their exposure to education led to their clear understanding of the need for women to be involved in the political process. Their links internationally meant that they were also exposed to the growing debates in the world on issues such as the suffrage of women, the abolition of slavery, the rise in African nationalism and the struggle for independence.
54. Women in Freetown had enjoyed access to various levels of education from as early as 1787. Their counterparts in the Provinces had access to only one secondary school, which was established in the 1940s. Women in the Provinces, mostly uneducated and affected by poverty, lacked awareness of their political rights and did not participate in any political activities. In short, women in the Colony enjoyed a head start on women in the Provinces in terms of both education and politics.
55. Tradition and culture also played its own role in inhibiting women in the Provinces from playing a role in politics. While it is true that women could be made Paramount Chiefs in some of the Provinces, their accession only took place on a hereditary basis. The prevailing system did not create any awareness of the need for women to participate in the political affairs of the day. Women in the Provinces have traditionally had a lower status than men and have not occupied any positions of genuine power other than those exceptions mentioned above. It was therefore much more difficult for women in the Provinces to break down traditional barriers and access political power as it would impact on the existing power structures in society.

²⁴ See *Cummings-John: Memoirs of a Krio Leader*, at page 67.

²⁵ Momoh Taziff Koroma, respected Sierra Leonean historian, anthropologist and linguistics lecturer, TRC interview conducted at TRC Headquarters, Freetown, 8 May 2003.

56. The Krios, descended from an “immigrant culture,” did not have any such entrenched traditional belief systems that barred women from political participation. The Krios had come to Freetown to express their desire for freedom in all spheres of life. The culture of independence that they brought with them facilitated the participation of Krio women in modern politics.
57. Ironically of course, the voices of Krio women did not translate into more power for women more generally, or a greater awareness of the needs of women. While women had some token representation in government from the time of the nationalist era to the outbreak of the war, women politicians constantly struggled against the indifference or the outright opposition of their male colleagues.²⁶ Even in the final deliberations for self-government, male leaders would have ignored them had the women not raised a public outcry. According to one of the foremost female political activists of the time:
- “This pattern of unthinking oversight [from men] occurred repeatedly. Many savvy women abandoned active political work once they realised the paucity of rewards.”²⁷
58. Such was the prevailing situation before the conflict. While politics all over the world is a male-dominated field at the best of times, undoubtedly the inherently patriarchal nature of politics has exacerbated the exclusion of women. Sierra Leone is of course no exception. The participation of women in politics on a mass scale in Sierra Leone was largely limited to the provision of moral support, the raising and collection of party funds, voluntary labour and the organisation of catering or entertainment in their various political parties. Women leaders were often lent the somewhat patronising sobriquet “Mammy Queen”, indicating their aptitude in stereotypically “maternal” roles.
59. Needless to say such activities did not improve the position of women. They were still relegated to background positions after elections and as such could neither wield power nor benefit from the government when eventually it was constituted. Given the low numbers of women in positions of power, the much-needed “critical mass” of women leaders who could have made a difference was non-existent.
60. In the Provinces a strong cultural belief existed that “women should be seen and not heard”. Of course, economics played a part in marginalising women. More importantly, though, attempts by women to agitate for political positions or to improve the quality of their lives were often thwarted because they were largely seen by the male members of society and by political parties as being in contradiction to the traditional role that women were expected to play.

²⁶ See *Cummings-John: Memoirs of a Krio Leader*, at pages 51 – 56.

²⁷ See *Cummings-John: Memoirs of a Krio Leader*, at pages 52 – 53.

THE LEGAL STATUS OF WOMEN

61. Throughout the history of Sierra Leone, including the post-independence period before the war, women have not enjoyed equal status with men. To a large extent, the laws of Sierra Leone are discriminatory against women. While Sierra Leone is governed by a constitution²⁸ that prohibits the promulgation of discriminatory laws, women are not protected in the areas that affect them most, such as marriage, divorce and inheritance.
62. Examples abound of discriminatory laws: for example, the Matrimonial Causes Act 1960, which covers divorce and maintenance for married women; the Administration of Estates Act, which governs inheritance and the distribution of a deceased's estates; or the Citizenship Act 1973, which allows a Sierra Leonean husband to confer Sierra Leonean citizenship on his foreign wife, children and grandchildren but does not permit a Sierra Leonean wife to do likewise. The laws cited here were all originally adopted from English law. The cruel injustice is that they have long since been repealed in England and persist only in the Sierra Leonean legal system, to the great detriment of the country's women.
63. The absence of progressive legal reform in Sierra Leone has resulted in the continued application of discriminatory laws and leaves women largely unprotected. Rape continues to go largely unpunished. Legislation is necessary to protect women adequately from all forms of violence, particularly domestic and sexual violence.
64. Customary law, which is largely unwritten and applies to the majority of the population, also discriminates against women, precluding them from enjoying equal status or rights with men. In the area of inheritance, traditional customary law regards women as "chattels" to be inherited. In other areas, women are regarded as minors in need of guardianship from a male family member. While the law provides that the application of customary law should not offend the principles of equity, natural justice or fairness, its application and impact on women is usually unfair.
65. In the sphere of marriage, women have been denied equal rights with their spouses. Their subordination does not change on termination of marriage. Historically, laws did not provide a minimum age for marriage that was universally applied throughout the country and did not preclude the common practice of early marriage. Unequal power relations between spouses characterised marital relationships to the detriment of women. The contributions women made towards the family were scarcely taken into account during the marriage or at its termination.
66. Although women have provided the bulk of the agricultural labour force, they have never owned land and whatever user rights they had under the land tenure system were lost upon the death of their husbands. Such user rights are vulnerable during war and even more so when reconstruction begins in the post-conflict period. Land ownership is a necessary means of generating wealth for women, since land can act as collateral when seeking loans from commercial banks. Women's lack of economic power contributes to their vulnerability and to the "feminisation" of poverty.

²⁸ See the *Constitution of Sierra Leone 1991*.

THE ECONOMIC STATUS OF WOMEN

67. Economic opportunities for women in general were at best limited prior to the war, given that the persistent economic decline from the 1960s affected every Sierra Leonean irrespective of gender. According to a report from the Ministry of Social Welfare, Gender and Children's Affairs in 1996, the country's performance had been one of long-term decline. Between 1965 and 1973 Sierra Leone registered an annual average real growth rate of over 4%, which declined gradually to 1.8% between 1974 and 1984. From 1984 onwards, the growth rate became negative until 1994, when it registered at 2%. Only in 1995 did growth briefly leap up to 10%.²⁹
68. Contemporary studies indicate that women bear the impact of an economic crisis more than men do.³⁰ The inevitable rise in unemployment generally puts already marginalised women at a great disadvantage. Austerity measures result in fewer resources and usually translate into increased workload for women so as to garner more resources. Such a situation does not allow room for gender equality or improved conditions, as women are primarily engaged in the struggle for survival. Hence the phenomenon known as the "feminisation" of poverty. It has an especially stark impact on women in the rural areas.
69. Women before the war constituted the majority of the rural labour force. They made vital contributions to the economy. They have always played a substantial role in the sustenance of the family. Women provided more than 60% of farm labour for food production, processing and distribution.³¹ It is indeed telling that while women were engaged in subsistence farming and provided the labour force for cash crop production, men had greater access to ownership and control of cash crop production.
70. Women have traditionally engaged in low-income activities such as petty trading. A Labour Force Survey conducted in 1988 and 1989 revealed that 69% of petty traders were women, whereas 86% and 67% of men were service personnel and professional / technical workers respectively.³² While many worked as traders, women did not record substantial growth in their economic activities as a result of inadequate skills, low educational status, low economic power and lack of access to substantial credit facilities and property. The disparity between the economic status of women and men has often resulted in economic dependency by women. Women become overly reliant on men for the provision of their needs. In many instances, men exploit this dependency to consolidate control over women, thus further perpetuating their poverty.

²⁹ See Ministry of Gender and Children's Affairs, *Country Report on Sierra Leone*, submitted to the "World Congress on Commercial Sex Exploitation of Children", 22 August 1996, at page 1.

³⁰ Partners in Adult Education Women's Commission; *Female Self-Perception and Attitudes, Report of a Survey of Sierra Leonean Women 15 years and above*; Freetown; 1998, at page 7.

³¹ See Women's Forum, Sierra Leone, Submission to the Truth and Reconciliation, May 2003 (hereinafter "Women's Forum submission to TRC"), at page 2.

³² See Women's Forum submission to TRC, at page 2.

WOMEN AND HEALTH

71. Before the onset of the war, less than half of the population had access to basic health services.³³ This travesty was attributed mainly to the unfavourable economic climate that Sierra Leone was experiencing. The cuts in spending in areas such as health and education invariably affected women disproportionately. According to a submission to the TRC from a group of women's NGOs,³⁴ decreases in public health spending and, in some cases, structural adjustment contributed to the deterioration of public health systems. The submission further stated that privatisation of health-care systems without appropriate guarantees of universal access to affordable health care, further reduced health-care availability. Women have long experienced unequal access to basic health services as well as different and unequal opportunities for the protection, promotion and maintenance of their health.
72. In the face of this plight, the Pan African Women's Association (PAWA) Sierra Leone used the platform of International Women's Day in 1992 to complain about the hardships women were enduring under the Structural Adjustment Programme.³⁵ They cited limited access to health-care facilities, especially in the rural areas, as well as the exorbitant costs attached to what little health care was available.
73. Due to early and forced marriages in Sierra Leone, early sexual activity was commonplace. Many young girls therefore started child bearing early and were exposed to risks and complications arising out of early pregnancy and childbirth.³⁶ Coupled with high illiteracy levels and a lack of awareness, these women and girls could not access adequate healthcare for themselves in such circumstances.
74. Traditional practices also impacted on the health of women in the period before the war. Practices such as venerating women because of their child-bearing capacities and encouraging them to increase the number of children they bear have put their health at risk so as to satisfy societal standards. The status of a woman is enhanced by motherhood, which pressurises many women into frequent child bearing, complete with its attendant health problems. Tradition and culture have also prohibited women from enjoying reproductive and sexual rights often through a lack of awareness of these rights. In those instances where they do know of them, they are not able to exercise them. Women do not have the power or the choice to refuse sex. They have no control, in most instances, over their bodies.
75. Escalating poverty, coupled with cultural practices such as giving the most nutritious part of the food to the man,³⁷ resulted in poor intake of nutrients for women, jeopardising their health and their ability to bear healthy children.

³³ See Women's NGO Coalition; Submission to the TRC Special Thematic Hearings on Women; Freetown, May 2003 (hereinafter "Women's NGO Coalition submission to TRC"), at page 10.

³⁴ See Women's NGO Coalition submission to TRC, at page 4.

³⁵ See Partners in Adult Education Women's Commission; *Female Self-Perceptions and Attitudes Report of a Survey of Sierra Leonean Women 15 years and above*; Freetown, 1998; at page 8.

³⁶ See Planned Parenthood Association of Sierra Leone, Submission to the Truth and Reconciliation Commission, June 2003 (hereinafter "Planned Parenthood Association submission to TRC"), at page 1.

³⁷ Momoh Taziff Koroma, respected Sierra Leonean historian, anthropologist and linguistics lecturer, TRC interview conducted at TRC Headquarters, Freetown, 8 May 2003.

76. The dismal economic situation, poor medical facilities and lack of access to the few existing health facilities put women at risk even before the war started. This situation was only to be compounded during the war years.

THE SOCIO-CULTURAL STATUS OF WOMEN

77. Cultural practices and traditional beliefs relating to women have “socialised” some Sierra Leoneans into stereotyping the role of women. The effects of “socialisation” on perceptions of gender identity and roles are of great significance because they continue to impact on behaviour throughout one’s life, including in the way that one interacts with the opposite sex. The outcomes of the socialisation process are exhibited in the attitudes and behaviour of members of society in all aspects of life including gender identity and roles.
78. In this regard, the social and cultural factors that have determined societal perceptions and attitudes towards women in Sierra Leone can be examined against the background of the violations they have suffered.

Socio-cultural mores

79. Sierra Leone society is made up of seventeen different tribes or ethnic groups, who mainly follow the Islamic faith and indigenous belief systems. The country also has a significant Christian population.³⁸ Given the predominance of Islam, the Islamic way of life generally colours people’s social or cultural mores. This is particularly true for the ethnic groups located in the northern part of the country, where the adherents of indigenous religions equally bring their own belief systems, which before the advent of Islam and Christianity were the dominant belief systems of the people.
80. Sierra Leone’s social and cultural mores are a blend of Traditional or Indigenous, Islamic and Christian belief systems, all being buffeted by a Western value system. Many of these cultural beliefs are examined in order to understand how women are treated in Sierra Leone in certain circumstances and to determine whether any such treatment had correlation to the conflict.

Considerations of women’s sexuality

81. Virginity is revered across ethnic lines³⁹ and is of considerable importance for a woman and her family. Virginity was used to determine the status of not only a mother and her daughter but also that of the family. If a girl was found not to be a virgin, the shame fell on her mother and ultimately her family as her behaviour was thought to be a measure of the extent to which the prevailing social mores had been instilled in her.⁴⁰ Thus the virginity of a woman “belonged” to the family and constituted the honour of the family.

³⁸ Statistics provided by the US State Department indicate that up to 30% of Sierra Leoneans are Christians. According to State Department reports, the rough breakdown of the population according to religion is as follows: Muslim 60%, Christian 30% and Animist 10%. More detail can be found at the following website: <http://www.state.gov/rpa/ei/bga/5475.htm>.

³⁹ See TRC interviews with local social and anthropological commentators, including Alie Kamara, Abdul Sesay and Radcliffe Williams, Freetown, 2 May to 8 June 2003. See also Momoh Taziff Koroma, TRC interview conducted at TRC Headquarters, Freetown, 8 May 2003.

⁴⁰ Bondu Manyeh, psychosocial counsellor and member of several women’s groups in Sierra Leone, TRC interview conducted at TRC Headquarters, Freetown, 16 June 2003.

Consequently, a woman's sexuality rested on her being a virgin until marriage. In many of the ethnic groups in Sierra Leone, the honour of the family "name" rested on the issue of virginity.⁴¹

82. In some cultures in Sierra Leone, a woman's sexuality was linked to her association to a man. In the Mende worldview, for example, every woman must be affiliated to a man if she is to find acceptance in the community. This insistence is rooted in the belief that a woman's prayer goes to God through a man. Consequently, a woman without a man is not considered to be "complete" by other members of the community.⁴²
83. Today, the values around virginity have changed somewhat and no longer carry as much significance as they did in the past. It can be argued that a new value system has emerged. Women are no longer beholden to their communities and families to uphold their chastity. Ironically, virginity has become a casualty of war due to the atrocities women suffered in the conflict.

Appropriate ages for marriage and sex

84. For women and girls, there is no official age for marriage in Sierra Leone. Traditionally among some ethnic groups, a girl is considered of marriageable age when she has attained puberty (i.e. she has developed breasts and started menstruating) and has been initiated into the women's secret society. Therefore girls as young as twelve, providing they met these conditions, were eligible for marriage. The entrenched nature of tradition helps to explain why early marriages were and still are practised routinely by some ethnic groups in the country.⁴³ Today though, some women and girls make their own decisions concerning marriage and sex independently.
85. The abductions and use of young girls and women as bush wives and sex slaves by armed groups during the war could be attributed to the traditional beliefs that governed this issue prior to the war. Some of the armed groups did not consider it an aberration to rape young women or use them as sex slaves. A testimony to the Commission from a girl child who went fishing with other children and was captured during the conflict illustrates this point:

"I was a small girl and could hardly recall or have the experience of what was going on around me at that time... Unfortunately I and my sister were captured. At Mende Boima, I remained to be under the guardianship of Morrie Sellu who later sponsored my initiation into the Bondo society. He turned me into his wife afterwards..."⁴⁴
86. It is useful for several reasons to examine how Sierra Leonean society has traditionally dealt with sexual offences.

⁴¹ Ibrahim Bah, Sierra Leonean social commentator, TRC interview in Freetown, 11 June 2003.

⁴² Momoh Taziff Koroma, respected Sierra Leonean historian, anthropologist and linguistics lecturer, TRC interview conducted at TRC Headquarters, Freetown, 8 May 2003.

⁴³ Alie Kamara, Sierra Leonean social commentator, TRC interview in Freetown, 2 May 2003.

⁴⁴ TRC confidential statement from a female victim, recorded in Gbangbatoke, 5 February 2003.

Dealing with rape and other acts of sexual violence

87. Sexual offences in Sierra Leone are usually dealt with by recourse to traditional means of resolution, or occasionally legal channels. Certain figures in the affected community, such as chiefs, community elders, relatives and family members, typically come together to form a dispute resolution group.
88. One mechanism available is the use of fines. Among the Mende, Temne, Limba, Kono, Mandingo, Kissi, Loko, Sherbro and Koranko ethnic groups, the levying of fines on male culprits is one of the primary means of addressing sexual offences.⁴⁵ If the woman victim is married, the fine imposed on the male culprit is known as “woman damage” among the Temne and Loko.⁴⁶
89. Another means of resolution is the resort to physical punishment, whereby a culprit is beaten in retribution. The Fullah, Mandingo and Susu ethnic groups practice such punishments.⁴⁷ In the case of the Mandingos, the culprit is tied up even as adjudication is in progress.⁴⁸
90. Marriage between the man and the woman is another means through which some ethnic groups deal with sexual offences, especially if the offence is rape. The Fullah and Mandingo groups are known to conduct such marriages.⁴⁹ It is important to reiterate that the marriage in question is imposed or forced.
91. Another method of addressing sexual offences is by performing purification rites. The Kono and Yalunka are among the tribes that perform purification rites, which are seen as an act of “cleansing” the sexual offence committed.⁵⁰
92. Legal channels require that the perpetrator of a sexual offence is reported to the police for investigation and possible prosecution. In many instances, the matter is “settled” by the police without referred to court.
93. Aside from traditional or legal means, religious leaders are also known to adjudicate in such matters. The Creoles and Sherbros sometimes call upon their religious figureheads to intervene in dealing with sexual offences.⁵¹
94. All of these solutions depend on the acts of sexual violence having been “publicly” declared. In a society where silence around sexual violence holds sway, the notion of a “public declaration” is problematic. In addition, fear of shame, ostracisation, stigma, bureaucracy the disappearance of witnesses and a lack of financial capacity to take a case forward all militate against the victim making the violation known publicly. Hence out-of-court settlements are common. A pervasive “culture of silence” around rape and other acts of sexual violence tends to discourage women and girls from coming forward.

⁴⁵ See Manifesto '99; “*Traditional Methods of Conflict Management / Resolution of Possible Complementary Value to the Proposed Sierra Leone Truth and Reconciliation Commission*”; report presented to the TRC, Freetown, July 2002 (hereinafter “Manifesto '99, *Traditional Methods of Conflict Management / Resolution*”), at pages 33 and 34.

⁴⁶ See Manifesto '99, *Traditional Methods of Conflict Management / Resolution*, at pages 33 – 34.

⁴⁷ See Manifesto '99, *Traditional Methods of Conflict Management / Resolution*, at page 35.

⁴⁸ See Manifesto '99, *Traditional Methods of Conflict Management / Resolution*, at page 34.

⁴⁹ See Manifesto '99, *Traditional Methods of Conflict Management / Resolution*, at pages 33 – 34.

⁵⁰ See Manifesto '99, *Traditional Methods of Conflict Management / Resolution*, at pages 33 – 34.

⁵¹ See Manifesto '99, *Traditional Methods of Conflict Management / Resolution*, at page 34.

95. Despite the existence of a number of mechanisms to address sexual violations, most of them continue to go unreported or undeclared. In addition to the culture of silence there has emerged a culture of impunity, which enabled the armed groups to sexually violate women during the conflict with no thought or fear of accountability. Society's reaction to sexual violations is generally lukewarm and rather passive. It remains to be seen whether there will be successful prosecutions of those who have committed rape and other acts of sexual violence during the conflict.

Dealing with violence at the level of the family

96. Violent behaviour within the family in Sierra Leone is usually also surrounded by a "culture of silence". Displays of violence in the family are considered "normal", at least up to a particular "point". The determination of that "point" is interpreted idiosyncratically – only if and when the "point" is passed can intervention be expected. Most interventions still emanate from within the community, employing mediation most of the time to address the offending behaviour and its implications.
97. It is generally considered an aberration by the wider society to involve "outside parties", such as the police or social welfare services, in mediation sessions. Violence in the family is considered a private problem and more often than not people are encouraged to settle the dispute in-house, or with adjudicating bodies, even when these matters are taken to "official" establishments.⁵² Acts of assault are rarely dealt with by courts and are usually resolved by the agencies or persons involved.

The chastisement of wives and / or members of their families

98. Amongst all ethnic groups in Sierra Leone, it is accepted practice for husbands to chastise or beat their wives or female relatives. Under customary law, a husband has the right to "reasonably chastise his wife by physical force".⁵³ Tellingly, significant numbers of women believe that it is appropriate for men to beat their wives. During a study of gender-based violence by the NGO Physicians for Human Rights, more than half of the women interviewed agreed with the view that a man has the right to beat his wife.⁵⁴

⁵² The term "official" here is intended to denote the police or social welfare authorities. At the time of writing, the newly created Family Support Unit of the Police is the body with the primary brief to adjudicate over cases of domestic violence.

⁵³ See Joko Smart, H. M.; *Sierra Leone Customary Family Law*; Freetown, 1983, at page 152.

⁵⁴ See Physicians for Human Rights; *War-Related Sexual Violence in Sierra Leone: A population-based survey*; report produced by an NGO based in Washington, DC, January 2002 (hereinafter "Physicians for Human Rights, *War-Related Sexual Violence in Sierra Leone*"), at page 9. The report sampled 1,048 households in three IDP camps and one community with a large number of IDPs. A total of 991 female heads of household participated in the study.

How has Sierra Leonean society responded to domestic violence in the past?

99. While it is customary for a man to be able to beat his wife or daughter, it is not acceptable for such an act to become habitual. It is generally agreed among ethnic groups that an overtly violent man is abhorrent.⁵⁵ In the past, different ethnic groups had developed ways and means of dealing with such a person. Responses could range from moral persuasion, the levying of a fine, or a warning, which could be both public and private, to the offender being asked to leave the community.⁵⁶ Amongst the Krios, pressure could be put on the person, through such institutions as “lodge societies” (fraternal societies) of which the person was a member, or the church. Peer pressure also played its role in reining in such a person.⁵⁷ As noted above, it has been common for a culture of silence to prevail in respect of domestic violence in Sierra Leone, as it is considered undue interference when “outsiders” attempt to intervene. It is only when such behaviour becomes “uncontrollable” that an intervention is seen as unavoidable and some remedying action takes place.
100. According to Rehn and Sirleaf⁵⁸, the extreme violence that women suffer during conflict does not arise solely out of the conditions of war, but is directly linked to the violence that exists in women’s lives during peacetime in the society in question. The authors state that “throughout the world, women experience violence because they are women.”⁵⁹ They mostly attribute this situation to women’s lack of political rights and authority. They conclude by stating that:
- “Because so much of this persecution goes largely unpunished, violence against women comes to be an accepted norm, one which escalates during conflict as violence in general increases.”⁶⁰
101. Domestic violence as well as sexual violence is usually condoned or tolerated particularly in traditional societies. This is usually because of unequal power relations. In addition, conditioned by culture and status to be subservient to men, some African women especially the rural and poor ones have less safety mechanisms to combat violence leading to an acceptance of violence in the society.
102. A contributory factor is the ingrained perception held by many African women that complaining to persons or authorities may lead to the exposure of “family secrets”. This perpetuates the culture of silence around domestic and sexual violence. During conflict periods the usual safety mechanisms no longer function and violence spirals out of control. It has a direct effect on women and girls who bear the brunt of it.

⁵⁵ See TRC interviews with local social and anthropological commentators, including Alie Kamara, Sheku Kanu, Memunatu Turay and Radcliffe Williams, Freetown, 2 May to 8 June 2003. See also Bondu Manyeh, psychosocial counsellor and member of several women’s groups in Sierra Leone, TRC interview conducted at TRC Headquarters, Freetown, 16 June 2003.

⁵⁶ See TRC interviews with local social and anthropological commentators, *Ibid.*, May to June 2003.

⁵⁷ See TRC interviews with Emily King and Alfred Thompson, Freetown, 17 and 18 June 2003.

⁵⁸ See Rehn, E. and Johnson Sirleaf, E.; “*Progress of the World’s Women, 2003*”, Volume 1: *Women, War and Peace – The Independent Experts’ Assessment on the Impact of Armed Conflict on Women and Women’s Role in Peace-building*”, United Nations Development Fund for Women; New York; 2002 (hereinafter “Rehn and Sirleaf, *Women, War and Peace*”), at page 13.

⁵⁹ See Rehn and Sirleaf, *Women, War and Peace*, at page 13.

⁶⁰ See Rehn and Sirleaf, *Women, War and Peace*, at page 13.

103. The prevalence of an existing culture of violence in Sierra Leonean society and the silence that surrounds it may explain in part the brutality experienced by women during the conflict period. If violence existed against women at a time when there were some, albeit insufficient safeguards for women in place, the moment they were removed, the level of violence escalated. The contempt in which women were held prior to the conflict also exacerbated the way they were treated during the war. A report concluded in Freetown in 1998 found a correlation between the culture of condoning domestic violence in Sierra Leone and the prevalence of violence in general. In one of its conclusions the report stated that:

“It is perhaps not surprising that a culture that has spawned such apparently high rates of war-related sexual violence also suffers from high rates of domestic partner abuse.”⁶¹

104. It is clear that women did not enjoy a high status in Sierra Leonean society before the war. Regrettably, the subordination of women has not changed up to the present day. It is a prognosis corroborated by Dr. Shirley Gbujama, the Minister of Social Welfare, Gender and Children Affairs, speaking in Freetown in October 2003:

“The low status of women is steeped in deep cultural tradition. In traditional Sierra Leonean society, the wife and children are at the mercy of the family. Women have little control or influence over decision-making. Certain socio-cultural practices provide the leading cause of gender disparity and the inferior status of women as evidenced by [such factors as]: high fertility rates; high infant and child mortality rates; high adult female illiteracy rates; exclusion of women from receiving certain services and instruments in rural areas such as land, extension services, credit and farm inputs; and the disproportionate amount of the workload in agriculture (estimated at 60-80%) allocated to women.”⁶²

⁶¹ Coker A. and Richter D.; “*Violence Against Women in Sierra Leone: Frequency and Correlates of Intimate Partner Violence and Forced Sexual Intercourse*”, in *Africa Journal of Reproductive Health*, Vol. 2, No.1, 1998, at page 65.

⁶² Gbujama, Honourable S. Y., Minister of Social Welfare, Gender and Children’s Affairs; “*Gender Mainstreaming: Sierra Leone Poverty Reduction Strategy 2004-2006*”; 9 October 2003, at page 2.

NATIONAL AND INTERNATIONAL LAW PERTAINING TO WOMEN IN SIERRA LEONE

WOMEN AND NATIONAL LAW IN SIERRA LEONE

105. The following section explores the national laws in Sierra Leone that impact on the rights of women, as well as the relevant international law. The Commission sets out to review whether the existing legal regime has a positive or negative effect on the rights and lives of women and girls.

The 1991 Constitution

106. The laws of Sierra Leone, as defined in Section 170 of the 1991 Constitution, comprise the Constitution itself, along with laws made by or under the authority of Parliament, statutory instruments, the existing law and the common law. The common law includes the English common law and customary law. Customary law, which is largely unwritten, means those rules and regulations that are applicable by custom to particular communities in Sierra Leone.⁶³ Customary law is also defined as any rule, other than a rule of general law, having the force of law in any chieftom of the Provinces.⁶⁴ The application of customary law must not be repugnant to equity, natural justice and good conscience.⁶⁵
107. Chapter II of the 1991 Constitution details the fundamental principles of State Policy one of which is safeguarding the rights of vulnerable groups such as women.⁶⁶ The fundamental principles however do not confer any legal rights and are not enforceable in any court of law.⁶⁷ Notwithstanding the fact that they lack the force of law, they are fundamental in the governance of the State and Parliament is under a duty to apply them when making laws.⁶⁸
108. Section 15 of the Constitution provides for a bill of rights guaranteeing fundamental human rights and freedoms of the individual irrespective of sex.⁶⁹ This provision represents an important guarantee and should, appropriately understood, be a basis for challenging laws that discriminate against women.

⁶³ See the *Constitution of Sierra Leone 1991*, at Section 170.

⁶⁴ See the *Local Courts Act 1963*, Act No. 20 of 1963, in the Laws of Sierra Leone, at Section 2.

⁶⁵ See the *Courts Act 1965*, in the Laws of Sierra Leone, at Section 75.

⁶⁶ See the *Constitution of Sierra Leone 1991*, at Section 9(1)(a) and (b).

⁶⁷ See the *Constitution of Sierra Leone 1991*, at Section 14.

⁶⁸ See the *Constitution of Sierra Leone 1991*, at Section 14.

⁶⁹ The *Constitution of Sierra Leone 1991*, at Section 15, provides as follows: "Whereas every person in Sierra Leone is entitled to the fundamental human rights and freedom of the individual, that is to say has the rights, whatever his race, tribe, place of origin, political opinion, colour, creed, or sex, but subject to respect for the rights and freedom of others and for the public interest, to each and all of the following:

- (a) life, liberty, security of person, the enjoyment of property, and the protection of the law;
- (b) freedom of conscience, of expression and of assembly and association;
- (c) respect for private and family life; and
- (d) protection from deprivation of property without compensation;

the subsequent provision of this Chapter shall have effect for the purpose of affording protection to the aforesaid rights and freedoms subject to such limitations of that protection as are contained in those provisions, being limitations designed to ensure that the enjoyment of the said rights and freedoms by any individual does not prejudice the rights and freedoms of others, or the public interest."

Furthermore, Section 27 of the Constitution provides that no law shall contain any provision that is discriminatory, either of itself or by its effect, and prohibits discriminatory treatment by any person acting by virtue of any law or in the performance of the functions of any public authority. Section 171(15) of the Constitution provides that the Constitution shall be the supreme law and that any other law found to be inconsistent with any provision of the Constitution shall, to the extent of the inconsistency, be void and of no effect.

109. The Constitution however nullifies much of the promise of the equality provisions in Section 27(4)(d) by making an exception to the prohibition of discriminatory laws with respect to laws dealing with marriage, divorce, inheritance, or other interests of personal law.⁷⁰ The effect of these exceptions is to shield the laws that apply throughout Sierra Leone that most discriminate either of themselves, or in their effects, or both, against women. Consequently, all of the most significant laws that are discriminatory against women still apply, rendering the equality provision in Section 15 seriously flawed and ineffective.
110. In addition, by prohibiting discrimination by persons in the public sector only, the Constitution appears to permit persons in the private sector to pursue discriminatory policies against women in important areas of their lives, including employment and promotion. With regard to the area of protection from violence, Section 15(a) of the Constitution provides for the right to life, liberty and security of person, while Section 20 provides that no person shall be subject to any form of torture or punishment or other inhuman or degrading treatment. These express constitutional provisions ought to provide a basis for the Government to protect and promote the rights of women to be free from violence and ensure that its laws, policies and programmes reflect these provisions in practical terms.

⁷⁰ The *Constitution of Sierra Leone 1991*, at Section 27, provides as follows:

(1) Subject to the provision of sub-section (4), (5) and (7), no law shall make provision which is discriminatory either of itself or in its effect.

(2) Subject to the provision of sub-sections (6),(7) and (8) no person shall be treated in a discriminatory manner by any person acting by virtue of any law or in the performance of the function of any public office or any public authority.

(3) In this section the expression "discriminatory" means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, tribe, sex, place of origin, political opinions, colour or creed whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject, or are accorded privileges or advantages which are not accorded to persons of another such description.

(4) Subsection (1) shall not apply to any law so far as the law makes provision:

... (c) with respect to persons who are not citizens of Sierra Leone; or

(d) with respect to adoption, marriage, divorce, burial, devolution of property on death or other interest of personal law; or

(e) for the application in the case of members of a particular race or tribe or customary law with respect to any matter to the exclusion of any law with respect to that matter which is applicable in the case of other persons; or

...(g) whereby persons of any such description as mentioned in subsection (3) may be subjected to any disability or restriction or may be accorded any privilege or advantage which, having regard to its nature and to special circumstances pertaining to those persons or to persons of any other such description, is reasonably justifiable in a democratic society

(h) for the limitation of citizenship or relating to national registration or to the collection of demographic statistics

111. While the Constitution prohibits specific discrimination based on sex, there are certain exceptions or “claw back” clauses that particularly affect women. Section 27(3) defines discrimination as follows:

“In this section the expression “discriminatory” means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, tribe, sex, place of origin, political opinions, colour or creed, whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject, or are accorded privileges or advantages which are not accorded to persons of another such description.”

112. The definition of discrimination includes “according privileges or advantages, which are not accorded to persons of another description”. This definition poses a serious challenge to women: on the one hand, they may challenge laws that discriminate against them because their male counterparts are not subject to the same laws; on the other, they do not appear to have the means to redress the historical legacies of gender imbalance on the same basis.
113. Paradoxically, the Constitution outlaws positive discrimination or affirmative action that may sometimes be necessary for the achievement of equality for all individuals, especially women. Section 27(4)(g),⁷¹ which appears to include affirmative action, is vague and remains to be tested or brought for interpretation in the Supreme Court. Constitutional provisions that readily allow laws, measures or policies temporary or otherwise are very necessary as a basis to redress the historical imbalance that exists in the society. Examples of such provisions can be found in other African constitutions.⁷²
114. Notwithstanding the equality provision in the 1991 Constitution, the majority of women in Sierra Leone do not enjoy equal status with their male counterparts. Aspects of statutory laws grounded primarily in English law adopted in Sierra Leone and influenced to a great extent by customary and Mohamedan law are still discriminatory against women.
115. Customary law, as practiced in certain communities, clearly discriminates against the interests of women in areas such as marriage, inheritance, property rights and political participation. These laws and practices are a challenge for the enjoyment of women’s rights, their advancement in the family and contribution to the political, economic and social development in Sierra Leone. Women are the victims of many forms of violence, yet the legal system does not provide adequate remedies to protect women and punish their violators. Traditional and cultural mores perpetuate gender stereotyping and greatly impact on the legal framework and practice relating to women.

⁷¹ See the *Constitution of Sierra Leone 1991*, at Section 27(4)(g).

⁷² See the *Constitution of the Republic of Ghana*, Ghana Publishing Corporation, 1992, as follows: “Section 17(4)(a): Nothing in this article shall prevent Parliament from enacting laws that are reasonably necessary to provide... [for] the implementation of policies and programmes aimed at redressing social, economic or educational imbalance in the Ghanaian society.” Furthermore, see the *Constitution of the Republic of South Africa, 1996*, Act 108 of 1996, which provides as follows: “Section 9(2): Equality includes the full and equal enjoyment of all rights and freedoms. To promote the achievement of equality, legislative and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination may be taken.”

Different marriage systems applicable in Sierra Leone

116. There are four types of marriage systems in Sierra Leone: Christian marriage,⁷³ Civil Marriage,⁷⁴ Mohamedan Marriage,⁷⁵ and Customary Law marriage. The Christian civil marriage and the Mohamedan marriage are required to be recorded by the Registrar-General in Freetown. Elsewhere, local courts sometimes register customary marriages. Currently, no minimum age of marriage is applicable throughout Sierra Leone. Under Mohamedan and Customary laws, even girls below the age of ten may be given in marriage. Early marriage impacts negatively on a young woman's life by affecting her full development, particularly in terms of education, economic autonomy and physical and psychological health.

Women's reproductive health rights

117. The inferior status of most women, along with prevailing customs and traditions, makes it difficult for a woman freely to exercise her reproductive rights. There is barely any recognition for the right to plan one's family, the right to freedom from interference in reproductive decision-making, or the right to be free from all forms of violence, discrimination and coercion that affect a woman's sexual or reproductive life.
118. International treaties define the right to plan one's family as the right to determine freely and responsibly the number and spacing of one's children and to have the information and means necessary to do so. Governments are obliged to ensure that men and women have access to a full range of contraceptive choices and reproductive health services and that they have adequate information about sexual and reproductive health. These principles are linked to the right to life, liberty and security of the person and the right to privacy.⁷⁶
119. Maternal mortality is a deprivation of the right to life and Government has a responsibility to improve its health-care system so that women can enjoy safe motherhood. There is also a need for the enactment of laws relating to marital rape, which must include an offence of knowingly infecting a partner with HIV / AIDS. Presently in Sierra Leone, marital rape is not classified as a crime.

⁷³ See the *Christian Marriage Act Cap 96, Laws of Sierra Leone 1960*.

⁷⁴ See the *Civil Marriage Act Cap 97, Laws of Sierra Leone 1960*.

⁷⁵ See the *Mohamedan Marriage Act Cap 96, Laws of Sierra Leone 1960*.

⁷⁶ See the Centre for Reproductive Rights and University of Toronto, International Programme on Reproductive and Sexual Health Law; *"Bringing Rights to Bear An Analysis of the Work of UN Treaty Monitoring Bodies on Reproductive and Sexual Rights"*, Toronto, 2002, at page 16.

Women's rights to property and land ownership

120. Land ownership in the Western Area is based on English property laws from prior to 1925 and allows for individual ownership. In the Provinces, land ownership is governed by Chiefdom Councils and allows only for group ownership. Equal land ownership and inheritance laws and practices are necessary to achieve sustained development in any country. In post-war Sierra Leone, they are also essential for women's economic, social and political survival.⁷⁷ The argument for land ownership for women is not only one based on personal need, family security or national development; it is also a question of basic human rights.⁷⁸ Women can acquire land through purchase, but often lack resources to do so. Most landowners acquire land through inheritance, and because of discrimination in the laws of inheritance that apply throughout the country, far fewer women than men own land in Sierra Leone.

Inheritance rights

121. Inheritance rights become problematic where intestacy arises. While individuals can make a will under the different systems of personal law, in reality only a small fraction of the population make a will.⁷⁹ The individual's "personal law" governs inheritance in Sierra Leone. This is determined by a person's ethnic origins, as a "native" from the Provinces, or as a "non-native" from the Western Area, or as a Muslim and not by his place of current residence.⁸⁰ Inheritance is governed by three different sets of laws: customary law; Mohammedan law; and one set of statutes, which applies to persons who are not Mohammedans or whose personal law is not customary law. The inheritance rules of distribution discriminate against women under each of the three different laws.

The Administration Of Estate Act (Chapter 45 of the Laws Of Sierra Leone 1960)

122. The Second Schedule in the Administration of Estates Act provides for rules of distribution for the property of deceased persons, where customary law or Mohammedan laws do not apply. The Rules provide that, on the death of a wife, the husband is entitled to all of her property.⁸¹ On the death of a husband, the wife is entitled to one-third of the estate and the children are entitled to the remaining two-thirds of the estate.⁸² If the husband has no children, the wife will be entitled to half and the other half shall be divided among the husband's nearest relatives or next of kin.⁸³ The Act does not provide for unmarried couples living together to benefit from the estate of their respective partners.

⁷⁷ See King, Jamesina; "Women's Land Ownership and Property Rights in Sierra Leone", unpublished manuscript, Freetown, 2002 (hereinafter "King, Women's Land Ownership and Property Rights"), at pages 20 – 23.

⁷⁸ See King, *Women's Land Ownership and Property Rights*.

⁷⁹ See the *Wills Act 1837* and the *Mohammedan Amendment Act 1998*, at Section 2.

⁸⁰ See Lisk, I. E. P. and Williams, B. L.; "Marriage and Divorce Regulation and Recognition in Sierra Leone", 29 *Family Law Quarterly* 665 (1995).

⁸¹ See *Second Schedule of the Administration of Estates Act, Laws of Sierra Leone 1960*, Rule 1.

⁸² See *Second Schedule of the Administration of Estates Act, Laws of Sierra Leone 1960*, Rule 2.

⁸³ See *Second Schedule of the Administration of Estates Act, Laws of Sierra Leone 1960*, Rule 4.

Inheritance under customary law

123. The rules of inheritance under customary law vary from one ethnic group to another. Widows do not have inheritance rights in some ethnic groups; indeed some groups regard a widow as a chattel and part of the estate to be inherited by the deceased's elder brother, or in his absence his eldest son.⁸⁴ In Mende customary law a widow cannot inherit the husband's estate. In the case of *P. C. Bongay v Macaulay* (1920-26),⁸⁵ the court supported the position that a woman cannot have any interest in land as of right, or acquire land through her husband. This discrimination is quite anomalous, as the Mende women are allowed to become Chiefs and hold other leadership positions in society.
124. Similarly in Temne customary law, the widow is not entitled to any interest in the house where the married couple lived, although the husband's family may compensate a wife who has contributed towards the building of the house.⁸⁶ Under traditional customary law the husband inherited the deceased wife's entire property whether or not the deceased wife had any children. In modern times, the inheritance practice appears to be evolving to allow the wife to have a share of her husband's estate. Nonetheless, a son receives a larger share than the wife. Daughters also receive a lesser share than sons.⁸⁷

Inheritance under Islamic law

125. The property of a Muslim who dies without leaving a will is distributed according to the Holy Quran. Section 9(2) of the Muslim Marriage Act of the Laws of Sierra Leone 1960, provides that only the eldest son or eldest brother of the Official Administrator can take out letters of administration to administer the deceased estate. Wives, sisters and daughters i.e. the female members of the family are thereby deprived of a similar right to take out letters of administration to administer the deceased property. This is still the case even when the deceased is a woman and she is the sole owner of property.
126. While the Act makes no provision for the distribution of the estate of a deceased person, it does allow the Official Administrator who holds the letters of administration to consult the tribal headman of the deceased, to ascertain the law governing the distribution of the estate. The Act gives the deceased sons and eldest brother the right to administer the estate of the deceased without providing the rules they should follow in distributing the estate, thus there are instances where wives and daughters have been deprived of any share in their deceased husband or father's estate. There are rules of distribution in the fourth chapter of the Quaran-Sura-tul Nisa applied by some Muslim communities, but its application give men more inheritance rights than women. This Act has the widest application in the country but because it does not contain any provisions guiding distribution it is seriously flawed. It is not surprising that the distribution of a deceased's estate usually impacts negatively on women and are hardly challenged.

⁸⁴ See Joko Smart, H. M.; *Sierra Leone Customary Family Law*; Freetown, 1983, at pages 190-196.

⁸⁵ See *P. C. Bongay v Macaulay* (1920 – 26), in *African Law Reports* (Sierra Leone), at 171.

⁸⁶ See Joko Smart, H. M.; *Sierra Leone Customary Family Law*; Freetown, 1983, at pages 190-196.

⁸⁷ See Joko Smart, H. M.; *Sierra Leone Customary Family Law*; Freetown, 1983, at page 197.

127. The different rules of distribution under each of these legal systems allowing men better inheritance rights than women are a clear discrimination on the basis of sex. The application of these rules sometimes exposes widows to forceful eviction without consideration to their contribution to the assets acquired during marriage. They also contravene a cardinal right of equality in marriage and at its dissolution. They also affect the children of the deceased who may be deprived of care and education as a result of these inheritance rules.
128. In instances under customary law where the deceased brother inherits the wife and then forces her to marry him. This practice deprives women of their right to freely choose who and when they wish to marry, and is repugnant to “equity, natural justice and good conscience.”⁸⁸ As in the case with other African societies, the daily struggle, contribution and effort of women in Sierra Leone is often overlooked and not given any monetary value. Ghana is one very positive example of a country in the same sub-region as Sierra Leone that has made several attempts to amend its laws on inheritance.⁸⁹

The importance of land ownership for women

129. The war in Sierra Leone created many female-headed households. However, women still experience great difficulty in accessing housing. While many women have the resources to rent a house, landlords refuse to rent their houses to women unless a man carries out the negotiations. Many war widows complain of being forced out of farmlands that belonged to their husbands. Law reform law particularly in the area of property and inheritance rights is important to redress the grievances of these widows. This problem is even more prevalent in the rural areas where land held by the Chiefdom Council in trust for their community is allocated mainly to male family heads.
130. The Commission notes that most land allocation projects carried out by government or traditional authorities in Sierra Leone still tend to benefit men more than women.

⁸⁸ See the *Courts Act 1965*, in the Laws of Sierra Leone, at Section 76.

⁸⁹ In Ghana, which shares a similar background to Sierra Leone, multiple inheritance laws applied, including customary inheritance laws, Mohamedan inheritance laws and inheritance laws under statutory law, most of which were similar to the laws that apply in Sierra Leone presently. The Government of Ghana recognised that the nuclear family, which was gaining importance, was not reflected in the laws on inheritance, nor was the wife’s involvement in the husband’s economic activities. Customary law did not provide any protection for the surviving spouse and there was tension between the surviving spouse and the traditional family unit that encompassed the extended family. In 1985 a new succession or inheritance law was enacted, aimed at removing anomalies in estate succession and to provide uniform estate succession laws throughout the country. The law applied to all those who died after 14 June 1995 and covered persons from all religious and ethnic background who did not leave a will at the time of their death. The law used the words “surviving spouse”, a gender-neutral term that helped eliminate distinctions on the ground of sex, thereby maintaining equality. The Government of Ghana also enacted the Customary Marriage and Divorce (Registration) Act 1985, Administration of Estate (Amendment) Act 1985, Head of Family (Accountability) Act 1985 and the Estate Succession (Amendment) Act 1991.

131. Land ownership is needed to enable women to achieve economic empowerment. Land is needed not only for agriculture, a sector in which women make up the majority of the workforce, but also to be used as collateral for loans. In the Western Area, if the names of the couple are on the title deeds of the property acquired during marriage, they are regarded as joint owners. Neither party can convey or transfer the property to the detriment of the other. However in cases where the property is only in the name of the husband, the wife is disadvantaged, as she cannot challenge a sale or gift of that property to a third party.⁹⁰
132. Given the present increase of single mothers and female-headed households because of the war, land is desperately needed to enable women to achieve economic empowerment and provide for their families. Women can have the same access to credit as men if they are landowners, because land can be used as collateral for a loan.⁹¹ The courts in Freetown regularly impose presentation of title deeds as a condition when granting bail to accused persons for certain offences, thus making it difficult for any woman to secure bail for her relatives or herself because she does not own property. Securing greater access to land for women through legal reform in the areas of inheritance and land allocation, particularly after the war, is a pressing priority.

Divorce

133. The Matrimonial Causes Act of 1960 provides for divorce, judicial separation and restitution of conjugal rights for persons married under the Civil or Christian Marriage Act. The grounds for divorce are cruelty, adultery or desertion, which are matrimonial offences requiring a higher standard of proof and based on the guilt or innocence of either party to the marriage. Divorce proceedings are very expensive and time-consuming. Most women do not apply for divorce because they lack the means to do so and the rules themselves are discriminatory against women.⁹² Thus men – who may not necessarily be the innocent party in the marriage – institute most divorces.
134. Divorce under customary law is very difficult to obtain because of the multiple variations in the laws of the different ethnic groups and the diverse grounds on which divorce can be obtained. The husband may terminate the marriage unilaterally, driving the wife from the matrimonial home or returning her to her parents. Either party to the marriage may also initiate divorce proceedings in the local court or an arbitration tribunal.⁹³

⁹⁰ If a woman decides to challenge the transfer of land to a third party when her name is not on the title deed, she faces an uphill task to gain redress. She will be obliged to prove that it was the intention of the parties that the property should be owned by both of them, or that she had contributed to or provided the money for the purchase of the property and that the husband held the property in trust for her. See King, *Women's Land Ownership and Property Rights*.

⁹¹ See King, *Women's Land Ownership and Property Rights*, at page 23.

⁹² Section 22(1) allows the Court to order a settlement of a wife's separate property for the benefit of the "innocent party", i.e. the husband or children or both, if she is found to have committed any one of the matrimonial offences. No similar provisions apply in favour of a wife when her husband is found to have committed adultery, cruelty or desertion.

⁹³ See Joko Smart, H. M.; *Sierra Leone Customary Family Law*; Freetown, 1983, at page 147.

135. Under Mohamedan law, Muslim religious leaders usually grant divorces. However, a husband can also divorce his wife simply by saying "I divorce you" three times in Arabic; a wife in contrast cannot end a marriage nearly so easily. A wife under customary and Mohamedan law encounters additional barriers if she initiates divorce proceedings and must satisfy the religious leader or arbitration tribunal due to issue her with a divorce certificate that her application is approved by her spouse. The division of property upon separation and divorce creates unequal rights between the spouses. The division of property during dissolution of any of the three forms of marriage is not mandatory and the non-financial contribution of the wife is never taken into account.

Domestic violence

136. Under Sierra Leonean Law, there is no specific legislation to prosecute domestic violence. However domestic violence may be prosecuted under the common law, for example as murder or manslaughter if it leads to death, or under the Offences Against the Person Act 1861 if it results in assault or wounding. In the past prosecutors have demonstrated reluctance to prosecute such offences where they take place in the home and are committed by a partner or acquaintance, incorrectly interpreting them to be matters of a private nature. While the police or family members can sometimes mediate on such matters, a resolution in favour of the victim is seldom arrived at. Indeed, the odds are stacked against the victims because so few of them have alternative accommodation or support mechanisms to turn to in the event of crisis; temporary shelters for victims are non-existent.
137. Where a woman is physically abused by her partner and makes a report, the perpetrator is rarely called to account and the woman is encouraged to return home to where the crime was committed. At best the perpetrator may be invited to the police station and warned not to repeat the crime, after which both parties then return to the same violent situation. Such dismissive treatment of domestic violence perpetuates a culture of impunity, where violators go completely unpunished.
138. There are frequent reports in Sierra Leone of violence that has resulted in death, permanent disability or serious injuries to women. In each such case, the woman's right to health, liberty and security of person, as well as her right to physical integrity, are severely undermined. In a case where a woman dies as a result of physical injury inflicted by her partner, despite having made multiple reports to the police, the Government should be held accountable for having breached its duty of care to protect its citizens' human rights.
139. Once a violation is proved, the Government has an obligation to provide a legal remedy to stop the violation, punish the violators or compensate the victim or both. If the violation occurs as a result of a discriminatory law or customary practice, or as a result of the absence of a protective law,⁹⁴ then one part of the remedy should be to seek legal reform or the passage of a new law to improve the observance and protection of the right in question.

⁹⁴ In addition to the absence of laws specifically addressing domestic violence, Sierra Leone also lacks laws on sexual harassment (albeit that if an assault occurs it can be prosecuted under different statutes). The laws of Sierra Leone do not adequately deal with the various forms of sexual harassment women face at work, in school, during their use of recreational facilities, or in any other public or private places.

Sexual and gender-based violence

140. The horrific and brutal experiences of women during the war make it necessary to examine whether the laws of Sierra Leone offer adequate protection in relation to sexual and gender-based violence. In 2001, Physicians for Human Rights (PHR) conducted a population-based assessment of the prevalence and impact of sexual violence and other human rights abuses among internally displaced persons in Sierra Leone. PHR found that internally displaced women and girls in Sierra Leone suffered an extraordinary level of rape, sexual violence and other gross human rights violations during the country's civil war, with half of them indicating that their contact had been with the Revolutionary United Front (RUF) forces.⁹⁵

Rape

141. Rape is an offence under the common law in Sierra Leone, defined as having sexual intercourse with a woman without her consent, by force, fear or fraud.⁹⁶ While rape is in theory punishable as an offence throughout Sierra Leone, it has always been under-reported and relatively few prosecutions of rape or crimes of sexual violence have taken place. Victims have been reluctant to report sexual crimes for fear of stigma. Many victims are suffer intimidation and are thus prevented from reporting crimes or insisting on the prosecution of their perpetrators. In addition, there is often little incentive to pursue an onerous prosecution in a judicial system that is not conducive to "just" outcomes.
142. The rules of procedure in Sierra Leone's courts, which require corroboration and cross-examination by formidable defence lawyers, discourage women from instigating legal proceedings. Such a perceptibly hostile environment in the courts has often had the consequence of making victims, most of them without legal representation, feel that they are responsible for the crime they have suffered. Even where cases are reported, most of them end up not being prosecuted, as those responsible for prosecution prevail upon the victim to settle the matter out of court. The approach of the police and judicial officers suggests that they regard rape and other gender-based crimes as lesser crimes not worth prosecuting.

⁹⁵ See Physicians for Human Rights, *War-Related Sexual Violence in Sierra Leone*.

⁹⁶ See Archibald, *Pleading Evidence and Practice in Criminal Cases*, 35th edition, at page 1146.

*Protection Of Women And Girls Act
(Chapter 30 Of The Laws Of Sierra Leone 1960)⁹⁷
Procuring Girls and Women for Prostitution within and without
Sierra Leone*

143. Under the Protection of Women and Girls Act, any person who procures or attempts to procure a girl or woman under 21 years who is not a common prostitute or of known immoral character to have sex with another person within or without Sierra Leone commits a crime and shall be imprisoned for a period not exceeding two years. Any person who uses threats or intimidation to do such an act commits a crime and shall be imprisoned for the same period. The Act does not define a “common prostitute” or a “person of known immoral character”, which means the provision is too open to abuse and denies adequate protection to women and girls.
144. Sexual offences that are linked with the “moral character” of the victim are not gender sensitive and are a violation of the right to be free from sexual violence and the right to physical integrity. Perpetrators can escape punishment by alleging that the victim is a prostitute or a woman of immoral character. The punishment of two years’ imprisonment under this Act is inappropriate and unlikely to deter offenders from committing such crimes. In particular, in view of the widespread rape and sexual slavery that characterised the conflict in Sierra Leone, there is a high risk that victims of the conflict who attempt to prosecute rape or crimes of sexual violence in peacetime may be challenged and dismissed because of their experiences during the war.
145. The complex provisions of the general law have been misinterpreted to the detriment of minors who have been raped or sexually assaulted, resulting in perpetrators being charged with unlawful carnal knowledge of a child, for which the sentence is lighter than rape.⁹⁸ Another area of concern is the need for corroborating evidence relating to these offences, which is extremely unlikely considering their nature and the circumstances in which they are typically committed. Until recently there was only one police doctor in Freetown who was competent to provide medical services to victims and furnish the courts with the requisite medical reports. The police and judicial officers remain outwardly reluctant to prosecute sexual offences and the legal system that is supposed to serve women remains unfriendly to them.

⁹⁷ See the *Protection of Women and Girls Act (Chapter 30 of the Laws of Sierra Leone 1960)*, as amended by *Protection of Women and Girls Amendment Act 1972*.

⁹⁸ See Coalition on Women’s Human Rights in Conflict Situations; Submission to the TRC Special Thematic Hearings on Women; Freetown, June 2003 (hereinafter “Coalition on Women’s Human Rights submission to TRC”), at page 7.

Sexual offences under customary law

146. During the conflict, women were targeted by the different perpetrator groups and systematically raped and sexually violated. Rape was used as a weapon of war to dominate and humiliate women to undermine traditional cultural values and community relationships. Women and girls were raped and sexually attacked in front of their families, mothers, fathers, husbands and children, as a means of heightening the crime against them, torturing their loved ones and terrorising the community.⁹⁹
147. Under traditional customary law, the consent of the woman or girl for the purposes of sex is immaterial. If a girl is raped or indecently sexually assaulted, her parents can bring an action under customary law for compensation.¹⁰⁰ If the girl is a virgin the amount of compensation includes “virgin money”. The same situation applies where the offender is a prospective husband of the victim. If the girl is married her husband can bring an action for compensation commonly referred to as “woman damage”.¹⁰¹ The fact that communities were in no position to demand compensation for these crimes when they were committed against women and girls during the war has further degraded the status of women. There is no doubt that the reduction of a sexual offence from a heinous crime to a mere action for damage money has contributed to the low status that women occupy in traditional society.

Access to justice for women facing sexual violence under general law and under customary law

148. Women victims of sexual violence in Sierra Leone face considerable challenges in seeking to achieve justice. Some of the problems they face are as follows:
- i. The prevailing culture of silence;
 - ii. Reduced sentencing for offenders;
 - iii. Difficulty in getting a conviction as a result of the strict evidentiary requirements of proof;
 - iv. Short staff and institutional inefficiency in the law officer’s department;
 - v. Absence of legal aid for women;
 - vi. Absence of laws on marital rape;
 - vii. A woman’s consent to sex is not considered to be an issue of legal relevance under customary law;
 - viii. Laws on evidence and procedure on crimes of sexual violence are not gender sensitive; and
 - ix. Absence of temporary shelters for victims of sexual or domestic violence.

⁹⁹ See Joko Smart, H. M.; *Sierra Leone Customary Family Law*; Freetown, 1983, at page 5.

¹⁰⁰ See Joko Smart, H. M.; *Sierra Leone Customary Family Law*; Freetown, 1983, at page 182.

¹⁰¹ See Joko Smart, H. M.; *Sierra Leone Customary Family Law*; Freetown, 1983, at page 5.

Application of National Law to Violations during the Conflict

149. Women suffered a multiplicity of violations during the war, including abduction, forced recruitment, detention, forced displacement, forced labour, assault, torture, forced drugging, amputation, forced cannibalism, forced cannibalism, rapes, sexual slavery, sexual abuse, extortion, looting, destruction of property and killing.¹⁰² Many of these violations constitute crimes under Sierra Leone's criminal law. Torture, forced drugging and amputation may be prosecuted as assaults under the Offences Against the Persons Act 1861. The killing of women may be prosecuted as murder or manslaughter. Detention may be prosecuted as false imprisonment. The acts of extortion, looting and destruction of property may be prosecuted under the Larceny Act 1916 or the Malicious Damage Act. The national laws of rape under the common law, indecent assault and procuring for prostitution could be applied to crimes of sexual violence committed during the war.
150. While it is reassuring to know that such crimes can technically be prosecuted under national law, it will not happen because of the amnesty provisions in the Lomé Peace Agreement of 1999. Notwithstanding this amnesty, the existing criminal justice system would in any case be totally inadequate to handle cases of this nature. It is further highly unlikely that a criminal justice system that fails to deal properly with crimes of this nature during peacetime could be in a position to prosecute crimes against humanity and war crimes. A major problem for victims is the fact that the evidentiary burden is high and the onus is on the victim to offer corroborating evidence.
151. In addition, the crimes of rape, unlawful carnal knowledge, indecent assault, abduction for immoral purposes and procurement for the purposes of prostitution as provided for in the national law are primarily based on a notion of crimes against the honour, dignity and chastity of the victim, her family or the community. The existing criminal laws are totally inadequate when dealing with crimes of this nature that occur during a conflict situation, as they focus on a narrow definition of morality that would further stigmatise and traumatise the victim.
152. On 23 February 2003 the Sierra Leone Parliament established a Standing Committee for Human Rights and related issues to promote respect for human rights in Sierra Leone. If this Committee is to succeed in its mandate, it will have to pioneer and lobby for legal reform to promote and protect women's rights. A relevant consideration in its work must be the application of national law to sexual violations that may occur in a future conflict situation.

¹⁰² More detail on violations rates and the levels of different violations experienced by women can be found in the Statistical Report produced as an Appendix to this report.

WOMEN AND INTERNATIONAL LAW IN SIERRA LEONE

A brief overview of the international instruments on women and the level of their incorporation in Sierra Leone national law

153. The ratification and incorporation of international human rights instruments into national law is crucial to the advancement of women's rights as it imposes on states an obligation to interpret national law in a manner consistent with the state's international or legal obligations. International human rights standards can be regarded as the minimum standards of protection, which all systems of national laws should strive to attain.
154. Sierra Leone became a member of the United Nations in 1961 and ratified most of the major human rights instruments. Sierra Leone is a signatory to the International Covenant on Civil and Political Rights (ICCPR),¹⁰³ the International Covenant on Economic Cultural and Social Rights (ICECSR),¹⁰⁴ the Convention on the Elimination of All forms of Discrimination Against Women (CEDAW),¹⁰⁵ the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT),¹⁰⁶ the Convention of the Rights of the Child (CRC),¹⁰⁷ the African Charter on Human and People's Rights¹⁰⁸ and the African Charter on the Rights and Welfare of the Child.¹⁰⁹

¹⁰³ See International Covenant on Civil and Political Rights (ICCPR), adopted 16 December 1966, G.A. Res 2200A (XXI), U.N. Doc. A/6316 (1966), entered into force on 23 March 1976; Sierra Leone acceded on 23 August 1996.

¹⁰⁴ See International Covenant on Economic Cultural and Social Rights (ICECSR), adopted 16 December 1966, G.A. Res 2200A (XXI), U.N. Doc. A/6316 (1966), entered into force on 3 January 1976; Sierra Leone acceded on 23 August 1996.

¹⁰⁵ See the Convention on the Elimination of All forms of Discrimination against Women (CEDAW), adopted 18 December 1979, G.A. Res. 34/180, U.N. GAOR, 34th Sess., Supp. U.N. Doc. A/34/46, entered into force on 3 September 1981; Sierra Leone signed on 21 September 1988 and ratified on 11 November 1988.

¹⁰⁶ See the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted 10 December 1984, G.A. Res. 39/46 U.N. Doc. A/39/51 (1984), entered into force on 26 June 1987.

¹⁰⁷ See the Convention of the Rights of the Child (CRC), adopted 20 November 1989, G.A. Res. 44/25, UN Doc. A/44/49 (1989), entered into force on 2 September 1990.

¹⁰⁸ See the African Charter on Human and People's Rights, adopted 27 June 1981, O.A.U. Doc. CAB/LEG/67/3 Rev.5, entered into force on 21 October 1986; Sierra Leone signed on 27 August 1981 and ratified on 21 September 1983.

¹⁰⁹ See the African Charter on the Rights and Welfare of the Child, OAU Doc. CAB/LEG/24.9/49 (1990), entered into force on 29 November 1999. Sierra Leone signed the Charter on 14 April 1992 but has not yet ratified it.

A general overview of the major international instruments

155. The Universal Declaration of Human Rights recognises the right to life liberty and security¹¹⁰; the right to be free from sex discrimination;¹¹¹ the right to marry and found a family; equal rights for women as to marriage, during marriage and at its dissolution;¹¹² the right to be free from torture and cruel, inhuman or degrading treatment or punishment¹¹³; and provide that marriage shall be entered with the free and full consent of the intending spouses.¹¹⁴
156. The International Covenant on Civil and Political Rights, also guarantees the right to life;¹¹⁵ to liberty and security of the person,¹¹⁶ to privacy;¹¹⁷ to be free from sex discrimination;¹¹⁸ to marry and found a family¹¹⁹; to not be forced to enter marriage without the free and full consent of the intended spouses;¹²⁰ to equality of rights and responsibilities of spouses as to marriage during marriage and at its dissolution¹²¹; to be free from torture and cruel, inhuman or degrading treatment or punishment¹²²; to be free from medical or scientific experimentation without free consent¹²³ and to public health, medical care, social security and social services.¹²⁴ It also provides that governments must establish a minimum age for marriage and make the registration of marriages in an official registry compulsory.¹²⁵
157. The ICECSR, the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) are also instruments that recognise: the right to life;¹²⁶ to privacy;¹²⁷ to be free from sex discrimination;¹²⁸ to the highest attainable standard of physical health;¹²⁹ to health care services;¹³⁰ to decide on the number and spacing of their children and to have access to the information and means to do so,¹³¹ to the elimination of discrimination against women in all matters relating to marriage and family relations;¹³² and to be free from sexual violence, abuse, exploitation, prostitution and trafficking.¹³³

¹¹⁰ See the Universal Declaration Human Rights, G.A. Res. 217A (III), U.N. Doc. A/810 at 71 (1948) (hereinafter "UDHR"), at Article 3.

¹¹¹ See UDHR, at Article 2.

¹¹² See UDHR, at Article 16(1).

¹¹³ See UDHR, at Article 5.

¹¹⁴ See UDHR, at Article 16(1).

¹¹⁵ See the International Covenant on Civil and Political Rights, G.A. Res 2200A (XXI), U.N. Doc. A/6316 (1966) (hereinafter "ICCPR"), at Article 6(1).

¹¹⁶ See ICCPR, at Article 9(1).

¹¹⁷ See ICCPR, at Article 17(1).

¹¹⁸ See ICCPR, at Article 2(1).

¹¹⁹ See ICCPR, at Article 23(2).

¹²⁰ See ICCPR, at Article 23(3).

¹²¹ See ICCPR, at Article 23(4).

¹²² See ICCPR, at Article 7.

¹²³ See ICCPR, at Article 7.

¹²⁴ See ICCPR, at Article 7.

¹²⁵ See also the Convention on Consent to Marriage, Minimum Age of Marriage and Registration of Marriage 1964.

¹²⁶ See CRC, at Article 6(1).

¹²⁷ See CRC, at Article 16(1).

¹²⁸ See CEDAW, at Articles 1 and 3. See also ICECSR, at Article 2(2).

¹²⁹ See ICECSR, at Article 12(1). See also CRC, at Article 24(1).

¹³⁰ See CRC, at Article 24(1).

¹³¹ See CEDAW, at Article 16(1).

¹³² See CEDAW, at Article 16(1).

¹³³ See CEDAW, at Articles 5(a) and 6. See also CRC, at Articles 19(1) and 19(3).

158. These instruments require Government to commit itself to develop preventive health care, guidance for parents and family planning education and services; prenatal and postnatal and to ensure access to information, counselling and services concerning family planning;¹³⁴ to appropriate services to ensure safe pregnancy;¹³⁵ Government undertakes to eliminate traditional practices prejudicial to the health of children.¹³⁶

The African Charter on Human And People's Rights

159. The African Charter on Human and People's Rights entered into force in October 1986. Article 18 (3) of the charter states that "the state shall ensure the elimination of every discrimination against women and also ensure the protection of the rights of women and the child as stipulated in international declarations and conventions". By this Article, the African Charter has incorporated all of the international declarations and conventions that relate to women. There is a protocol on the Rights of African Women approved in July 2003 that offers wide protection for the rights of women. Sierra Leone needs to ratify this protocol, which will allow the rights provided in it to be enjoyed in Sierra Leone.

The Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)

160. Article 1 of CEDAW defines "discrimination against women " to "mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field".
161. Article 2 of CEDAW requires Governments to pursue all appropriate means and without delay a policy of eliminating discrimination against women and to embody the principle of equality of men and women in their constitutions or other appropriate legislation and to ensure that this principle is practically realised. Governments are further called upon to adopt appropriate legislation and other measures including sanctions prohibiting discrimination against women by any person organisation or enterprise and to repeal all laws that constitute discrimination against women.

¹³⁴ See CEDAW, at Articles 10(h), 12(1) and 14(2).

¹³⁵ See CEDAW, at Article 12(2).

¹³⁶ See CRC, at Article 24(1).

162. Article 5(a) of CEDAW provides that State parties shall take all appropriate measures to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of inferiority or superiority of either of the sexes or on stereotyped roles for men and women. CEDAW also prohibits dismissal on the grounds of pregnancy, maternity leave or marital status.¹³⁷
163. Article 4 of CEDAW requires states to adopt temporary special measures aimed at accelerating equality on a practical basis between men and women, which shall not be considered as discrimination under the Convention and which shall be discontinued when the objectives of equality of opportunity and treatment have been achieved. Other provisions of CEDAW are focussed on education, employment, health care, equality before the law, same legal capacity in contracts, administration of property and choice of residence.

General Recommendations by CEDAW committee on marriage and violence against women

164. General Recommendation 21 of the CEDAW Committee on Marriage recognises that common law principle and religious and customary laws contribute to the persistence of gender stereotypes and women's inequality. The Committee calls for governments to bring traditional practice in line with existing law. It recognises 18 as the appropriate age for marriage and rejects arguments of an earlier age for girls because of the associated health risks.
165. General Recommendation 19 dealing with violence against women advocates for the enactment and enforcement of legislation to prevent and punish acts of domestic violence. The Committee has also criticised State parties who place undue emphasis on marital reconciliation, particularly in cases involving violence. It calls on governments to suppress all forms of trafficking in women and exploitation of the prostitution of women. It further recognises that economic factors such as poverty adversely contribute to prostitution and the trafficking of women. The Committee has also identified sexual harassment as a form of violence against women, particularly in school or work environments, and has recommended that state parties enact sexual harassment laws.
166. General Recommendation 14 specifically addresses female genital mutilation. It recognises the cultural, traditional and economic factors that perpetuate the practice of FGM. It also identifies the health related consequences and makes recommendations to State on how to eliminate it. FGM is also specifically mentioned in General Recommendation 19 equating the practice as a form of violence against women committed by private or state actors. General Recommendation 24 recommends the enactment and effective enforcement of laws that prohibit genital mutilation.
167. Under the optional Protocol of CEDAW, which entered into force in 2000, the Committee is empowered to receive communication from individuals or groups about violation of rights protected in the Convention. It also creates an inquiry procedure enabling the Committee to initiate inquiries into situations of grave or systematic violations of women's rights.

¹³⁷ See CEDAW, at Article 11(2).

International instruments prohibiting violence

168. There are several international instruments that seek to protect the rights of women and prohibit violence particularly during armed conflicts.¹³⁸ The use of national, regional and international human rights mechanisms in responding to the egregious crimes and horrific events that occurred in Sierra Leone during the war has significantly developed international human rights law and continues to do so. Sierra Leone is a party to the four Geneva Conventions of 1949 and to their Additional Protocols. Common Article 3, which applies to all parties in internal conflicts such as Sierra Leone's, prohibits violence against life and the person, in particular murders of all kinds, mutilation, cruel treatment and torture and outrages upon personal dignity such as humiliating and degrading treatment.¹³⁹ Additional Protocol I, which regulates international armed conflict, specifies: "women shall be the object of special respect and shall be protected in particular against rape, forced prostitution and any other form of indecent assault".¹⁴⁰ Additional Protocol II, which applies in certain internal armed conflicts, expands upon the previous provision and explicitly forbids "violence to the life, health and physical well being of persons, in particular murder as well as cruel treatment such as torture, mutilation"¹⁴¹ and "outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault".¹⁴²
169. The jurisprudence of the two ad-hoc tribunals, the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR), has reinforced the principle that grave violations of these provisions constitute war crimes. Accordingly, the violations committed against women in Sierra Leone constitute war crimes and are likely to be prosecuted as such by the Special Court for Sierra Leone.

¹³⁸ See, *inter alia*, the following instruments and declarations prohibiting violence and promoting justice for victims of crime: Women and Armed Conflict 1995, Beijing +5 (2000); Declaration on the Protection of Women and Children in Emergency and Armed Conflict (1976); Declaration of Basic Principles of Justice for Victims of crime and Abuse of Power G.A.40/34 (1985); Fourth World Conference on Women: Women and conflict (1985); Security Council Resolution 1325 (2000); and the Commission on Human Rights, *Basic Principles and guidelines on the right to a remedy and reparation for victims of violations of international human rights and humanitarian law*, published as an Annex to E/CN.4/2000/62.

¹³⁹ See Physicians for Human Rights, *War-Related Sexual Violence in Sierra Leone*, at page 84.

¹⁴⁰ See Additional Protocol I to the Geneva Conventions, at Article 76(1). More detail can be found in Physicians for Human Rights, *War-Related Sexual Violence in Sierra Leone*.

¹⁴¹ See Additional Protocol II to the Geneva Conventions, at Article 4(2)(a).

¹⁴² See Additional Protocol II to the Geneva Conventions, at Article 4(2)(e) More detail can be found in Physicians for Human Rights, *War-Related Sexual Violence in Sierra Leone*.

*Rape and sexual violence*¹⁴³

170. Rape remains the silent war crime in Sierra Leone and in the world: throughout history, the rape of hundreds of thousands of women and children in all regions of the world has been a bitter reality.¹⁴⁴ Reversing this legacy remains the obligation of every transitional justice institution charged with examining or prosecuting crimes committed during conflict. It is critical to ensuring inclusive and non-discriminatory justice as well as to combating the stigma and blame that are at the core of the shame, isolation and abandonment suffered by women in post-conflict situations. Whilst international humanitarian law has long prohibited rape, it was characterised as an offence against honour and dignity¹⁴⁵. The Fourth Geneva Convention continued the practice of characterising rape as an attack on women's honour. The list of grave breaches of Common Article 3 does not refer explicitly to rape. Again in 1977, in Protocol II while offences of sexual violence were explicitly included, they were characterised as offences against dignity and honour or humiliating and degrading treatment as listed as rape, forced prostitution and any other form of indecent assault. As a consequence, women whether combatants or civilians, have been consistently targeted for sexual violence such as rape, sexual mutilation and sexual slavery, while for the most part their attackers go unpunished.
171. The 1993 World Conference on Human Rights in Vienna recognised violence against women as an issue of priority and noted the need to end impunity for sexual violence in war and conflict. The ad hoc Tribunals have contributed substantially to the development of jurisprudence on rape and sexual violence culminating in the codification of sexual and gender based crimes in the Rome Statute of the International Criminal Court providing the basis for examining and prosecuting these crimes as international crimes today.

¹⁴³ Most of this section has been taken from the Coalition on Women's Human Rights submission to the TRC, which to a large extent is based on the findings of the report by Human Rights Watch, *We'll Kill You if you Cry*, from page 35 onwards.

¹⁴⁴ Preliminary Report submitted by the U.N. Special Rapporteur on *Violence Against Women, Its Causes and Consequences*, *Commission on Human Rights*, Fiftieth Session, November 1994, U.N. Document E/CN.4/1995/42, p.64

¹⁴⁵ This characterisation is based, however, on the notion of women as property and sexual violence as a moral affront described in largely moralistic terms. The word honour thus alludes to chastity, sexual virtue and good name and refers equally to the honour of the male – the husband or father – with whom the woman is related. Thus, the traditional view of rape as an offence against honour has failed to treat rape and sexual violence as a crime of violence, an attack on women's physical and mental integrity. The notion of honour has also obscured the atrocious nature of the crime and further contributed to the widespread misperception of rape as an "incidental" or "lesser" crime by comparison to killing, torture or enslavement.

172. The Statutes of ICTY and the ICTR explicitly listed rape as a crime against humanity under their jurisdictions and have convicted defendants of these crimes.¹⁴⁶ Both tribunals have also prosecuted rape and sexual violence as war crimes and treated rape as torture and sexual violence, such as forced nakedness, as inhuman treatment.¹⁴⁷ The ICTR prosecuted and adjudged rape as a crime of genocide in the case against Jean-Paul Akayesu, the former mayor of Taba commune in Rwanda. This verdict marked the first time an international court found rape to be an act of genocide.
173. In 2001 in the Kunarac case involving the Foca prison, the ICTY convicted the Bosnian-Serb defendants of rape as a crime against humanity and treated rape as also torture, along with enslavement committed in Foca. The severity of rape and other forms of sexual violence has been emphasised by the fact that in several instances, the ICTY has devoted entire cases exclusively to sexual violence.¹⁴⁸ Barriers in the prosecution of sexual offences, as experienced in national jurisdictions including Sierra Leone,¹⁴⁹ because of the strict rules of procedure and evidence have been overcome by the adoption of rules that are gender sensitive and effective. Rule 98 of the ICTY provides:
- “In cases of sexual assault: (i) no corroboration of the victim’s testimony shall be required; (ii) consent shall not be allowed as a defence if the victim (a) has been subjected to or threatened with or has had reason to fear violence, duress, detention or psychological oppression, or (b) reasonably believed that if the victim did not submit, another might be so subjected, threatened or put in fear; (iii) before evidence of the victim’s consent is admitted, the accused shall satisfy the Trial Chamber in camera that the evidence is relevant and credible: (iv) prior sexual conduct of the victim shall not be admitted in evidence.”¹⁵⁰
174. Sierra Leone is a signatory to the permanent International Criminal Court (ICC). The Rome Statute of the ICC¹⁵¹ does not apply to the events occurring in Sierra Leone, as the treaty is not retroactive. The Rome Statute of the ICC lists a significant range of sexual crimes as both war crimes and acts constituting crimes against humanity. These acts include rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation and any other form of sexual violence. In addition, the Rome Statute has recognised persecution based on gender as a crime against humanity. In addition to the explicit naming of these crimes of sexual and gender violence, the ICC encompasses the principle of gender integration implemented by the ad-hoc tribunals,

¹⁴⁶ The Prosecutors of the ICTY have issued indictments treating rape as a crime against humanity in several cases, for example: *Prosecutor v. Meakic and Others*, Indictment as amended 2 June 1998, Case No. IT-95-4; *Prosecutor v Jankovic and Others*, Indictment Case No. IT-96-23, as amended 7 Oct 1999; for the ICTR, see *Prosecutor v. Emanza*, Indictment, Case No ICTR-97-20.

¹⁴⁷ *Furundzija and Celibici Judgements* of the ICTY, *Prosecutor v. Dragoljub Kunarac, Radomir Kovac and Zoran Vukovic*, IT-96-23 & IT-96-23/1-A, Appeal Chambers, 12 June 2002; on rape as torture and forced nakedness as inhuman treatment see *Prosecutor v. Jean Paul Akayesu*, Trial Judgement, case ICTR-96-4-T, Ch.1,2 Sept 1998, at paragraphs 687 and 697.

¹⁴⁸ *Furundzija and Celibici Judgements*, *Prosecutor v. Dragoljub Kunarac, Radomir Kovac and Zoran Vukovic*, IT-96-23 & IT-96-23/1-A, Appeal Chambers, 12 June 2002.

¹⁴⁹ In Sierra Leone almost all alleged sexual offences require corroboration.

¹⁵⁰ See the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law committed in the Territory of the Former Yugoslavia Since 1991, Rules of Procedure and Evidence U.N.Doc. IT/32/Rev.17, Rule 96 (1994).

¹⁵¹ See the Rome Statute of the International Criminal Court, 17 July 1998, UN DOC. No. A/CONF.183/9,37 I.L.M 999, entered into force on 1 July 2002.

meaning that to avoid discrimination, these crimes may also be prosecuted as non-sex specific crimes of violence; for example rape is clearly recognised and prosecuted as the crime of torture.

175. The Elements of Crime document annexed to the Rome Statute designed as a non-binding guide to the Court, which details the suggested elements for each crime, makes it clear that crimes of sexual violence can also be prosecuted as other crimes of violence, such as torture or mutilation, thus adopting the approach of the ad-hoc Tribunals.
176. The Statute of the Special Court in Sierra Leone gives the Court jurisdiction to try cases occurring since 30 November 1996. Crimes the Court will prosecute are crimes against humanity, which includes gender-based crimes of rape, sexual slavery, enforced prostitution, forced pregnancy any other form of sexual violence when committed as part of a widespread or systematic attack against civilian population.¹⁵² Rape, enforced prostitution and any other form of indecent assault can be prosecuted as violations of humanitarian law in Common Article 3 and Additional Protocol II. The Special Court Statute ignores the more forward-looking provisions of the Rome Statute, instead utilising the wording of Article 4(2)(e) of the Additional Protocol II.

Applying international law to the Sierra Leone conflict

177. It is necessary to reiterate that the Truth and Reconciliation Commission is not tasked with establishing criminal guilt for the violations committed during the conflict. This task forms the core mandate of the Special Court of Sierra Leone, whose aim is “prosecute those who bear the greatest responsibility” for the above categories of crimes. However, upon reviewing the acts of sexual violence committed in Sierra Leone, the TRC assesses that in all probability these acts meet the elements of war crimes and crimes against humanity.
178. There is no doubt that sexual violence against women was closely associated with war in that it occurred as part of the rewards of war and as a weapon of war – it was committed to achieve the humiliation and degradation of women, and of the enemy, men and of the community. The war provided the opportunity for the most grotesque and brutal forms of violence against women.

Crimes of sexual and gender-based violence

179. The Rome Statute and the Statute of the Special Court of Sierra Leone list the sexual crimes of rape, sexual slavery, forced pregnancy, enforced prostitution, enforced sterilisation and other sexual violence. While the Rome Statute includes these crimes as both crimes against humanity and war crimes, the Statute of the Special Court does not explicitly recognise any of these sexual violence crimes, except for the crimes of rape and enforced prostitution, as war crimes. The Commission has dealt with sexual violence on the basis of internationally recognisable crimes.

¹⁵² See the Statute of the Special Court for Sierra Leone, at Article 2. A copy of the statute and further detail on the tribunal can be found on the website: www.sc-sl.org.

Definitions of crimes of sexual violence

Rape¹⁵³

180. The ICTR and the Celibici Trial Chamber of the ICTY have defined rape as a physical invasion of a sexual nature.¹⁵⁴ The ICC Elements and other ICTY jurisprudence have added more detailed descriptions of the invasion.¹⁵⁵ Under the more detailed definition, rape involves penetration however slight of the vagina or anus by a penis, object or other body part or of any other body part by a penis.
181. The definition of rape (as well as of forced prostitution and other sexual violence) includes a broad concept of force including threat thereof and coercion, “such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or another person, or by taking advantage of a coercive environment, or the invasion was committed against a person incapable of giving genuine consent.”¹⁵⁶ Coercion can result from threats to harm the victim or to harm a third party, including but not limited to a family member, with the knowledge that it will operate as coercion for the victim. The force/ coercion element is intended to be broad and the jurisprudence indicates that in certain circumstances, for example, armed conflict, or in the case of the military presence of militiamen or combatants exercising, coercion may be inherent.¹⁵⁷ Thus, the presence of armed combatants in a village exerting temporary power and control will be sufficient to meet the coercive element. The Kunarac Trial and Appeal Judgements added that it is sufficient if shown that the invasion was against the woman’s will.¹⁵⁸ Examples of rape in the Sierra Leone conflict abound.
182. In terms of the element of force or coercion, the examples of rape in Sierra Leone reflect both situations of both force and coercion. The Rome Statute, echoing the jurisprudence of the ad hoc tribunals, provides in its Rules relating to the evidence of sexual violence and applicable to rape and to other crimes of sexual violence, that even if the victim agrees or fails to object, rape is committed so long as the coercion undermines the victim’s capacity to give genuine consent.¹⁵⁹ Sexual invasion of minors, so prevalent in Sierra Leone, is *per se* rape.¹⁶⁰

¹⁵³ See the Rome Statute of the International Criminal Court, at Articles 7(1)(g) (crimes against humanity) and 8(2)(e) (non international war crimes). See also the ICC Elements, Article 7(1)(g)-1 and 8(2)(e)(vi)-1. See also the Statute of the Special Court for Sierra Leone, at Article 2(g).

¹⁵⁴ See the *Celibici Judgement* of the ICTY.

¹⁵⁵ See the ICC Elements, at Articles 7(1)(g)(i) and 8(2)(b)(xxii) and 8(2)(e)(vi). See also the *Furundzija Judgement* of the ICTY.

¹⁵⁶ The concept of “invasion” is intended to be broad enough to be gender-neutral. It is understood that a person may be incapable of giving genuine consent if affected by natural, induced or age-related incapacity. See the ICC Elements of Crime and Procedure, UN Doc.Off ICC-ASP/1/3, at Article 7(1)(g)(i).

¹⁵⁷ See *Prosecutor v. Jean Paul Akayesu*, Trial Judgement, case ICTR-96-4-T, Ch.1, 2 Sept 1998, at paragraph 688.

¹⁵⁸ See *Prosecutor v. Dragoljub Kunarac, Radomir Kovac and Zoran Vukovic*, IT-96-23 & IT-96-23/1-A, Appeal Chambers, 12 June 2002.

¹⁵⁹ See the ICC Rules of Procedure and Evidence, ICC-ASP/1/3, Rule 70 (a),(b),(c).

¹⁶⁰ As a final point on the question of rape, it should be noted the ICC Rules contain very strict provisions against the admission of prior sexual conduct of the victim in considering the crime.

Sexual slavery¹⁶¹

183. The two essential elements unique to the crime of sexual slavery are the “exercise of any of all of the powers attaching to the right of ownership over one or more persons...” and the forced participation in one or more acts of sexual violence.¹⁶² The ICC adds the requirement that this be accomplished by such acts as “purchasing selling, lending or bartering such a person or [persons], or by imposing on them a similar deprivation of liberty” which can include reducing a person to a servile status under the international law or forced labour. Sexual slavery is a form of enslavement identified by the fact that the perpetrator must cause the victim(s) to engage in one or more acts of a sexual nature.
184. Forced “marriage” is a form of sexual slavery as is the detention of women in “rape camps” or any circumstances under which women are subjected repeatedly to rape or the threat of rape or any other sexual violence. In Sierra Leone, as well as in many other conflicts, women and girls were given as “wives” to commanders and combatants. These sexual slaves are widely referred to as “bush wives”. When “forced marriage” involves forced sex or the inability to control sexual access or exercise sexual autonomy, which, by definition, forced marriage almost always does, it constitutes sexual slavery, as recognised by the Special Rapporteur for Systematic Rape, Sexual Slavery and Slavery-Like Practices during Armed Conflict.¹⁶³

Forced pregnancy¹⁶⁴

185. As a result of the highly contentious negotiations, both the Rome Statute and the ICC Elements provide an excessively narrow definition of forced pregnancy: “The perpetrator confined one or more women, forcibly making them pregnant, with the intent of affecting the ethnic composition of any population or carrying out other grave violations of international law.”¹⁶⁵ In the case of Sierra Leone, there are reported examples of women who became pregnant and were not permitted by their rapist or another to obtain abortion. The concept of “forced pregnancy,” first articulated officially in the Vienna Declaration and Programme of Action¹⁶⁶ referred however to the confinement or other means of preventing pregnant women from obtaining abortion.

¹⁶¹ See Enslavement (crimes against humanity) in the Rome Statute of the International Criminal Court, at Articles 7(1)(g) and 7(2)(c). See also the ICC Elements, at Articles 7(1)(g)-2 and 8(2)(e)(vi)-2. See also the Statute of the Special Court for Sierra Leone, at Article 2(g)-2.

¹⁶² See the Rome Statute of the International Criminal Court, at Article 7(2)(c). See also the ICC Elements, at Articles 7(1)(g)-2 and 8(2)(e)(vi)-2.

¹⁶³ See McDougall, G., Special Rapporteur for Systematic Rape, Sexual Slavery and Slavery-like Practices during Armed Conflict, final report produced as UN Document E/CN.4/sub.2/1998/13, 12 June 1998, at paragraph 45.

¹⁶⁴ See the Rome Statute of the International Criminal Court, at Article 7(1)(g). See also the ICC Elements, at Articles 8(2)(e) and 8(2)(e)(vi)-3.

¹⁶⁵ See the ICC Elements, at Article 7(1)(g)-4f.

¹⁶⁶ See the Declaration and Programme of Action, U.N World Conference on Human Rights, adopted in Vienna on 25 June 1993, A/Conf.157/23.

Enforced sterilisation¹⁶⁷

186. The ICC Elements define enforced sterilisation as follows: “The perpetrator deprived one or more persons of biological reproductive capacity” and “the conduct was neither justified by the medicine or hospital treatment of the person or persons concerned nor carried out with their genuine consent.”¹⁶⁸ It includes acts committed upon women including during the war in Sierra Leone, such as the removal of foetus, uterus, castration, destruction of reproductive organs, as well as medical sterilisation without consent. Although this crime is not listed in the Sierra Leone Special Court Statute, the mutilation of Sierra Leonean women by disembowelling them, the cutting open of the uterus which leads to the removal of the foetus results in sterilisation should be recognised as enforced sterilisation at the same time as these acts also qualify as “other sexual violence.” The numerous acts of violence on pregnant women that were reported include the cutting open of a pregnant woman’s uterus and the removal of the foetus, the mutilation of her organs thus constitute enforced sterilisation as well as mutilation and cruel and inhuman treatment.

Other forms of sexual violence¹⁶⁹

187. Sexual violence as a war crime must be “serious” in dimension or, as a crime against humanity, of “comparable gravity” to the other crimes against humanity.¹⁷⁰ The ICC Elements define sexual violence to encompass both involuntary sexual assaults and sexual performance. The definition thus applies to coercion resulting in sexual entertainment or nakedness.
188. The scope of sexual violence is broad. The Akayesu Trial Chamber of the ICTR stated that, “sexual violence is not limited to physical invasion of the human body and may include acts which do not involve penetration or even physical contact.”¹⁷¹ It relates to the lack of sexual autonomy, which is violated wherever the person subjected to the act has not freely agreed to it or is otherwise not a voluntary participant.”¹⁷² It could include biological and medical experimentation of sexual nature or experimentation on reproductive capacities, sexual mutilations, harassment and threats of rape or other sexual violence. Forcing a woman to lick a penis (which might also constitute rape) or to perform sexual acts that are not rape, such as cutting or sexual touching of the body or breasts, are forms of sexual violence.

¹⁶⁷ See the Rome Statute of the International Criminal Court, at Articles 7(1)(g) (crimes against humanity) and 8(2)(e) (non international war crimes). See also the ICC Elements, Article 7(1)(g)-5 and 8(2)(e)(vi)-5. See also the Statute of the Special Court for Sierra Leone, which does not list this act as a crime.

¹⁶⁸ See the ICC Elements, at Article 7(1)(g)-5. The deprivation is not intended to include birth control measures ,which have a non-permanent effect in practice. It is understood that “genuine consent” does not include consent obtained through deception.

¹⁶⁹ See the Rome Statute of the International Criminal Court, at Articles Article 7(1)(g) and 8(2)(e)(vi); ICC Elements supra Article 7(1)(g)-6 and 8(2)(e)(vi)-6; and SC-SL statute Article 2(g)-5

¹⁷⁰ The ICC Elements require that the sexual violence be of comparable gravity to the other sexual and reproductive crimes. To the extent that might result in a lower standard for inhuman treatment than for sexual violence, this addition in the ICC Elements would either be discriminatory or the lesser form of sexual violence, would have to be prosecuted as inhuman treatment.

¹⁷¹ See *Prosecutor v. Jean Paul Akayesu*, Trial Judgement, case ICTR-96-4-T, Ch.1, 2 Sept 1998, at paragraphs 687 to 697.

¹⁷² See *Prosecutor v. Dragoljub Kunarac, et al* before the ICTY Trial Chamber, at paragraph 457.

189. Most acts which constitute sexual violence today were historically incorporated in the concept of offences against honour and humiliating and degrading treatment, now independently codified as a war crime in the Rome Statute, Article 8(2)(c)(iii).¹⁷³ The adoption of the clause describing the crime of sexual violence in the war crimes articles – “also constituting a grave breach of [or for non-international armed conflict, a “serious violation of article 3 common to the four”] Geneva Conventions”¹⁷⁴ – was specifically intended to declare the status of the sexual violence crimes as comparable to grave breaches, which are the most serious violations recognised under humanitarian law.¹⁷⁵ While sexual violence can be charged under both rubrics, it is important not to utilise the rubric of humiliating or degrading treatment to diminish the understanding that all forms of sexual violence, whether or not they involve touching, constitute physical and/or mental violence against the person rather than offences based on morality and honour. The Rome Statute rightly recognised the historic failure to treat sexual offences as crimes of the most severe violence and has now named them explicitly as crimes of violence.
190. Sexual and gender based crimes constitute crimes against humanity through gender neutral qualifications when they meet all the elements of crimes or torture, enslavement, persecution, other inhuman act in crimes against humanity (widespread or systematic attack, against civilians with the knowledge that the crimes constitute a part of the attack). This “gender integrated’ understanding of gender-based violence has been accepted by the ICTR and ICTY and is a critical protection against gender-based discrimination.

Torture (crime against humanity and war crime)

191. In the international criminal instruments, the crime of torture is codified as both crimes against humanity (Article 7 (1)(f) of the Rome Statute) and war crimes (Article 8 of the Rome Statute). In the Rome Statute, the *acts reus* of torture as a crime against humanity requires only “the infliction of severe physical or mental pain or suffering on one or more persons.... [who] were in the custody or under the control of the perpetrator.” Torture as a war crime requires in addition that the severe pain or suffering be “for such purposes as: obtaining information or a confession, punishment, intimidation or coercion for any reason based on discrimination of any kind.” In this sense the latter definition is more similar to the purpose requirement contained in the UN Convention Against Torture.¹⁷⁶ It should be noted that the purpose requirement is not a specific intent requirement, but is to be objectively determined as was originally intended to broaden beyond interrogation the recognised goals of torture. It should also be noted as well that the right not to be tortured is one of the fundamental rights of a non-derogable nature, i.e. it is a *jus cogens* norm.¹⁷⁷

¹⁷³ For definition of this crime, see the ICC elements, at Article 8(2)(c)(ii). The ICTY has also defined the crime in similar terms; “An outrage upon personal dignity is “any act or omission which would be generally considered to cause serious humiliation or otherwise be a serious attack on human dignity. The statute does not require that the perpetrator must intend to humiliate the victim, that he perpetuated the act for that very reason. It is sufficient that he knew that his act or omission could have that effect: See *Prosecutor v. Dragoljub Kunarac, et al* before the ICTY Trial Chamber, at paragraphs 507 and 773-774.

¹⁷⁴ See the Rome Statute of the International Criminal Court, at Article 7(1)(h).

¹⁷⁵ See Steains, C.; “Gender Issues / Gender Crimes” in Lee, R. (ed.), *The International Criminal Court: the Making of the Rome Statute – Issues, Negotiations, Results*, Kluwer, The Hague, 1999.

¹⁷⁶ See the Convention Against Torture and Other Cruel Treatment or Punishment, 23 ILM 1027, entered into force on 26 June 1987.

¹⁷⁷ See the *Furundzija Judgement* of the ICTY, at paragraphs 153 and 154.

192. Rape and other forms of sexual violence also constitute torture under international human rights and humanitarian law. This is not only clear from other horrific examples provided heretofore, but it has been recognised explicitly in the ICTY and ICTR decisions as well as the Rome Statute, as discussed above. Most recently the Kunarac Appeal Chambers made clear that the severity of pain and suffering inflicted by rape constitutes torture. It should be noted that, despite error in an early ICTY opinion, there is no longer any requirement [as is required in human rights law] that the person committing the torture have official status when the torture is committed in the framework of war crimes or crimes against humanity.
193. It must also be underscored that torture may be inflicted against a person through the infliction or threat of infliction of sexual or other violence on a third person. When children or spouses or parents are sexually threatened or assaulted in front of another family member that is recognised as a form of torture. Thus in Sierra Leone, it is torture when daughters, including virgin daughters, are raped in front of their fathers or mothers, or when a breastfeeding woman is raped in front of her son. It has also been judged that forced observance of sexual violence inflicted on a woman engaged with a man caused him severe physical and mental suffering.¹⁷⁸ Torture is also committed when family members are killed while others are forced to observe. The seizing of a child from its mother and killing it in front of her is also a particularly gendered form of torture, targeted as it is at her role as mother.

Enslavement (crime against humanity)

194. Enslavement is named as a crime against humanity (Art. 7(1)(c) Rome Statute and Art. 2(c) Special Court Statute). It is also prohibited by numerous international human rights and humanitarian law instruments and is one of the original universally condemned crimes under customary international law. Enslavement is also a jus cogens violation.¹⁷⁹ The sexual form of enslavement is now codified as “sexual slavery”. Beyond that enslavement takes many forms, some of them gendered. Young girls and boys, men and women can be enslaved in one of many ways: in domestic labour, mining, arms factory, demining and medical experiments. It becomes a gender crime when an individual is enslaved because of his or her particular function in the society: women used for domestic labour (cooking, washing, cleaning, and serving, educating children), men for transport or fighting, young girls for spying, girls and women for sex and reproduction.

¹⁷⁸ See the *Furundzija Judgement* of the ICTY, at paragraph 267.

¹⁷⁹ See Bassiouni, C., “Sources and Theory of International Criminal Law” in *International Criminal Law*, Vol. I, Crimes, 2nd edition, Transnational, New York; at pages 79 - 80 and 663. See also ICJ, *Barcelona Traction Light and Power Company Ltd*, 1970 Report 3, 32, at paragraphs 32 – 34.

195. In the Kunarac Judgement, the ICTY recognised that both forced domestic labour and sexual services of women and girls constituted enslavement¹⁸⁰. The essential element of enslavement as discussed above the exercise of any or all of the powers attaching to the right of ownership. This has been elaborated by the Kunarac Appeals Chamber to include restriction or control of an individual's autonomy, restriction of freedom or choice or freedom of movement, extraction of forced or compulsory labour or service, often without remuneration though not necessarily, involving physical hardship: sex: and human trafficking. Enslavement may be accompanied by a claim of exclusivity; torture, cruel treatment and abuse including sexual; and other means of psychological as well as physical control. Enslavement does not require a showing to non-consent since the exercise of free will by the victim may be irrelevant or impossible because of the coercive environment. It does not require detention or the absence of any avenues of escape. It may also be the product of a commercial exchange, but this condition is clearly not required.¹⁸¹

Other inhuman acts (crimes against humanity)

196. Other inhuman acts are also categorised as crimes against humanity (Art.7 (1)(k) Rome Statute and Art.2 (i) Special Court Statute) and encompass acts that are of similar gravity and seriousness by comparison to the enumerated crimes. These will be acts or omissions deliberately causing serious mental and physical suffering or injury or constitute a serious attack on human dignity.¹⁸² Such acts need not amount to the severity of torture although the distinction is not a clear one and needs to be examined in context. To the extent there are serious sexual and gender crimes that are not mentioned in the Special Court Statute (e.g. enforced sterilisation and gender based persecution), they will clearly qualify as other inhuman acts.

Mutilation (war crime)

197. The crime of mutilation has been listed as a war crime by Art 8(2)(c)(i) of the Rome Statute and the ICC Elements explain mutilation as permanent disfigurement or permanently disabling or removing an organ or appendage under circumstances that are not medically justified. ICC Elements, Article 8(2) (c) (i)-2. Consequently, sexual mutilation includes disfiguring or removing a woman's breasts, face or other part of the body; removing the uterus or foetus of a woman; burning and cutting sexual organs and breasts, burning and cutting the vagina. It is clear that the reported cases of cutting open women to remove the foetus constitute mutilation as well as torture and enforced sterilisation.

¹⁸⁰ The elements have been developed in *Prosecutor v. Dragoljub Kunarac, et al* before the ICTY Trial Chamber, at paragraphs 542 and 543.

¹⁸¹ See *Prosecutor v. Dragoljub Kunarac, Radomir Kovac and Zoran Vukovic*, IT-96-23 & IT-96-23/1-A, Appeal Chambers, 12 June 2002.

¹⁸² See *Kayishema Trial Judgement*, Case ICTR 95-1-T., Ch.II, 21 May 1999, at paragraph 151.

Cruel treatment (war crime)

198. Cruel treatment involves an act or omission that knowingly causes serious mental or physical suffering or injury, or constitutes a serious attack on human dignity.¹⁸³ Treatment that does not meet the purpose requirements of torture may constitute cruel treatment.¹⁸⁴ For example, the following acts constitute “cruel treatment”: forced nakedness and terrorising and threatening physical and sexual violence.
199. While the Commission is not charged with establishing criminal responsibility, nevertheless it has summarised the key elements of crimes of sexual violence as well as the threshold requirements for crimes amounting to war crimes and crimes against humanity.

EXPERIENCES OF WOMEN AND GIRLS DURING THE CONFLICT IN SIERRA LEONE

200. Women and girls in Sierra Leone were deliberately targeted by all of the armed groups involved in the conflict in Sierra Leone. They suffered a multiplicity of violations at the hands of their abusers. The violations included a range of sexual crimes such as rape, sexual slavery, forced pregnancy, and other crimes of sexual violence. Women and girls also suffered abductions, enslavement, torture and forced labour. Many women and girls were also killed in the most brutal circumstances. Many women and girls became displaced, many were forced to flee and become refugees. They also suffered extortion and looting. Despite their experiences, brutal though they were, many have managed to survive and have offered their testimonies to the Commission.
201. Of the 40,684 violations with gender recorded in the Commission’s database, 13318, or 32.7%, have female victims. The most common violation in the Commission’s database is forced displacement, which accounts for 23.5% of the violations against women but only 19.3% of the violations against men. Other common violations against women in the Commission’s database are abduction (15.7%) and arbitrary detention (12.0%).¹⁸⁵
202. In the main, women and girls experienced the conflict as victims. However, many women and girls were compelled to become perpetrators in order to survive. Many others chose to be willing collaborators and perpetrators. The Commission’s analysis of how women made choices is that, in the main, they rose to the challenge of staying alive, looking after loved ones, protecting and assisting others, often at great risk to themselves, and still display the courage to tell of their experiences. The Commission explores the whole array of different experiences effecting women and girls in the sections that follow.

¹⁸³ See the *Celebici Trial Judgement* of the ICTY, at paragraph 552. See also ICC Elements, at Article 8(2)(c)(i)-3.

¹⁸⁴ See the *Celebici Trial Judgement* of the ICTY, at paragraph 552.

¹⁸⁵ More detail on violations rates and the levels of different violations experienced by women can be found in the Statistical Report produced as an Appendix to this report.

VIOLATIONS AND ABUSES AGAINST WOMEN

203. Women and girls in Sierra Leone suffered specific offences on account of their gender. In terms of the Commission's statistics, more than 32% of the violations recorded by the Commission were perpetrated against women.¹⁸⁶ The testimonies given to the Commission by women and girls clearly demonstrate that there was a deliberate strategy to target them because of their gender for violations of a gender-based nature.

204. The violations that women and girls experienced were characterised by the most extraordinary, inexplicable acts of violence, leaving many of them permanently scarred. Many witnesses told the Commission of how they still relive the horror of it all in their minds. One of the victims who came before the Commission told of what she witnessed:

“At Christmas time, I decided to spend it in the village of Konima since that was my husband's home. About morning time, the RUF attacked the village; I escaped, but they killed several people... An old blind woman was given cassava to eat; they (RUF rebels) caught her and beat her to death... Mariama Kalilu was a pregnant woman... When they met her in the room, they split her stomach open and abandoned her until she completely decomposed. They also caught one of my daughters who was a scholar and sexed her to death as she kept screaming until she was dead... Another suckling mother was shot dead and her baby kept playing with her remains for four days and by the time elders could decide to come back for the baby, she too was now dead. They were not buried but left for birds to help themselves...”¹⁸⁷

205. Another victim recounted the experience that led to the death of her son:

“We hid and left the town and reached a village called Fabu where we rested. We took the route to Senehun, a town on Bo highway, to get transport for Bo town. Upon reaching the town, we saw a crowd of people standing in a line: everyone was asked to dance. Sons-in-law were to dance with their mothers-in-law and sons with their mothers, so my son and I started dancing. The instruction was we should hold each other's private parts and ask it how it was doing. There was a song for this exercise. My son, being shocked and filled with shame, couldn't follow the instructions properly. I danced properly so that the rebels won't take notice of my son's stubbornness and kill him. However, after the dancing exercise my son was slaughtered right in front of me. They gave me his head, which I refused to hold. At this point I fled with other people and the rebels started shooting behind us, but as God could have it we managed to cross the river.”¹⁸⁸

¹⁸⁶ More detail on violations rates and the levels of different violations experienced by women can be found in the Statistical Report produced as an Appendix to this report.

¹⁸⁷ Theresa Blackie, TRC statement, Bo Kakua, 16 December 2002.

¹⁸⁸ TRC confidential statement recorded in Bo District, 24 March 2003.

206. Women and girls constituted a particularly vulnerable group who could be exploited and brutalised. While they were themselves the victims of multiple violations and abuses, they were also forced to witness family members, neighbours, friends and relatives being killed, raped and tortured.¹⁸⁹ Torture in international law may be inflicted against a person through the infliction or the threat of infliction of violence on a third person. Age was not respected; neither did it offer any immunity from being violated. Both young and old were abused in the most egregious fashion, as is shown by this testimony of a 70-year-old woman who made a statement to the Commission:

“During the 1998 attack on Baybema, I was captured together with my grand children and my daughter-in-law... One day, to my surprise as an old woman, my two hands were tied together, my braid on my head was scrapped, pepper rubbed in my eyes and I was gang-raped... If I can recall well, about four men used me forcefully.”¹⁹⁰

207. Testimonies before the Commission confirmed that all the major armed groups in the conflict perpetrated violations against women. Government security forces, civil militia and opposing armed factions were all at different times in the conflict responsible for violations against women.¹⁹¹ A female health worker shared this experience of the conflict with the Commission:

“It was in 1991 in Golahun Tunkia, Tunkia Chiefdom, Kenema district... when RUF rebels attacked the town in the morning. The RUF rebels went purposely for me; they came to take me as a commander’s wife, because the boy I was working with had told them I was a beautiful woman for their commando... The inhabitants of that town escaped with me through the bush to a town called Baoma Koya... On hearing about me, my husband hired a vehicle to bring me to Kenema with my three children... On my way to Kenema, there was a checkpoint called Teoma between Kenema and Gofor... I was stripped naked with my husband... Then in 1993, I was posted to Nongowa chiefdom, Kenema district. I was there for a year when combat uniformed men again attacked the village... In 1997 during the junta rule, we were threatened that we were informants. And on 8 February 1998 during “Operation Pay Yourself” the Kamajors entered the house and took our belongings, money and everything and they went away. Three sets of factions wearing combats came to our house the very day. They took off the door from the house and the house was left opened... we lost everything. Kamajors also threatened to kill us. They stole a generator from the Merlin hospital and put it in front of my house. We begged them to return it but they refused, so my husband reported them to the ECOMOG. This made the Kamajors threaten us for several nights. There was no one to be trusted.”¹⁹²

¹⁸⁹ See, for example, Sayo Koroma, TRC statement, Freetown, 1 March 2003.

¹⁹⁰ TRC confidential statement recorded in Kono District, 4 March 2003.

¹⁹¹ See, for example, Tity Koroma, TRC statement, Bonthe Town, 13 December, 2002; TRC confidential statement from a female victim, recorded in Gbangbatoke, 5 February 2003; and Mariama Sam, TRC statement, Ngordohun Gbameh, Kono, 27 February 2003.

¹⁹² TRC confidential statement recorded in Kenema District, 7 December 2002.

ABDUCTION

208. Abductions have become a major characteristic of the recent conflicts in Africa, with armed perpetrator groupings kidnapping young girls and boys with the express purpose of compelling them to become combatants and / or to use them for a number of different purposes. Most of the armed perpetrator groupings in Sierra Leone were responsible for the crime of abduction, with the RUF being the major violator. A characteristic of abduction in Sierra Leone was that you were likely to have suffered this violation if you were a young boy or young girl.
209. The violation of abduction placed the abductees under the absolute control of their perpetrator grouping, which then gave the perpetrators a licence to commit a range of further violations against the abductees. These violations included being coerced into becoming a combatant, being compelled to perform forced labour, or forced into sexual slavery and forced marriage. In terms of testimony collected by the Commission, a total of 6,054 abductions were recorded in the Commission's database. Women account for 2,096 of recorded violations.¹⁹³ While all the armed groups stand accused of perpetrating this violation, the Commission has found that the RUF was responsible for the highest number of abductions.¹⁹⁴ The RUF is responsible for 1,368 (65,3%) of the Commission's recorded violations against women and 2,337 (59,3%) of the Commission's recorded violations against men.¹⁹⁵
210. The act of abduction placed the victim under the total control of the perpetrator grouping. Women were particularly vulnerable, as they were deliberately abducted in order to be exploited for the purposes of sexual violence, forced labour and sexual slavery.¹⁹⁶ Young girls were deeply traumatised by the experience as they were snatched from the bosom of their families, forced to endure separation from family members and the society they belonged to, raped and sexually brutalised and forced to endure a brutally savage life to which they were unaccustomed. Many died in captivity.
211. A former abductee of the RUF testified to the Commission of her experiences:

"I was forcefully conscripted into the rebel army to become a sex instrument for the rebel commanders, though I was a virgin... during our stay in the camp, we were visited by Corporal Foday Sankoh, whom we referred to, as "Popay"... My duties were to prepare food and to satisfy my "bush husband" anytime he needs me. After six months my "bush husband" Captain Kemokai left me to fight... he got missing in action. At that time I was four months pregnant... Later I became wife to another Commander named Mohammed. As usual, my duties were to prepare food and to satisfy him sexually, any time he needs me."¹⁹⁷

¹⁹³ More detail on violations rates and the levels of different violations experienced by women can be found in the Statistical Report produced as an Appendix to this report.

¹⁹⁴ More detail on the violations rates of the particular perpetrator factions can be found in the Statistical Report produced as an Appendix to this report.

¹⁹⁵ See the Statistical Report produced as an Appendix to this report.

¹⁹⁶ See the Statistical Report produced as an Appendix to this report.

¹⁹⁷ TRC confidential statement from a female victim, recorded in Gbangbatoke, 5 February 2003.

Another former abductee described her ordeal to the Commission in the following terms:

“In Bongeh, I was repeatedly raped by groups of rebels coming from different localities. I was nursing mother of a two-month-old baby at that time and I was abducted for two months and two weeks. During my period of abduction I was also beaten on several occasions and whenever I resisted their sexual harassment, I was threatened with their guns. At one time, one of the rebels fired his gun through my legs... I later got forcefully married to “DU-DU Boy” as my “bush husband”. I was then assigned to the responsibilities of doing all the laundry, cooking their food, ironing their clothes and many other household duties. Most of their clothes had blood stains on them. Some of the female abductees who refused to have sex with them were killed. That gave me the cause to yield to their sexual demands in order to save my life. My child had died during my abduction.”¹⁹⁸

212. Women were abducted in a myriad of places, including their homes in villages or towns, from the bush or while they were walking along the road,¹⁹⁹ or during ambushes. Abductions kept the numbers high in the armed groupings and became a mechanism for armed groups like the RUF to service various needs besides swelling the ranks, as abductees served as porters, advance troops, sexual slaves and forced labour. Abductees were also required to carry items that had been looted.²⁰⁰ As a result of the war, a large number of women were separated from children and spouses and also suffered years of horrendous abuse in the hands of their abductors even as some died in the process and never made it back to their families. Young girls were separated for many years from their families and many did not make it back.
213. The Commission finds that all of the armed groups pursued a deliberate strategy of targeting women and young girls between the ages of 13 and 22, abducting them for the sole purpose of keeping them under their control, exercising rights of ownership over them and exploiting their vulnerability, coercing them into becoming combatants, using them as sexual slaves, sexually violating them and using them for the purposes of forced labour and servicing the needs of the armed group. The RUF, of all the armed groups, is found to have been the major perpetrator of abduction and related violations.

¹⁹⁸ TRC confidential statement recorded in Upper Banta Chiefdom, 15 February 2003.

¹⁹⁹ See, for example, Mariama Sam, TRC statement, Ngodorhun Gbaneh, Kono, 27 February 2003.

²⁰⁰ See, for example, TRC confidential statement recorded in Port Loko District, 30 April 2003.

FORCED RECRUITMENT

214. Flowing from the violation of abduction, a number of other violations occurred including forced recruitment. The Commission was not able to compile accurate statistics on the number of women ex-combatants involved in the conflict.²⁰¹ However according to the NCDDR, 513 girl ex-combatants below the age of 18 years went through the Disarmament, Demobilisation and Reintegration Process.²⁰² This represents 5% of the total number of ex-combatants who participated in the DDR process.²⁰³ The NCDDR recorded a total of 5,058 adult female ex-combatants.²⁰⁴ It further broke down the figure amongst the major fighting forces for women (adult female) as follows: RUF – 3,922; AFRC – 400; CDF – 296; and SLA – 107.²⁰⁵
215. The NCDDR statistics also do not accurately reflect the number of women who joined voluntarily or those who were forcibly recruited into becoming combatants. There are a number of reasons for this omission. At the end of the conflict, many women were reluctant to be identified as ex-combatants, as they were fearful of the reaction that it might evoke from the civilian population. Another reason was the failure of those in charge of the demobilisation process to make appropriate arrangements to include women and girl ex-combatants in their programmes. Many women and girls ex-combatants were therefore excluded, as well as not being properly identified and correctly registered in the DDR programmes.
216. Women were routinely abducted during attacks and during routine patrols. Once abducted women and girls were coerced into handling arms and taught to fight. The following victim gave a typical account of what happened next:

“They took away everything we had including me. My mother begged them in vain to release me but “Sergeant Small Soldier” – for that was the name of the rebel that abducted me – refused... he took me to Walihun... which by then was their headquarters... then the Kamajors attacked us, so we moved to Jimmi Bagbo and Koribundo area... That was the camp where the girls and women were separated from the boys and men. We were left to the command of women rebels who maltreated us greatly... we were all trained to fight as rebels. We were only given a handful of gari (empty and dry) per day. We were sent to raid neighbouring villages to loot food and bring it back. If anybody disobeyed, you were cruelly beaten.”²⁰⁶

²⁰¹ See the Statistical Report produced as an Appendix to this report for a discussion of areas on which the Commission's database cannot provide definitive figures and projections.

²⁰² See Executive Secretariat of National Committee for Disarmament, Demobilisation and Reintegration (NCDDR), Monitoring and Evaluation Unit; *Report on numbers of Children and Women that went through Disarmament, Demobilisation and Reintegration Process*; 9 September, 2003 (hereinafter “NCDDR, *Numbers of Women and Children that went through DDR*”).

²⁰³ See NCDDR, *Numbers of Women and Children that went through DDR*, at page 3.

²⁰⁴ See NCDDR, *Numbers of Women and Children that went through DDR*, at page 4.

²⁰⁵ See NCDDR, *Numbers of Women and Children that went through DDR*, at page 4.

²⁰⁶ TRC confidential statement recorded in Bo District, 9 December 2002.

217. In April 1998 this woman was forcefully recruited by the RUF. She recounted her story in her statement to the Commission:

“I was about to go to town, when suddenly four men appeared before us holding guns and knives in their hands. They said they were RUF from Kailahun... after a month we were taken to Kailahun to be trained. Now I am a victim, a witness and a perpetrator... Superman forced me to go with others to attack Kono. We went but later we retreated.”²⁰⁷

MUTILATION

218. Women and girls abducted were compelled to remain with the fighting forces throughout the conflict. It was only with disarmament that they were able to leave. A number of women and girls told the Commission how they tried to escape. Punishment was harsh if they were recaptured. They suffered even further when the fighting force to which they belonged deliberately marked them on their chests by carving the initials of the particular fighting force on it. This was a deliberate strategy on the part of the RUF and the AFRC.²⁰⁸ Marking abductees in this way prevented their escape, as to run the risk of being identified as a member of the RUF or AFRC would be to risk death. A girl who was 13 years old at the time she was abducted by the RUF told the Commission her story:

“I was captured together with five other girls and taken to their base at Matru Jong. I was captured by a man called “Delawey” (a Sierra Leonean), who also had been captured and sent to Liberia for training... When we attempted to escape, we were caught by another set of RUF members, who beat us and brought us back to base. At the base we were trained to become fighters for six months... if any one becomes tired they shot the person dead... After the training, they forced people to take up guns and attack villages... All those who attempted to run were caught and labelled RUF with knife, blade or a very sharp stick. Also in the bush, I got a man whom I gave birth for. He is still my husband.”²⁰⁹

219. The Commission’s statistics confirm that there was a deliberate policy on the part of the RUF and AFRC to target girls and women between the ages of 13 and 24 and forcibly “brand” them with the acronyms of the fighting forces.²¹⁰ Mutilation has been listed as a war crime under Art 8(2)(c)(i) of the Rome Statute. The ICC elements define mutilation as a permanent disfigurement or permanent disabling or removing an organ or appendage under circumstances that are not medically justified. The Commission finds that the RUF and the AFRC were responsible for the mutilation of women and young girls in that they carved the initials of their particular armed faction on the chests of women and girls with the intention of permanently disfiguring them, holding them hostage and discouraging them from escaping.

²⁰⁷ TRC confidential statement recorded in Kailahun District, 14 December 2002.

²⁰⁸ See, for example, TRC interviews with two former RUF junior commandos who stayed in the movement from 1991 until the end of the conflict, interviews conducted in Kailahun, July 2003.

²⁰⁹ TRC confidential statement recorded in Cline Town, Freetown, 13 January 2003.

²¹⁰ See the Statistical Report produced as an Appendix to this report.

DETENTION

220. In terms of statements made by women and girls to the Commission, more than 1,061 violations of detention during the conflict were recorded in the Commission's database.²¹¹ Detainees were forced to move with the fighting forces and were held in many locations under the most terrible conditions.²¹² One victim described to the Commission the conditions in which she and others found themselves:

“...They instructed other rebels to escort us to Bumpeh, then they took us there. They packed all of us in a very small house, and held us where we could not even sit down, so we all stood up with all our children...”²¹³

221. A victim detained with her husband in 1994 also told of her experience:

“In 1994, we experienced the first attack on our village by the rebels. We fled for our lives to escape death; unfortunately when another attack was made, we could not escape into the bush and all of us were captured... I and my husband were invited by the rebels to their residence where they locked both of us in a big box and poured dirty water on us ...”²¹⁴

222. Women reported to the Commission that they were often beaten and tortured while detained for the flimsiest of reasons:

“One evening, the rebels SK and AB came to me... A small boy who held the gun hit my buttocks and he said I talked about the war they were fighting... They had soldiers and they took me away. I told them that I was not the one who said those words but they said I was the one and as a result, they were going to kill me...I was beaten and later he put me in their cell...”²¹⁵

223. One of the most common reasons for being detained was if a spouse or a relative belonged to the opposing forces. Women in these situations were often accused of being collaborators and were detained, beaten and tortured. A 70-year-old victim who was detained at Bayama in Ngorama Chiefdom by the CDF told of her ordeal:

“I was captured together with my children, stripped naked, detained unlawfully and beaten. While in captivity one of the CDF by the name of Tamba Johnny killed my son on sight and the man is in town here while I am talking to you. After killing my son another CDF man went and cut his ears, by then I was still under torture and detention... my mind was not with me”²¹⁶

²¹¹ See the Statistical Report produced as an Appendix to this report.

²¹² TRC confidential statement from a female victim, recorded in Gbangbatoke, 5 February 2003.

²¹³ Confidential testimony received before TRC Closed Hearings, Pujehun District, 25 June 2003.

²¹⁴ TRC confidential statement from a female victim, recorded in Bonthe, 17 April 2003.

²¹⁵ TRC confidential statement recorded in Tonkolili District, 13 January 2003.

²¹⁶ TRC confidential statement recorded in Tankoro Chiefdom, Kono District, 17 December 2002.

224. A victim whose father had tended to injured members of the CDF Kamajors testified to the Commission:

“...The same year 1998, when they attacked Segbwema town, all my family were scattered. I was caught by the SLA / RUF rebels. They told me that they would kill me because my father gave medical treatment to the CDF Kamajors when they were wounded in the conflict. I was stripped naked, all my belongings taken away and almost killed except when a Jet plane came around to kill them, then they ran away.”²¹⁷

225. The Commission finds that all of the armed perpetrator groupings pursued a strategy of deliberately targeting those whom they believed to be relatives and supporters of the opposing forces with the intention of detaining them and violating them because members of their families belonged to the other side or because they had some dealings with the opposing forces.

FORCED DISPLACEMENT

Internal displacement

226. Internally Displaced Persons (IDPs) are persons or groups of persons who have been forced or obliged to flee or leave their homes or places of habitual residence, in particular as a result of, or in order to avoid the effects of, armed conflict, situations of generalised violence, violations of human rights, or natural or human made disasters, and who have not crossed an internationally recognised State border.²¹⁸ Issues raised by internal displacement are the duty of the state to protect those displaced. Armed groups also have the legal and moral responsibility not to assault civilians or subject them to human rights abuses and to protect the rights of displaced persons living in areas under their control.
227. A major consequence of the war in Sierra Leone was the forced displacement of hundreds of thousands of civilians from their homes and villages. The Commission recorded 8,397 violations of this nature, with women accounting for 3,128 (or 37,3%) of the victims.²¹⁹ One female victim recounted her story of forced displacement to the Commission:

“When the RUF rebels from Liberia attacked and occupied Jojoima town in 1991, we were harassed to the point that I could no longer bear. Every day they asked us for food such as rice, meat and other items. Whosoever could not produce what they requested for would be beaten. I decided to escape. On our way, I and others came across government soldiers at Madina. They told us to wait for them at Gbogeima village while they went in search of other displaced people. A soldier came back in the evening; he came with people from the bush. The people were so many that he alone could not protect all of us. In the early morning two senior imams were in the mosque, Alhaji Fei-Kamo Kanneh and Alhaji Maldieu Kanneh.

²¹⁷ Nabeli, Musu; Kenema, Nongowa Chiefdom; 16 December 2002.

²¹⁸ See Kofi Annan, UN Secretary-General, “Guiding Principles on Internally Displaced Persons”, policy note, A56/168; 21 August 2002.

²¹⁹ See the Statistical Report produced as an Appendix to this report.

They saw the rebels passing clandestinely and they returned and told us... we were all assembled in the centre of Gbogeima village... the rebels told the crowd that as from that moment nobody will live any longer. They opened fire on the crowd. A lot of people died. I lay on the ground flat with my children who had been shot. The firing on the crowd continued until there was a voice from the bush shouting about the arrival of the soldiers. When they heard that, the rebels ran into the bush. I then took my children with other relatives to Nyeyama."²²⁰

228. One strategy that the RUF employed was the indiscriminate burning of houses and villages. Many victims were burnt to death in their homes, while others were forced to flee from their residences, thereby forcibly displacing them."²²¹
229. Many villagers abandoned their homes when they heard of an impending attack and fled to the bushes or into the mountains. Some fled to other villages and in some cases "Bondo houses" for fear of what the armed forces would do."²²² The war in Sierra Leone was particularly devastating for those in the rural areas, as people became part of a moving population always on the run from the various armed forces. People were forced to leave the safety of their homes, the fruit of their crops and their possessions. In most instances, they left in a hurry to avoid the impending attacks and were forced to live and forage in the bush.
230. The Commission finds that all of the armed perpetrator groupings and in particular the RUF violated the rights of civilians in that they were forced to flee from their homes, leaving everything that they possessed behind, causing them not only economic loss but also the loss of security and enormous trauma. The Commission also finds that each of the armed groups failed to protect the displaced persons in the areas under its control, thus sanctioning the violations of their rights.

Refugees

231. In international law as applied by the Commission, a refugee is described as a "person who, as a result of a well-founded fear of being persecuted for reasons of race, religion, nationality, membership in a particular social group or political opinion, is outside the country of his or her nationality and is unable, or owing to such fear is unwilling, to avail himself or herself of the protection of that country."²²³

²²⁰ Madiana Kanneh, TRC statement, Jojoima, Kailahun District; 25 January 2003.

²²¹ See, for example, Mamie Mambu, TRC statement, Kpanda-Kemo Chiefdom, 16 February 2003.

²²² TRC confidential statement recorded in Fullah Town, Gbangbatoke, 4 March 2003.

²²³ See the Geneva Convention on the Status of Refugees 1951, at Article I-A-(2).

232. Women and young girls constituted a large number of the refugees that fled to neighbouring countries during the conflict. A victim who was forced to flee to Liberia after the death of her two sons recounted her experience to the Commission:

“I was in my village in 1991 when one morning a group of armed men dressed in rags attacked the village. They were shooting at random. These men told us that they have not come to kill us neither destroy us. But this was the opposite of it because they started killing and unfortunately for me my two sons Bockarie and Saffa Koroma were shot one morning and killed. The whole village could not withstand this so we finally went into hiding as far as in Liberia. After going through a lot of constraints for over four years we came back to settle in our village in 1996.”²²⁴

233. There is a growing recognition of the vast numbers of people who are internally displaced and who are forced to become refugees. In 1992, the Secretary-General appointed a Special Representative on Internally Displaced Persons to develop a framework to protect their rights. Dr. Francis Deng, the expert, developed guiding principles on internal displacement. A positive development for women has been the fact that the Guiding Principles call for the specific recognition of the needs of women. They acknowledge the situation of female heads of households; emphasise women’s physical and psychological needs; reaffirm their need for access to basic services; and call for their participation in education and training programmes.²²⁵
234. The Commission has made several recommendations in respect of improving the plight of internally displaced persons and refugees. These measures can be found under the relevant heading in the recommendations chapter²²⁶

Violence against women in camps

235. The Commission found that many Sierra Leonean women had their rights violated in the refugee camps. It is regrettable that those meant to protect the vulnerable were often responsible for further victimising them. In April 2002, the UNHCR and Save the Children-UK issued a report on Sierra Leonean Refugees in Guinea detailing the violations which women and girls amongst others suffered while refugees in Guinea.²²⁷ Young girls and women were forced to have sex in return for food and assistance. Many of them were forced to become prostitutes in brothels established in the camps. More than 1,500 people were interviewed and told similar stories. Men complained of how they were not given access to food because they had no wife or daughter to barter for food or supplies.

²²⁴ Fodei Saffa Koroma, TRC statement, Gbahama Kengo Section, 23 January 2003.

²²⁵ See Kofi Annan, UN Secretary-General, “Guiding Principles on Internally Displaced Persons”, policy note, A/56/168; 21 August 2002.

²²⁶ See the chapter entitled Recommendations in Volume Two of this report.

²²⁷ See Save the Children – UK and UNHCR, “*Sexual Violence and Exploitation: The Experience of Refugee Children in Liberia, Guinea and Sierra Leone*”, April 2002.

236. Women and girls told of how their names would be taken off lists for food and aid if they refused to have sex with peacekeepers and humanitarian workers. The Commission finds it absolutely reprehensible that those who are meant to assist and render humanitarian aid to the most vulnerable women and girls used the very fact of their vulnerability to exploit them and violate their rights. In this regard, the Commission finds that those responsible should be prosecuted. Also in this regard, the Commission intends to make recommendations in order to prevent this kind of abuse taking place in the future.

FORCED LABOUR

237. Abductions in modern warfare provide armed forces with a new source of labour that does not have to be paid for, which can be fed on scraps and is completely at the mercy of the group that assembles it. The armed perpetrator groupings in Sierra Leone, particularly the RUF, relied to a great extent on those who had been abducted to perform slave labour. Forced labour was used for both military and civilian tasks. Arms and ammunition had to be carried to the front. Looted items had to be carried back to the camp. Wood was needed and ordinary tasks of a domestic nature required free labour of which abductees constituted the main source.²²⁸ Captives were forced to take drugs to ensure that they endured the pain and the hardship of the labour they were assigned to do. A female victim, who was a mother of one when she was abducted in 1992 by fighters she suspects were ULIMO, told the Commission:

“When they captured my son and me, they gave me a heavy load to carry on my head. I was with them for a very long time, say about seven months. During my stay with these men we travelled from place to place, carrying loads for them. Before then when they captured me, they gave me seed rice to pound; afterwards I was given drugs, marijuana to smoke. I smoked it to the end then my head became heavy; I could not feel any pain. Then they placed the bundle of things on my head which they ordered me to carry from one distant place to another.”²²⁹

238. Another woman who was captured in 1999 at Kambia Town recounted her ordeal:

“In 1999 again, the town of Kambia was attacked. It was around 10.00 p.m. ... the voice of a male ordered me to stand up... they came and surrounded me... then they took me to their base near the hospital towards the school compound in Kambia Town. At their base, I met several other older women, whom they had captured. I and these women were given orders to collect and pack mud and cement block, which they used as a checkpoint...”²³⁰

²²⁸ See, for example, Aminata Marrah, TRC statement, Fadugu Town, 17 January 2003.

²²⁹ TRC confidential statement recorded in Kambia District, 14 December 2002.

²³⁰ Isatu Kaula Kamara, TRC statement, Magbema Chiefdom, Kambia, 5 December 2002.

239. Women were coerced into forced labour by all of the armed forces. They were subjected to even further violations as they carried out their duties.²³¹ A victim who suffered in the hands of some “sobels” in her village and later was abducted by them described her experiences:

“On our arrival at the court barray in the centre of the town, they told the town elders to appoint the town commander and the town mother. Mr. Osman Kortor and I were “appointed” by the town elders... One day, they forcefully tasked us to prepare food for them and at that time there was a shortage of salt, but I managed to cook the food. When they found out that there was no salt in the soup, they commanded me and some other women to eat the food. After eating the food, they gave us the dirty water that we used to wash the basin to drink – if not they will kill us. Three weeks later, they took us to Gbangbanlia in the Lugbu chiefdom and we stayed there for four months carrying their loads and pounding rice for them. They also took us to Jimmi Bagbo and we were later sent to the bush around the village to process gari for them.”²³²

240. Abducted women civilians were compelled to live with the armed groupings and were forced to carry out traditional domestic functions such as fetching firewood, preparing food and doing laundry.²³³ A female victim testified as to what took place in her village when it was occupied by soldiers:

“The soldiers we met in Bumpeh were ULIMO soldiers. We lived with them in the town for about seven months, during which they harassed us a lot. In fact we used to pick rice for them and even wood, we were fetching it for them. Our husbands were providing palm oil for them and also hunting animals for them. Such was the condition we were undergoing...”²³⁴

241. In effect, women constituted the largest category of victims compelled to do forced labour. Many victims who made statements to the Commission conveyed a traditional acceptance of what constitutes the tasks of women, in most instances accepting this role and not seeing fit to report it as a violation. Women accounted for 497 violations of forced labour from a total of 1,878 reported to the Commission. However a reading of the statements submitted to the Commission reveals that almost all of the women and girls abducted were compelled to perform forced labour, usually continuously throughout their period in the captivity of an armed group.²³⁵

242. The Commission finds that all of the armed perpetrator groupings coerced women and girls under their control into doing forced labour and notes that, in terms of the Rome Statute for the ICC, such abuse becomes a gender crime when an individual is enslaved because of her particular function in society.

²³¹ Lucia Kamara, TRC statement, Fairo, Soro Gbema, Pujehun District, 16 December 2003.

²³² Gbessay Santigie, TRC statement, Mokeleh Chiefdom, 10 February 2003.

²³³ Abie Walters, TRC statement, Mosenesie, Gbangbatoke Chiefdom, 4 February, 2003.

²³⁴ Confidential testimony received before TRC Closed Hearings, Pujehun District, 25 June 2003.

²³⁵ The Commission's database was unable to record every instance of forced labour as a violation, particularly as most statement givers passed over the nature of the chores that women and girls were made to perform and instead placed emphasis on different violations, such as killings, rapes and acts of torture. Nonetheless, the Commission regards the fact that people are “conditioned” to take such treatment of women and girls for granted as testament to the widespread practice of the violation of forced labour.

ASSAULT

243. Life for women with the armed groups was brutal. They were treated savagely and were constantly humiliated. Assaults and beatings were commonplace and were doled out for the slightest infraction. The frequent assaults and beatings were meant to sow terror, fear and complete insecurity of person. Women were cowed into submission. One of the victims indicated her sense of vulnerability in her statement to the Commission:

“They (RUF) gave me a very serious beating... then I was stripped naked. I only had a pant on.”²³⁶

244. Women were beaten with sticks, guns and sometimes with bayonets, which resulted in severe injuries to their bodies. No regard or consideration was given to those who were ill or expecting a baby. A victim who was pregnant at the time of her ordeal recounted her story to the Commission:

“On our arrival at Fonima, one of the rebels said ‘send them all to hell, send them all to hell’... they stripped us naked again and it was during the rainy season. The place where they told us to lie down and roll was muddy and they took the cane stick from the table that they made, then they gave us a merciless beating and some parts of my skin peeled off... even the foetus in my womb shifted from its position and came up towards my chest and I was also wounded.”²³⁷

245. Beatings were arbitrary with the deliberate intention of inflicting cruelty, humiliating and degrading the person concerned.²³⁸ An abducted girl-child who lived with an RUF combatant couple testified to the Commission:

“The rebel wife I was staying with used to flog me everyday and even requested for her husband to kill me as she did not want to see me. At that time they had already killed my mother and my father.”²³⁹

246. Of the 3,281 cases of assault recorded by the Commission, where the gender of the victims is known, 914 cases recorded women victims.²⁴⁰

247. The Commission finds that women and girls were subjected to cruel and inhuman treatment by all of the armed perpetrator groups, with the deliberate intention of inflicting serious mental and physical suffering or injury.

²³⁶ Amie Kallon, TRC statement, Yoni, Kpanga Kabondeh Chiefdom, 26 February 2003.

²³⁷ Confidential testimony received before TRC Closed Hearings, Kenema District, May 2003.

²³⁸ See, for example, Mariama Sam, TRC statement, Ngordohun Gbameh, Kono, 27 February 2003.

²³⁹ Confidential testimony received before TRC Closed Hearings, Tonkolili District, 9 July 2003.

²⁴⁰ More detail on violations rates and the levels of different violations experienced by women can be found in the Statistical Report produced as an Appendix to this report.

TORTURE

248. Acts of torture, carried out on a systematic scale, are regarded as both a crime against humanity and a war crime. The requirements though are different. The right not to be tortured is one of the fundamental rights of a non-derogable nature, in other words it a *jus cogens* norm. Rape and other forms of sexual violence are recognised both under international human rights law and humanitarian law as torture. Women experienced intense mental and physical torture in the hands of the armed forces, particularly the RUF. The intention was to strip them of any sense of identity or self worth. They were treated like animals with the clear purpose of dehumanising them. Cruel and degrading treatment was extensively practiced on women and girls. A girl-child who lived with the RUF described some sordid acts she witnessed:

“...They used to cook a lot of food and at the end of the day after they had eaten their own food, whatever remains, they will mix it with toilet and give it to the civilians in the villages... if you refuse to eat, they will in turn kill you. Those who will eat the toilet food they will ask them to carry their loads...”²⁴¹

249. When she was asked whether she had been forced to do this, she replied as follows:

“Yes, the wife of the Colonel wanted for me to eat her faeces but fortunately the Colonel was there who stopped her from giving me the toilet to eat.”²⁴²

250. Women because of their nurturing instincts were singled out for a particular kind of torture. They were forced to watch their children and spouses being violated and ultimately killed. An elderly woman at Bonthe recounted to the Commission how her only son was killed. His head had been cut off and she was then forced to hold his head and breastfeed it.²⁴³ Women were in many instances compelled to exhibit mock high spirits by laughing and clapping at the torture or death of family members. Torture was often accompanied by acts that were intensely degrading and cruel. A female victim testified to the Commission about the attack at Bumpeh Gao:

“...The rebels then started the massacre of civilians. For example, my grandmother Martha was tortured to death... I was compelled to sit on the tarred road and forced to drink my own urine... I was undressed by the rebels naked and forced to drag on the tarred road.”²⁴⁴

²⁴¹ Confidential testimony received before TRC Closed Hearings, Tonkolili District, 9 July 2003.

²⁴² Confidential testimony received before TRC Closed Hearings, Tonkolili District, 9 July 2003.

²⁴³ Cecilia Caulker, TRC statement, Bonthe District, 8 December 2002.

²⁴⁴ TRC confidential statement recorded at Tikonko, Bo District, 14 January 2003.

251. Torture took a number of different forms. Women were put into a hole in the ground, which was filled with water that covered a greater portion of their bodies. They were made to stay like that for a number of days. Some women were forced into cages smaller than their bodies.²⁴⁵ Others had hot oil poured over them, burning the skin away. Others had their bodies and faces mutilated. A female witness described this disturbing incident:

“I witnessed where a rebel named David captured two women and said their buttocks were not equal. He took a cutlass and sliced the fat woman’s buttock and stuck the flesh to the other woman’s buttock. The fat one was bleeding seriously. I don’t think she made it.”²⁴⁶

252. Of the 2,086 torture violations recorded in the Commission’s database, women accounted for 538 violations where the gender of the victim is known.²⁴⁷
253. The Commission finds that all of the armed perpetrator groupings pursued a deliberate strategy of inflicting torture on women and girls, by inflicting or threatening to inflict sexual violence, other acts of violence and cruel and inhuman acts upon them or on a third person or persons close to them.

FORCED DRUGGING

254. Statistics in terms of the violation of forced drugging, like forced labour, remain inadequate because it was generally under-reported by women. A major reason for the failure to report the abuse is that drugging became part of many women’s daily experiences and assumed a semblance of normality. However, a close reading of statements made by women and girls, as well as almost of all of the hearings testimony, confirms that forced drugging became the norm.
255. At the Special Hearings on Women held in Freetown, many women testified to the fact that in the course of their abduction and whilst living with the rebels they were given drugs every day. They also confirmed that drugs were on a daily basis added into their food.²⁴⁸ Their abductors would add marijuana into some of the sauces normally eaten with rice, such as cassava or potato leaves. Marijuana and other drugs such as cocaine, heroin and “brown-brown” were administered to women in a number of different ways, including forced inhalation, or making incisions on their bodies and rubbing the drugs into the wounds. Gunpowder was also administered to women, presumably as a stimulant. A woman abducted during the January 1999 invasion of Freetown told her story to the Commission:

“...I was forced to make sex with several rebels. The rebels did not only abuse me sexually but they also introduced me to drugs like cocaine and marijuana. In fact what they usually did was to have me properly drugged before they will have sex with me. The rebels also used me and some other ladies whom they abducted as human shields each time the ECOMOG soldiers attacked them.”²⁴⁹

²⁴⁵ TRC confidential statement from a female victim, recorded in Gbangbatoke, 5 February 2003.

²⁴⁶ Kaiyada, Sai Tefaya Town, Sandor Chiefdom, 4 March 2003.

²⁴⁷ See the Statistical Report produced as an Appendix to this report.

²⁴⁸ “First Witness” and “Second Witness” – confidential testimonies received before the TRC Special Thematic Hearings on Women, Freetown, 22 to 24 May 2003.

²⁴⁹ TRC confidential statement from a female victim, recorded in Freetown, 29 January 2003.

256. Another women abductee who lived with the rebels for almost a year described how various substances were administered to her and other abductees:

“As a captive I was taken to Gbangbatoke town along with other captives... the next morning we were assembled in the open air and were informed that we would be leaving for Moyamba town. Before we left, I was given some black thing similar to powder to swallow, which I later learnt was gunpowder... some of us were called to assemble by Commander Murray. In the assembly I was injected with cocaine and was given one set of military uniform and a knife. After the injection and distribution of uniform, we were informed that we will be going to fight alongside the rebels.”²⁵⁰

257. Medical practitioners in Sierra Leone confirm that in the aftermath of the war, a major problem facing Sierra Leone is how to deal with the long-term consequences of prolonged drug abuse. Many women who appeared before the Commission complained of mood swings, unexplained anger and feelings of intense hopelessness. In most instances, these symptoms are not addressed properly and contribute to an already violent and disturbed society showing signs of even greater dysfunctionality.
258. In this regard, the Commission finds that the armed forces and particularly the RUF were responsible for coercing victims and those over whom they had control into using a number of dependence-inducing substances with the deliberate intention of causing them to lose control both mentally and physically and with the intention of exploiting their vulnerability. The Commission is of the view that if the legacies of drug abuse and forced drugging are not addressed, they have the capacity to impact negatively on the rehabilitation and reintegration of ex-combatants, their partners and their victims into society and thereby threaten the prospects for continued and sustained peace.

KILLING

259. Scores of thousands of Sierra Leoneans, including thousands of women, lost their lives in the conflict. There was a deliberate policy by certain of the armed forces, particularly the RUF and the AFRC, to target civilians in campaigns of killings. Many families and communities were massacred. One example is this mass killing of a family at Kono Kangana, Gorama Chiefdom in 1994:

“...The soldiers started asking my sisters, uncle and mother’s mate under threat to give them all that they had or they should buy them marijuana to smoke. My sisters in turn refused giving them anything. So the soldiers killed my mother’s mate and my sisters; in all seven people were killed. Only two of us narrowly escaped the massive killing.”²⁵¹

²⁵⁰ Isatu Turay, TRC statement, Fullah Town, Gbangbatoke, 4 February 2003.

²⁵¹ TRC confidential statement recorded in Kenema District, 7 December 2002.

260. The RUF devised several special “operations” in which the primary objective was mass killing. A notorious example was “Operation No Living Thing”, which was intended to leave nobody alive who crossed the path of the RUF. A woman in Mokonde town told of the private pain she experienced after witnessing the killing of her sister:

“While she was going back to search for her thing, I decided to wait under a tree until she returned... I heard men’s voices questioning somebody along the footpath. I recognised the voice of my sister and immediately, I raised my head to see more. I saw my sister and two armed men in military uniform standing opposite a big tree. After some questioning by these men, I saw one of them raise his gun and hit her on her head. She immediately fell down and one pulled out a long knife, which was hidden in a long packet, and used it to split open her head into two. At this point, I saw blood flowing down her body and she was crying and calling our family name in Mende. I bowed my head crying silently...late in the evening, I came out to bid her farewell; I saw her lying in a pool of blood and I wept bitterly at her side as I was alone...I managed to drag her corpse from the road to the bush where I can identify her...”²⁵²

261. A distraught mother described the death of her daughter, who was a nursing mother at the time:

“It was on a Monday during the time when rebels took over the city in January 1999. The incident took place in my house. We were all in the house on that day hiding in different positions when we noticed that it was prayer time. So I called on my daughter who was also a suckling mother to join me in prayer. We were now kneeling down for the first part of the prayer when her head was shot and she fell down dead. She was bleeding from the head and nose up to the time of her burial.”²⁵³

262. The Commission finds that all of the armed perpetrator forces pursued a deliberate policy of killing civilians, often in an indiscriminate fashion. In the course of pursuing this policy, the factions took the lives of many women and girls. The Commission finds that the RUF in particular pursued a strategy of mass killings under campaigns such as “Operation No Living Thing”. In terms of both international human rights law and humanitarian law, the killing of civilians is strictly prohibited.

²⁵² Mariama Kebbie, TRC statement, Koni Chiefdom, Moyamba District, 23 January 2003.

²⁵³ Marie Kamara, TRC statement, Freetown West I. 7 December 2003.

DISEMBOWELMENT OF PREGNANT WOMEN

263. Disembowelment was a gruesome violation perpetrated on women during the conflict expressly because of their gender. What is particularly repugnant is that many pregnant women had their stomachs disembowelled because members of the armed forces wanted to place bets as to the gender of the unborn baby.²⁵⁴ Some witnesses gave these testimonies to the TRC:

“...The captain of the RUF placed a bet with his colleague that the woman was having a baby girl whilst the colleague insisted that it was a boy. The pregnant woman’s stomach was then dissected to prove who was right. After opening the pregnant woman’s stomach, they saw a baby girl who was later left to die and the pregnant woman had already died from the act. This is one of the worst violations I have ever witnessed in life and when ever I think about it, I become more traumatised.”²⁵⁵

[and]

“...The rebels captured a pregnant woman and they argued among themselves whether she was carrying a boy or girl. To prove who was right they decided to kill the woman. They opened up her stomach and realised she was carrying a girl. They removed the baby from her womb and killed the baby and divided it among them.”²⁵⁶

264. The Commission recorded only a few incidents of disembowelment,²⁵⁷ but strongly suspects that the figure is not indicative of the actual number of women who suffered the violation or those that witnessed it during the conflict. Specialist consultants to the Commission on gender-based crimes spoke of the tendency of victims and witnesses of such crimes to “suppress” memories of the event, which may explain why more people did not come forward to the TRC to speak about it. Interviews conducted by the Commission also unearthed the story of a woman who nearly suffered disembowelment but was saved because the induced trauma of the fear of disembowelment forced her into immediate labour where she gave birth to the child in the bush where the disembowelment would have taken place.²⁵⁸ Some disembowelments of pregnant women took place in front of family members, leaving behind deep scars in the minds of the living. One witness described, among other violations, the gruesome manner in which her pregnant sister was killed with her child:

“...My sister Nancy was pregnant. Her stomach was first split open with a cutlass and the baby removed from her. The foetus was cut into two. The two dead bodies were taken into the house before setting the house on fire.”²⁵⁹

²⁵⁴ Theresa Blackia, TRC statement, Bo Kakua, 16 December 2002.

²⁵⁵ Nbalu Turay, TRC statement, Massabendu, Nimgbema Chiefdom, 25 February 2003.

²⁵⁶ Menie Boima, TRC statement, Waterloo, 12 February 2003.

²⁵⁷ See the Statistical Report produced as an Appendix to this report.

²⁵⁸ See TRC Interview with Agnes Sesay; Internal Displaced Persons’ Camp, Lunsar, July 2003.

²⁵⁹ Aminata Momoh, TRC statement, Pejebongre Chiefdom, 11 May 2003.

265. The Commission has found that most violations in this category are attributable to the RUF. Given that the RUF was responsible for the highest number of abductions, they are also found to be responsible for the highest number of gender-based violations perpetrated against women.²⁶⁰ One young victim-turned-perpetrator of the RUF explained a situation in which he took part in a disembowelment violation:

“...I was captured in 1997 as a teenager and a primary school pupil of class two in Mattru Jong, Bonthe District. I was forced to carry their loads to unknown destinations... After some time, one of their bosses came... and asked that we be trained and get enrolled in the RUF... a few days after, they gave me my own gun. One day, they brought a pregnant lady and asked us to kill her and remove the foetus from her womb. We did so under duress as little boys and that was my first experience with the RUF.”²⁶¹

266. Another former combatant from the RUF testified to having seen a similar act:

“...My mother was a business woman... she took me to a village to sell some goods... in the night it was attacked by RUF rebels. I was captured and abducted by Komba Gbondema... at the age of six. Commander Gbondema took me to Camp Zogoda for training. Due to my braveness and technique of fighting, CO Gbondema promoted me to Corporal Highway... At one time we attacked Mile 91 and CO Gbondema ordered a rebel to butcher the belly of a pregnant woman. To know whether she is carrying a boy or a girl.”²⁶²

267. The violation of disembowelment invariably led to a horrific death for both mother and child. According to one testimony to the TRC:

“...They were snatching babies and infants from their mother’s arms and tossing them in the air. The babies would free fall to their deaths. At other times, they would also chop them from the back of their heads to kill them, you know like you do when you slaughter chickens... One time, we came across two pregnant women. They tied the women with their legs spread eagled and took a sharpened stick and jabbed them inside their wombs until the babies came out on the stick.”²⁶³

268. The Commission notes that the ICC elements define “enforced sterilisation” as “depriving one or more persons of biological reproductive capacity, neither justified by medicine or hospital treatment nor carried out with their genuine consent”. This definition includes acts committed upon women during war such as the removal of the foetus, castration, destruction of reproductive organs as well as medical sterilisation without consent.

²⁶⁰ More detail on violations rates and the propensities of particular factions to commit certain violations can be found in the Statistical Report produced as an Appendix to this report.

²⁶¹ TRC confidential statement recorded in Bo Kakua, 4 March 2003.

²⁶² Saidu Kargbo, TRC statement, Lakka, Western Area, 28 March 2003.

²⁶³ TRC confidential statement recorded in Kailahun District, January 2003.

269. The Commission finds that all of the armed groups were responsible for the enforced sterilisation, torture and mutilation of women and girls. In particular, the Commission finds the RUF – through its practice of disembowelling pregnant women – responsible for the violations of “enforced sterilisation”, torture and mutilation of women and young girls for no reason other than to torture and inflict cruel and inhuman treatment on them.

AMPUTATION

270. The conflict in Sierra Leone is most visibly associated with amputations. Pictures of amputees have been shown on television screens and newspapers all across the world. Amputation is also the violation that has had the most devastating effect on the morale of the population. Due to a variety of factors, the Commission has found that it has not been able to establish absolutely reliable statistics on how many people suffered amputations or died from their injuries. In terms of alternative sets of figures, the United Nations Mission in Sierra Leone (UNAMSIL) has relied in its reports on the statistics of the Norwegian Refugee Council, which estimates that there are currently 1,600 surviving amputees in Sierra Leone, with more than 40% of them being women.²⁶⁴ Figures available for 2002, estimate that 19% of the 225 registered amputees in the Southern region were women.²⁶⁵

271. Amputation was a deliberate strategy on the part of the RUF, designed to sow terror in the hearts and minds of civilians.²⁶⁶ The Commission has found that this deliberate strategy was on occasion aimed at preventing civilians from voting. Many amputees testified that the RUF ordered them, after amputating their hands, to take the amputated hand to the elected President of Sierra Leone, Ahmad Tejan Kabbah. The RUF had adopted the strategy of “Peace before Elections” and the call of the President-in-waiting for “Elections before Peace” had infuriated the RUF leadership. Thus the RUF resorted to targeting civilians and amputating their limbs. During the campaign of amputations known as “Operation Stop Elections” in 1996, the right hand of victims, being the hand symbolic of voting, was cut off and handed back to the victim with the direction that it should be delivered to Tejan Kabbah. One of the female amputees recalls the incident:

“I begged them, calling the name of God... because I called God before them, they said they are going to cut off my hands. They immediately held my hands and placed them on a cement block and cut off my hands. They asked me to go to Tejan Kabbah to give me hands, because we voted for him.”²⁶⁷

272. After amputating a woman victim’s finger, the RUF rebels gave the amputated finger to the daughter of the amputated woman saying:

“Go and give it to Tejan Kabbah who is your god to replace it.”²⁶⁸

²⁶⁴ See United Nations Assistance Mission in Sierra Leone (UNAMSIL); “*Amputee Report 2000*”, produced using data from surveys conducted by the Norwegian Refugee Council.

²⁶⁵ See United Nations Assistance Mission in Sierra Leone (UNAMSIL); “*Amputee Report 2000*”, produced using data from surveys conducted by the Norwegian Refugee Council.

²⁶⁶ See TRC testimonies from multiple former RUF operatives, including: Moigboi Moigande Kosia, RUF ‘G-1’ officer; testimony before TRC Public Hearings held in Freetown; 17 April 2003.

²⁶⁷ Teneh Conteh, TRC statement, Aberdeen Amputee Camp, Freetown, 22 March 2003.

²⁶⁸ Kumba Komba, TRC statement, Tombodu Town, Kono District, 11 January 2003.

273. As the conflict progressed, the nature of amputations changed and took on a number of different forms, including single or double amputations of the arms or lower legs.²⁶⁹ It was also carried out in varying ways ranging from being amputated at the wrist or the upper arm, to being amputated at the ankle, or the knee or above the knee for those whose legs were amputated. A female victim described her ordeal:

“I was captured alone in the village by many rebels. They asked me to choose between death and amputation and I was unable to reply. They began to decide among themselves what to do to me. They finally agreed to cut off one of my feet. They brought a bulky stick and placed my foot on it; they first used a cutlass but it was blunt. They finally used an axe to amputate my right foot and went away.”²⁷⁰

274. The vast majority of amputations resulted in the loss of the victim’s hands.²⁷¹ No category of victims was spared this gruesome and inhuman act. Children and pregnant women were also affected. A witness described to the Commission the amputation of a pregnant woman:

“One of the gunmen said Hawa should go to bed with him. Hawa refused and she pleaded not to be tampered with, as she had a pregnancy, which was three months old. Hawa persistently refused to have intercourse with him; the gunman removed a shiny cutlass and chopped off both her hands.”²⁷²

275. The Commission finds the act of amputation to be a particular inhuman act amounting to the mutilation and physical and psychological torture of those upon whom it was inflicted. The Commission finds the RUF and the AFRC to have pursued a deliberate strategy of amputations with the intention of torturing them and sowing terror throughout the civilian population.

FORCED CANNIBALISM

276. Cannibalism was another gruesome feature of the conflict in Sierra Leone. Cannibalism was forced on many of the women captured by the various armed groups. Women were given the dismembered body parts of family members and forced at gunpoint to eat them. Many women who were abducted told the Commission how, under threat of death, they were compelled to cook human parts for members of the armed groups to eat. In Bonthe in September 1997, an 83-year-old woman suffered this violation at the hands of AFRC soldiers:

“...They came back to me saying I should go and see what they were doing to my son... and they brought him to the field... and they cut my son to pieces alive. I was under gunpoint and all the soldiers were in uniforms... They cut my son to pieces with a knife and when they opened his chest, they took out his heart and cut a piece of it and pushed it into my mouth saying you must eat it... Then they cut off his head. They laid it in my hands saying ‘go and breast feed your son’ and they started dancing.”²⁷³

²⁶⁹ Kadiatu Koroma, TRC statement, Aberdeen Amputee Camp, Freetown, 21 March 2003.

²⁷⁰ Aminata Turay, TRC statement, Aberdeen Amputee Camp, Freetown, 24 March 2003.

²⁷¹ More detail on the types of amputation violations recorded by the Commission can be found in the Amputations Report produced as an Appendix to this report.

²⁷² TRC confidential statement recorded in Bombali District, 17 March 2003.

²⁷³ Cecilia Caulker, TRC statement, Bonthe District, 8 December 2002.

Meanwhile another witness recounted an act of forced cannibalism by the Kamajors in Kenema:

“...Apart from my friend, this same Sylvester has been a party to many killings including that of one Zachariah, who was disembowelled. His guts were removed right in front of his wife and handed over to her. Later Zachariah was used as a meal and his wife coerced to eat.”²⁷⁴

277. A young girl recounted her traumatic experiences in Freetown to the TRC:

“...They shot at my sister on the top of my head and all her blood spilled over my body. I had wanted to cry but they told me that if I do, they would kill me also. The rebels gave me human flesh to eat... I am suffering from mental injury... the human flesh that I ate made me become mentally tortured. With regards to the human flesh that I ate, I was introduced to cannibalism.”²⁷⁵

278. The Commission finds that all of the armed forces pursued a deliberate strategy of forced cannibalism with the intention of torturing victims by inflicting on them severe mental and physical pain with the sole purpose of intimidating and punishing them.

SEXUAL VIOLATIONS

279. A victim of sexual violence testified to the TRC about her experiences:

“After the attacks on Bandajuma Sinneh, around 12.00 noon, the RUF rebels entered my village. On my way to my house I was captured by an RUF rebel called Allieu. He then told me to go with him, but I refused to go. He said if I didn’t go with him, he will kill me. My mother was afraid of the rebel, so for him not to kill me, she then persuaded me to go with him. When we arrived in Bandajuma Sinneh, two RUF rebels joined us... In Bandajuma, I was taken into a house, laid on the bare ground under gunpoint. All three of these rebels had sexual intercourse with me. They did it one after the other – it was gang rape.... They were doing it with impunity, telling me they will rape me to death. After that I became unconscious...”²⁷⁶

280. During the conflict in Sierra Leone, women were systematically raped and sexually violated. The Commission received more than 800 statements from women and girls reporting and describing acts of rape. Girls in the age group from ten to 18 years were most likely to be the victims of rape. Women were gang raped and suffered multiple rapes as well as being kept in sexual slavery. In instances where women and girls were abducted, their capture was often the prelude to being handed over to and assigned to one of the fighters with the sole purpose of being his sexual slave.

²⁷⁴ Mohamed Jalloh, TRC statement, Kingtom Police Barracks, Kingtom, 14 January 2003.

²⁷⁵ TRC confidential statement recorded in Kissy, Freetown; 14 February 2003.

²⁷⁶ TRC confidential statement from a female victim, recorded in Gbangbatoke, 5 February 2003.

281. In a large number of cases, women were handed over to combatants and became their “bush wives” for the purpose of satisfying not only their sexual needs but also to perform a host of different duties including domestic chores.²⁷⁷ Having analysed the systematic and widespread use of rape during the conflict period, the Commission came to the conclusion that all of the armed forces systematically raped and sexually violated women.
282. While rape was the major violation perpetrated against women, other acts of sexual violence were additionally carried out indiscriminately on women of all ages, of every ethnic group and from all social classes. In the views of many Sierra Leoneans who testified to the TRC, just being a woman in Sierra Leone during the conflict period was enough to create the likelihood that you would be raped and sexually violated in the most horrible ways, regardless of whether you were a pre-pubescent girl, an elderly woman or pregnant.²⁷⁸

RAPE

283. The conflict in Sierra Leone is characterised by the vast number of rape violations that were perpetrated. The Commission received more than 800 statements reporting and describing rape.²⁷⁹ A review of all the statements dealing with rape suggests that at least 58% of all rape victims suffered multiple rapes.²⁸⁰ An analysis of the rape statistics in the Commission’s database confirms that where the gender and age of the victims is known, 50% of them were 18 or younger, with 25% of them being younger than 13 years.²⁸¹ The youngest victim in the Commission’s statements was just four years old while the oldest was 69 years of age at the time of rape.²⁸²
284. While many of the women who made statements to the Commission did report that they had been victims of rape, rape as a violation still remains largely under-reported. Cultural taboos associated with rape and the societal stigma that attaches to women who disclose that they have been raped have constrained women from being completely open in their statements to the Commission. Women have been even more reticent about disclosing that they have been gang-raped, as they have not wanted family members or the society they live in to know the traumatic details. In a number of instances, spouses of women raped have not wanted their wives to disclose these details, fearing that it would bring shame on them and the family. A common feature of victims’ reactions to rape violations has been husbands and wives entering into a conspiracy of silence about what has happened.

²⁷⁷ See Physicians for Human Rights, *War-Related Sexual Violence in Sierra Leone*. See also Human Rights Watch, *We’ll Kill You if you Cry*. See also Mansaray, Binta; “The Invisible Human Rights Abuses in Sierra Leone”; Freetown, June 2002. See also Federation of African Media Women; “The Girl Child during the Civil War in Sierra Leone”; Freetown, October, 2002.

²⁷⁸ Theresa Blackie, TRC statement, Bo Kakua, 16 December 2002.

²⁷⁹ See the Statistical Report produced as an Appendix to this report.

²⁸⁰ More detail on the manner and circumstances in which women suffered sexual violations can be found in the results of the Commission’s special coding exercises on sexual violations included in the Statistical Report produced as an Appendix to this report.

²⁸¹ See the Statistical Report produced as an Appendix to this report.

²⁸² See the Statistical Report produced as an Appendix to this report.

285. Rape in international law, as developed through the jurisprudence of the ad-hoc tribunals, is defined as “penetration however slight of the vagina or anus by a penis, object or other body part, or of any other body part by a penis”. The definition of rape, as well as forced prostitution and other sexual violations, includes a broad concept of force including threat thereof and coercion, such as “that caused by fear of violence, duress, detention, psychological oppression or abuse of power against such person or another person, or by taking advantage of a coercive environment, or the invasion was committed against a person incapable of giving genuine consent”.²⁸³
286. International jurisprudence is clear that in the circumstances of an armed conflict or in the military presence of militiamen or combatants, coercion may be inherent. As such, the presence of armed combatants exerting temporary power and control over a community will be sufficient to satisfy the coercive element.²⁸⁴
287. The Commission conducted a “special coding exercise” using statements in its database, during which a random sample of statements involving rape was coded in greater detail in order to develop a more accurate picture of the kind of suffering women endured. Since the sample of statements was random, the results of this exercise can be considered to be representative of the TRC data.
288. The special coding exercise reflected a whole range of rape violations against women, including: women who suffered a single rape; women who suffered gang rape; women who were abducted and kept as a sexual slave or as a “bush wife”; and women who suffered rape or gang rape on more than one separate occasion.
289. In terms of the Commission’s special coding sample, more than 58% of all women raped by all of the armed groups suffered rape violations on multiple occasions.²⁸⁵ Some rape victims recounted their experiences to the TRC in the following testimonies:

“He grabbed my hand and announced: ‘this is my capture’... he asked if I am a suckling mother as he saw my young child...then he told me to leave my child and follow him...then finally they took me to a house where they put me under gunpoint and four of them raped me, one after the other. They went with me to another house where three different rebels raped me on the same day. They continued to move with me until we met a lone rebel, who stopped us and took me out, laid me on the floor in front of the other rebels and raped me... then he took me from among them and put me in a house where three other rebels raped me.”²⁸⁶

²⁸³ The concept of “invasion” used in this definition is intended to be broad enough to be gender neutral. It is understood that a person may be incapable of giving genuine consent if affected by natural, induced or age-related incapacity. See the ICC Elements of Crime and Procedure, UN, Doc.Off ICC-ASP/1/3, at Article 7(1)(g)-1.

²⁸⁴ See *Prosecutor v. Jean Paul Akayesu*, Trial Judgement, case ICTR-96-4-T, Ch.1, 2 Sept 1998, at paragraph 688.

²⁸⁵ More detail on the manner and circumstances in which women suffered sexual violations can be found in the results of the Commission’s special coding exercises on sexual violations included in the Statistical Report produced as an Appendix to this report.

²⁸⁶ TRC confidential statement recorded at Grafton Camp for Displaced Persons, 25 February 2003.

“One morning, the juntas attacked the village. We fled into the bush to hide for our lives. The juntas met us in our hiding place and caught me. My mother begged them to free me but they did not. Instead, two of them held me tightly and threw me to the ground. They undressed me and raped me one after the other. One person held me to restrict my movement whilst the other raped me. I was then thirteen years old and a virgin. They deflowered me. The first one was called Mohammed and my mother tried to stop them from raping me but they shot her. She fell to the ground and bled to death. When they had finished what they were doing to me, they abandoned me there in a pool of blood for I was bleeding.”²⁸⁷

290. Women and girls were not safe from any of the armed groups, even those meant to protect them. Individual victims were raped in a multiplicity of different incidents over different periods of time, often by more than one different armed group, depending on whose hands they fell into.²⁸⁸ One rape victim testified to the Commission of her experiences of multiple rapes by different persons from different armed groups throughout the conflict and in the period beyond.²⁸⁹

291. The Commission was also told that a deliberate strategy of the various armed groups was to carry out rapes of the women on the “other side” of the conflict. As such, rape and counter rape of each other’s abducted women or “bush wives” during raids was said to have happened quite frequently.²⁹⁰ In addition to the “bush wife” phenomenon, where women were assigned to a combatant for the purposes of both sex and to perform domestic duties, another category of violation carried out on women was to keep them isolated for the purpose of being available to satisfy the sexual needs of several combatants. Whenever combatants had the urge, there was a ready-made harem of women to rape. A witness to the Commission revealed the following details of her experiences in the hands of her captors:

“The rebel soldiers took us to Ka Tamiyah and I was there with them for two weeks. The place was not suitable for us, the young girls. We were about a hundred in number, we who had been captured... They beat and raped us as often as they wanted to. When they want to rape you, you cannot resist, if you do, you are beaten.”²⁹¹

292. Testimony to the Commission has revealed that all of the armed groups, particularly the RUF and the AFRC, perpetrated a deliberate policy of abducting pre-pubescent young girls and raping them, breaking all cultural taboos. This tactic had a devastating effect on the young victims, particularly as they were not only raped but also subjected to harrowing and horrific experiences during the course of the rape. Often these young victims have been subjected to enduring, perhaps permanent ill-effects on their reproductive health because of their treatment during the conflict.

²⁸⁷ TRC confidential statement recorded in Bo Kakua, 16 December 2002.

²⁸⁸ TRC confidential statement recorded in Sanda Chiefdom, 4 March 2003.

²⁸⁹ Confidential testimony received before TRC Closed Hearings, Koinadugu District, May 2003.

²⁹⁰ “Second Witness” – confidential testimony received before the TRC Special Thematic Hearings on Women, Freetown, 22 to 24 May 2003.

²⁹¹ Confidential testimony received before TRC Closed Hearings, Koinadugu District, May 2003.

293. A victim, ten years old at the time, told of her capture and rape along with her seven sisters by rebels with whom they were forced to stay for two years:

“It was after I had left the rebels that I began to have my period. When I left the rebels, I received medical treatment at a hospital and it was after that, that I began to have my periods.”²⁹²

294. The Commission cannot but draw the conclusion that the RUF and the AFRC deliberately set out to violate every norm and custom of the society to which they belonged.

295. Women were not only raped in the presence of their families but were forced on many occasions into committing incest. Brothers were forced to rape their sisters and mothers; fathers were forced to rape their daughters. In some communities, mass incestuous rape imposed on the residents. A witness testified to the Commission of an event that occurred in her village Bumpeh:

“There was a young girl called Anni who was caught by the soldiers. She refused to go with them to be their bush wife, so they forced her brother to rape her and then the rebels killed them both.”²⁹³

296. Another victim told the Commission the following story:

“In the morning, we saw many rebels coming towards us... we were about to run but they said if you move, we will fire on you and they started firing all about... they came back to us and surrounded us. They stripped us naked... we were over twenty that were stripped naked. They instructed us to lie down on the ground. Then the civilian men who were amongst us were divided out, one man to a woman, until it came to a time that there was no other man for the remaining women who were lying on the ground. So after the distribution, they instructed the men to rape us. The women who were left without civilian men, they dug sticks into their vagina.”²⁹⁴

297. Women were also made to endure the forced insertion of objects such as sticks, pestles, hot coal and oil into their genitalia.²⁹⁵ An ex-combatant with the RUF gave this account to the Commission:

“...We moved and attacked Tefeya where several creatures were looted and food was found in abundance. We were led by CO Bai Bureh... an old lady was met, she was beaten with sticks and then asked to lie down flat... a stick was pushed into her genitals...”²⁹⁶

298. Having considered the testimonies given by women, which include the most horrific details of rape, the Commission finds that all of the armed factions, in particular the RUF and the AFRC, embarked on a systematic and deliberate strategy to rape women and girls, especially those between the ages of ten and 18 years of age, with the intention of sowing terror amongst the population, violating women and girls and breaking down every norm and custom of traditional society.²⁹⁷

²⁹² Confidential testimony received before TRC Closed Hearings, Koinadugu District, May 2003.

²⁹³ Confidential testimony received before TRC Closed Hearings, Pujehun District, 25 June 2003.

²⁹⁴ Confidential testimony received before TRC Closed Hearings, Pujehun District, 25 June 2003.

²⁹⁵ Multiple incidents of each of these forms of rape were recorded in the TRC database.

²⁹⁶ Sesay, Sarah; Gbawuria 2, W/W/Yagala Chiefdom, Koinadugu District; 11 December 2002.

²⁹⁷ More detail on the manner in which various factions deliberately attacked cultural and traditional norms can be found in the chapter on the Nature of the Conflict in Volume Three A of this report.

SEXUAL SLAVERY

299. In terms of international law, the two essential elements unique to the crime of sexual slavery are the “exercise of any or all of the powers attaching to the right of ownership over one or more person” and the “forced participation in one or more acts of sexual violence”.²⁹⁸ In Sierra Leone, hundreds of abducted women and girls were compelled to endure the violation of “sexual slavery”. The Commission identified the act of “forced marriage” as synonymous with “sexual slavery”. This violation is colloquially referred to by Sierra Leoneans as being forced to become a “bush wife”. In describing the experiences of what the Commission has termed “sexual slavery”, the pattern that emerged was as follows: women were captured and abducted; they became part of the entourage of the armed group to which their captors belonged; and they were continuously sexually violated as their captors moved along with them. Again this violation was particularly prevalent for the RUF and the AFRC, who kept women as sexual slaves under what could only be termed “roaming detention”, which could last for time periods ranging from one or two days to several months and years.
300. Another pattern identified as part of this violation was for women to be detained and kept locked up in a specific place, in order that their captors could violate them at any time they had the urge to do so. This pattern of violation was particularly characteristic of the SLA and the CDF factions, who were not as mobile as the RUF and the AFRC. CDF units were typically attached to specific towns and villages, while the SLA would normally be stationed in barracks or assigned to specific locations. The RUF and the AFRC on the other hand were highly mobile and as offensive forces were constantly on the move. A former abductee of the RUF, who was seven years old at the time of her first encounter, recounted her second encounter with the faction, which led to her abduction in 1994 at Pendembu:

“In March 1994, on a Sunday at about 10 o'clock in the morning, I was at the house waiting to see my mother return. Immediately I saw so many RUF rebels that I cannot state their number... five of them ran after me and held me... later I was taken away and I was kept in a locked room always ready for me to be sexed by the commander. Sometimes when he was away, his junior boys will come and open the door sometimes three, sometimes four men. They will force me, telling me if I refuse them they will kill me.”²⁹⁹

²⁹⁸ See the Rome Statute of the International Criminal Court, at Article 7(2)(c).

²⁹⁹ TRC confidential statement recorded in Upper Bambara Chiefdom, 24 January 2003.

301. In the course of the violation of “forced marriage”, or the “bush wife” phenomenon, abducted women and girls abducted were also given out to combatants, commanders or superiors for the purposes of sex and domestic duties.³⁰⁰ Women assumed the traditional role of “wives” to the combatants who captured them. In many instances, these abducted women lived with their captors until the cessation of hostilities in Sierra Leone.³⁰¹ In terms of international law, “forced marriage” is as much a form of sexual slavery as is the detention of women in “rape camps” or any other circumstances under which women are subjected repeatedly to rape or the threat of rape or other sexual violence. “Forced marriage” involves forced sex or the inability to say no or control sexual access or exercise sexual autonomy. The Special Rapporteur for Systematic Rape, Sexual Slavery, and Slavery-Like Practices during Armed Conflicts recognised “forced marriage” as a form of “sexual slavery”.³⁰²
302. The manner in which “bush wives” were treated varied. While in the majority of instances they were protected by their “bush husbands” from being raped by other combatants, there were many instances where they were not. The absence of a “bush husband” left a woman vulnerable and easy prey for combatants who were predators.³⁰³ In other instances, women’s so-called “husbands” would offer them to fellow combatants for sexual purposes. One witness and victim told the Commission of this practice:

“Every woman was supposed to be picked by someone – a rebel – and we were supposed to sleep with them. So in actual fact, I believed it could be one man today and a different one tomorrow. So if there is a bachelor amongst them, those that didn’t have women were free to go and pick any woman to make them happy for the night.”³⁰⁴

303. Another victim told of her particular experience with the rebels:

“On 6 January 1999, rebels (RUF, SLA, AFRC) captured me on my way from Brima Lane market. When the rebels saw me they told me ‘Madam just join us if you want to save your life.’ We went to Lunsar... Every night I was made to sleep with more than three rebels. In fact, when the rebels are ready to have sex with me, they tie my hands and they open my legs wide. After they have opened my legs wide, they usually invite one or two of their colleague rebels to have a glance at us whilst having sex with me. I was forced to make sex with several rebels. The rebels did not only abuse me sexually but introduced me to drugs like cocaine and marijuana. In fact what they usually did was to have me properly drugged before they will have sex with me... The rebels really harassed me sexually. The rebels did not even allow me to wear pants on the basis that if I do wear pants, I will interfere with their sexual operations.”³⁰⁵

³⁰⁰ TRC confidential statement from a female victim, recorded in Gbangbatoke, 5 February 2003.

³⁰¹ See TRC confidential statements from multiple female victims, January to April 2003.

³⁰² See McDougall, G., Special Rapporteur for Systematic Rape, Sexual Slavery and Slavery-like Practices during Armed Conflict, final report produced as UN Document E/CN.4/sub.2/1998/13, 12 June 1998, at paragraph 45.

³⁰³ TRC confidential statement from a female victim, recorded in Gbangbatoke, 5 February 2003.

³⁰⁴ TRC confidential testimony given at hearings in Kono District, June 2003.

³⁰⁵ TRC confidential statement from a female victim, recorded in Freetown, 29 January 2003.

304. The RUF adopted a guerrilla mode of conflict during the period 1993 to 1996. Their fighters moved between bases in the bush. The AFRC was also a highly mobile force, initially fleeing Freetown towards Koinadugu in 1998 and then returning to invade Freetown in January 1999. It is this roaming character, common to both these perpetrator groups, which explains their tendency to abduct women and use women as “sexual slaves” and “domestic slaves”.

305. Tragically for many of the women, one of the consequences of this violation has been an upsurge in unwanted pregnancies and babies born to “rebel” fathers.³⁰⁶ A woman victim testified to the Commission of her plight:

“...We were at Sogboleh when the rebels attacked us. Four of us went into one house... they met us in that house, then they told us that they were going to have sexual intercourse with us. We refused and they wounded me on my right hand with a knife. Eight of them came and stripped me naked and all of them raped me. Immediately, my vagina was swollen up and they said they were going to carry us to their base. We were now with them; then I started getting serious abdominal pain. Then one of their big men asked that if he makes people to treat me [better], would I marry him? ... When I was with him, I became pregnant and gave birth to a child.”³⁰⁷

306. Many women, horrified at the prospect of giving birth to the babies of “rebel” fathers, tried to terminate pregnancies and abort their babies.³⁰⁸ A victim who fell into the hands of a second bush husband explained:

“... I was later made to be a wife (illegally) by one RUF called Saidu after Ray was nowhere to be seen. Saidu also impregnated me and I tried to abort the pregnancy. When Saidu heard about it, he said he will kill me if I dare to abort.”³⁰⁹

307. Abducted women and girls who lived with the armed groups for long periods of time were subjected not only to the trauma of living in captivity, forced to endure sexual slavery and daily humiliation, but were also compelled to live under the constant fear of attack from opposing armed groups. Moreover, even if they managed to escape the combatant group, they experienced hostility from civilians and were ostracised from society.³¹⁰ One victim began recounting her ordeal to the Commission in the following terms:

“Immediately the Kamajors caught me, they wanted to kill me because I was married to a rebel commander.”

³⁰⁶ TRC confidential statement from a female victim, recorded in Gbangbatoke, 5 February 2003.

³⁰⁷ Confidential testimony received before TRC Closed Hearings, Mattru Jong, Bonthe, July 2003.

³⁰⁸ “First Witness” – confidential testimony received before the TRC Special Thematic Hearings on Women, Freetown, 22 to 24 May 2003.

³⁰⁹ TRC confidential statement from a female victim, Koinadugu District, 11 December 2002.

³¹⁰ Various submissions to the Commission listed some of these factors as the consequences of sexual slavery violations that women suffered during the conflict. Among the noteworthy submissions in this regard were from the Ministry of Social Welfare, Gender and Children’s Affairs, the Women’s Forum and the Forum for African Women Educationalists (FAWE), as well as those received during the TRC Special Thematic Hearings on Women, Freetown, 22 to 24 May 2003.

308. The same victim went on to tell the Commission that:

“From the time I came back home, people used to provoke me, humiliate me, whatever boyfriend that comes my way will be discouraged about me. That is why I decided to leave the town.”³¹¹

309. Another victim had this to say after escaping from the rebels:

“... My aunt advised me that I should not disclose to anyone that I had once been captured by rebels... I stayed there but again I was afraid that someone else would come who knew that I was staying with the rebels and they would identify me. So I decided to leave Moyowa for Mattru Jong... When I returned, my former husband left me. He said it was because I had been taken away by rebels. I was now here with no husband...”³¹²

310. Pressure from society, anxiety about being identified and fear of being ostracised has led to women being extremely reticent about reporting this category of violation.

311. Given the testimony of the women who came to the Commission, the Commission finds that all of the armed perpetrator groupings were responsible for the sexual slavery of women and girls. The Commission finds that the RUF and the AFRC were the major perpetrators of sexual slavery and forced marriage of women and young girls.

SEXUAL ABUSE

312. The Commission interpreted all sexual violations other than rape as ‘sexual violence or sexual abuse’. Sexual abuse took many different forms and accounted for 486 violations recorded in the Commission’s database, nearly half of which were perpetrated against women.³¹³ The ICC elements define sexual violence as “encompassing both involuntary sexual assaults and sexual performance”, which also applies to “coercion resulting in sexual entertainment or nakedness”.

313. The scope of sexual violence is very broad and “is not limited to physical invasion of the human body and may include acts which do not involve penetration or even physical contact.”³¹⁴ Sexual abuse could include biological or medical experimentation of a sexual nature or experimentation on reproductive capacities, sexual mutilations, harassment and threats of rape or other sexual violence. Forcing a women to lick a penis or to perform sexual acts that are not rape, such as cutting or sexual touching of the body or breasts, are forms of sexual violence. The Rome Statute has recognised acts of sexual abuse or sexual violence as belonging to the category of the most severe violence.

³¹¹ Confidential testimony received before TRC Closed Hearings, Mattru Jong, Bonthe, July 2003.

³¹² Confidential testimony received before TRC Closed Hearings, Mattru Jong, Bonthe, July 2003.

³¹³ More detail on violations rates and the levels of different violations experienced by women can be found in the Statistical Report produced as an Appendix to this report.

³¹⁴ See *Prosecutor v. Jean Paul Akayesu*, Trial Judgement, case ICTR-96-4-T, Ch.1, 2 Sept 1998, at paragraphs 687 to 697.

314. During the conflict in Sierra Leone, acts of sexual violence or abuse took many forms and included forcing women to go naked in public or in private in front of their family members.³¹⁵ A woman in Freetown recounted her story to the Commission:

“On 6 January 1999 rebels attacked my house in Freetown. The rebels vandalised my house and demanded that I should give them money. They demanded pounds sterling and dollars. They said if we did not give them money they would kill me... On 7 January 1999, the rebels came again to my house. They stripped me naked and tortured me with their guns all over my body. On 8 January, they came to my house and took away all that I had and they lit the house.”³¹⁶

315. Another victim from Talia town, Yawbeko Chiefdom told a part of her story:

“... They took the rice from me. Instead of leaving me alone, they got hold of me, undressed me naked, tied both of my hands together one on top of the other and said I should follow them.”³¹⁷

316. Sexual abuse violations also included acts of indecent touching or groping of women’s bodies and genitalia, putting sharp objects into their genitalia as well as forcing their genitalia into the mouths of other victims. Often these cruel acts led to the death of women victims as is testified to by a witness who saw her sister-in-law being killed:

“In March 1991, there was an attack by RUF rebels in Kuiva village in the morning hours. I managed to escape, narrowly, into the bush where I hid for safety. One of the junior workers for the women’s secret society (Bondo) was captured by the rebels. She was the wife of my elder brother, the town chief of Kuiva. She was stripped naked, hair shaved with cutlass and then beaten seriously. They then took her to the secret society bush for men, where the rebels finally shot her.”³¹⁸

317. Incidence of sexual abuse was widespread and has led to many women and girls suffering long-term gynaecological problems.³¹⁹

³¹⁵ More detail on the manner and circumstances in which both men and women suffered sexual abuse violations can be found in the results of the Commission’s special coding exercises and accompanying commentaries in the Statistical Report produced as an Appendix to this report.

³¹⁶ Marie Jalloh, TRC statement, Freetown, 13 December 2003.

³¹⁷ Isata Vao, TRC statement, Talia, Yawbeko Chiefdom, 21 February 2003.

³¹⁸ Yatta Demby, TRC statement, Mandu Chiefdom, Kailahun District, 15 January 2003.

³¹⁹ More detail on the long-term effects that women have suffered as a result of sexual abuse violations can be found in the results of the Commission’s special coding exercises and accompanying commentaries in the Statistical Report produced as an Appendix to this report, as well as in the chapter on Reparations in Volume Two of this report.

COMMENTARY ON THE CONTEXT OF VIOLATIONS AGAINST WOMEN AND GIRLS AND THEIR EFFECTS

318. Women and girls suffered immensely during the conflict. They were humiliated and dehumanised based on their gender. The trauma of their experiences has left many women and girls psychologically and physically scarred. The impact of the conflict has been unfathomable, the damage immeasurable; and it is the women and girls who are bearing the brunt of it. From a wider societal perspective, the Commission has identified a total breakdown of all morality and norms, along with levels of cruelty that are quite frightening in terms of their long-term effects. A woman who had just given birth to a baby during the January 1999 attack on Freetown told this chilling story:

“They (AFRC and RUF attackers) commanded me afterwards to cover my newborn baby with an empty bowl, which I did after much threat and intimidations. I begged them to spare the life of my kid... I left my baby in the same position and fled. My husband tried to rescue the baby but was unable... The baby died.”³²⁰

319. Women were forced to watch helplessly as their children and husbands, suffered human rights violations, which in many instances led to their death.³²¹ Many women became victims of violations while trying to protect their children. An example was given by this woman, who became an amputee through trying to protect her child:

“When we reached a forest-like area, I suspected from their action that they wanted to kill me or my child. So I kept my gaze on them. Not long after, one of the rebels forcefully took my child, held her on one of her arms and cut her open on her spinal cord. Before he could do this, I rushed to hold his hand and when he turned around with his cutlass, he also cut me open on my head. He threw my then dead child in one corner whilst I laid in the other...”

Despite my condition that time, I stood up to collect my dead child. Again he turned around and saw me, he said to me that I was stubborn; he came back and told me to put my hand on a stump or else he would kill me there and then.

I put out my hand, which he amputated with just one hit of his sharp cutlass. All the wrist bones were cut except the two sides of the wrist skin, which connected the amputated wrist with the rest of my hand.”³²²

³²⁰ Balu Janneh, TRC statement, Freetown, 21 January 2003.

³²¹ See, for example, Marie Kamara, TRC statement, Makoba, 26 February 2003.

³²² Adamsay Bangura, TRC statement, Masiaka Amputee Camp, Port Loko, 1 May 2003.

320. Rape and sexual violence in the conflict have left many women and girls in Sierra Leone suffering from gender-specific medical problems such as Vesico Vaginal Fistula (VVF), Recto Vaginal Fistula (RVF), incontinence and prolapsed uterus, among others. The Forum for African Women Educationalists (FAWE), an NGO working with women after the conflict, reported the following anecdotes in its submission to the Commission:

“55.4% of the abductees [in FAWE assistance programmes] were raped and some of the girls were raped by one, two, three or even ten men. Two women particularly were raped by 15 and 30 rebels respectively. The former had only given to a baby two weeks before being raped. Both patients suffered from prolapses of the uterus (the womb descending out of the vagina). The former woman had a repair to replace the uterus in its proper position. The latter woman had a major degree of prolapse and therefore the uterus had to be taken out (a total hysterectomy was done).”³²³

321. Women and girls have had their lives broken and shattered by the loss of family members, the breakdown of family structures and the total loss of dignity. Emotionally and psychologically, they suffered to an incomprehensible degree. The social fabric of society in Sierra Leone was torn apart and the rules of civilised society meant to protect women and girls were discarded. In analysing the conflict, its aftermath and its impact on women, the Commission has had to confront the question of why women became such a specific target of the war. The answers to this question are complex and difficult to pinpoint.

322. Binta Mansaray, who appeared as a witness before the Commission, has made the following comment about the cruel irony of Sierra Leone’s “revolutionary” war:

“The ‘Revolution’ of the RUF was not at all redemption for women. On the contrary, the RUF committed unspeakable crimes.”³²⁴

323. The war from inception was a self-destructive conflict that consumed its own. Attacks on unarmed civilians by the RUF and its accomplices started from the very beginning of the war and continued unabated until its conclusion, with violation rates escalating and the nature of violations becoming ever more grotesque. In terms of the violations recorded in the TRC database, the Commission estimates that women make up 34% of victims of all violations throughout the conflict and that the average female victim suffered approximately three violations.³²⁵ This percentage testifies to the startlingly unconventional nature of the war, whereby civilians were the prime targets of all factions. Had the conflict in Sierra Leone assumed a more “conventional” character of battles between armies, then fewer civilians, especially women and children, would have met face-to-face with the various factions and suffered such levels of atrocities.

³²³ Forum for African Women Educationalists (FAWE), Submission to the TRC Special Thematic Hearings on Women, Freetown, 22 May 2003 (hereinafter “FAWE submission to TRC”), at page 14.

³²⁴ See Mansaray, Binta; “*Women against Weapons: A Leading Role for Women in Disarmament*”, in Ayissi, A. and Poulton, R-E.; *Bound to Co-operate: Conflict, Peace and People in Sierra Leone*, United Nations Publications; Geneva, Switzerland, 2000 (hereinafter “Mansaray, *Women Against Weapons*”), at page 142.

³²⁵ More detail on violations rates and the levels of different violations experienced by women can be found in the Statistical Report produced as an Appendix to this report.

324. It is also important to note that the major armed groups in the conflict, fighting both for and against the government, all committed gross human rights violations against women. In essence, the conflict did not offer any respite for the women from any of the armed groups, including those who were fighting for the government and who were supposed to protect civilians. On the side of government, the fluctuating nature and loyalties of the national Army that gave rise to the “sobel” phenomenon³²⁶ meant that the government lost any substantial control of the Army and as such forfeited a mechanism through which to protect all civilians, women included. Therefore, women were rendered vulnerable to attacks and abuses without any reliable institution of state to turn to for their protection.
325. During the conflict, no attempts were made by any of the major armed groups to address or tackle impunity among its members for violations against women.³²⁷ Consequently violations against women grew rife and violators rather revelled in them as they were not called to order. In fact, contrary to expected standards of accountability, it could be said that some of the major armed groups, at the level of their respective High Commands, saw women as “war booty” and actively ignored the violations that their members committed against women.
326. Prior to the war, the status of women in Sierra Leone at almost every level was low. Their low status meant that issues concerning women and women themselves were not of paramount importance in society. Consequently, it was easy for armed combatants to treat women with disdain and appropriate a sense of ownership of women’s bodies for themselves, as they probably were wont to do, albeit to a lesser extent, in peacetime. The patriarchal hegemony that had existed in Sierra Leone continued and worsened during the conflict, evolving in the most macabre manner. The cultural concept that a woman was “owned” by a man played itself out in many of the violations that women suffered during the conflict.
327. The use and abuse of drugs was widespread among the various armed factions. Many perpetrators lost all sense of reason and had no regard for human life, women’s included. In a drug-affected state, combatants committed atrocities without feeling and with total impunity. While drug use cannot excuse the conduct of perpetrators or the atrocities they committed, it is factor to consider, particularly in the case of child and youth perpetrators, as drugs have been proven to alter minds and affect reason.³²⁸
328. All of the above may not better explain the reasons for the atrocities committed against women and girls during the conflict, but they are some relevant considerations of the context in which so many women were violated and in which the survivors must now come to terms with the aftermath.

³²⁶ “Sobel” is a sobriquet derived from a combination of the words “soldier” and “rebel”. The term emerged among the civilian population as a name for government soldiers who were suspected of joining or collaborating with the RUF rebels during the course of the conflict.

³²⁷ Jonathan Kposowa, former Adjutant General of the RUF and present Secretary General of the RUFFP; TRC interview conducted at TRC Headquarters, Freetown; 23 June 2003. Mr. Kposowa stated that the RUF at its inception meted out death as punishment for rape. He said he saw only three persons punished in this manner throughout his time with the RUF during the conflict.

³²⁸ Dr. Edward Nahim, Sierra Leonean psychiatrist and commentator on use of drugs during the conflict, TRC interview conducted at Kissy Mental Hospital, Freetown, 30 July 2003.

THE PERPETRATORS OF SEXUAL VIOLENCE AGAINST WOMEN AND GIRLS

329. The main armed groups accused of perpetrating sexual violence against women and girls during the conflict were the Revolutionary United Front (RUF), the Civil Defence Forces (CDF), the Armed Forces Revolutionary Council (AFRC), the Sierra Leone Army (SLA) and the Westside Boys.
330. Given the widespread nature of rape and sexual violence by the armed groups mentioned above, it is clear that there were deliberate policies systematically to target women and girls and systematically to rape and sexually violate them. This section examines policies and parts played by each of the major factions.

REVOLUTIONARY UNITED FRONT (RUF)

331. The Commission's records reflect that the RUF was the major belligerent group in the conflict and dominates accounts of having committed the most savage acts against the civilian population. While it not only holds the record for the highest number of violations, the RUF is also responsible for most of the acts of rape and sexual violence recorded by the Commission.³²⁹ As reflected in the Commission's narrative of the conflict, the RUF by 1994 switched from conventional warfare to guerrilla warfare. With the change in tactics, there was a corresponding change in behaviour towards women and girls. The number of women abducted began to rise. The TRC estimates that the number of victims abducted and kept in sexual slavery in 1995 was double that in 1991.

NPFL / RUF in Pujehun District in 1991

332. During the early part of the conflict, the joint NPFL / RUF contingent moved into the Pujehun district. The following statement describes the harrowing experiences endured by a whole community in the Pujehun District in the first year of the war, 1991. The perpetrators were said to be "from Liberia", which in the context of the Commission's research indicates that they were probably comprised of a combination of NPFL and RUF members. They included both men and women; they were drawn from a variety of ethnic groups. The male statement giver describes sexual violations to which he was subjected both individually and as part of his community in his home village. The statement indicates a policy of using rape to terrorise the people and systematically to break down their sacred familial and cultural taboos:

"We were here when the rebels entered this country in 1991. They met me on the road with one girl... They captured us and they asked us to show them where we were going. We told them that they sent us for food for prayer..."

... When they asked me about my relationship with [the girl], I told them that she was my sister. They said I must have sex with her by force. After the sex they threw plenty of dirty water on us and they allowed us to go..."

³²⁹ More detail on violations rates and the propensities of particular factions to commit certain violations can be found in the Statistical Report produced as an Appendix to this report.

[...] We went for the rice and when we brought it they seized it from us and gave us a very serious beating. [The girl I was with] met her death as a result of the heavy beating we got from these rebels.

[...] It was at night that these rebels entered [the village] and they asked us all out of the various houses and homes. We were told to strip ourselves naked, both men and women; [we were also told] to dance, men on one side, women on one side.

[...] The rebels told the women to lie down on the ground. These rebels then asked the men to tell them their relationships with these women on the ground.

[...] When a man says or points to one lady or girl as his sister or mother, the rebels will ask him to have sex with her. We did this for over one hour. One man lost his life during this process because he refused to have sex with his mother. He was seriously beaten and the next day we only saw his dead body."³³⁰

333. On further occasions, victims reported to the Commission that RUF commanders had given orders to their troops to carry out acts of sexual violence. For example, in the following extract, a girl who was 19 years old when the conflict began described the ordeal she suffered at the hands of a group of approximately ten RUF combatants. This gang rape took place in the Jaiama Bongor Chiefdom in Bo District. It is also believed to have happened in 1991. The perpetrators were presumably Sierra Leoneans, since they were talking Krio:

"While I was at Telu Bongor, RUF rebels attacked the town. We ran into the bush for safety. While in the bush, a rebel group led by a rebel commander named 'Mosquito' came around. [...] 'Mosquito' was the first person that raped me. Then he ordered his men to continue the act. Nine other men continued to rape me. This made all the civilians run away and I was in the midst of rebels. [...] After misusing me to their satisfaction, the rebels left me alone in a very hopeless condition... Even now the pain is still in me, which is creating problems in my marital home, because my husband drives me from my home and says that I am barren."³³¹

334. Another statement giver reported that RUF and NPFL attackers carried out rape and torture systematically in the first year of the war. She was in her home in the Moyamba District when "rebels" raided the village from the direction of the Soro Gbema Chiefdom in Pujehun District. She was abducted in 1991 at the age of eleven. The reference to an "operation" entitled "Ask No One" in the extract overleaf seems to indicate that the practice of rape was part of a deliberate policy of violations:

³³⁰ TRC confidential statement from a victim and witness of systematic sexual violence, recorded in Yonni Town, Pujehun District, 10 December 2003.

³³¹ TRC confidential statement from a victim of sexual violence, recorded in Soro Gbema Chiefdom, Pujehun District, 14 January 2003.

"I came across a group of men dressed in civilian attire, who commanded me to halt. When they came to me... they told me to accompany them to [a place] nearer to the border [with Liberia]. I told them that I am eleven years old; how can they take me from my parents? As soon as I told them these words, two of them started torturing me, forcing me to go with them. They gave me some of the loads to carry.

[...] The following day, they took me to a house where two of them raped me. They told me to come outside, as they listed all names of those that had been taken as captives... After the registration, they chose eight persons and killed them with gun. At night, they took a 'makabo' lamp and went to the round house that I was in. When they entered the house, they told us to strip ourselves naked, both old and young, telling us that they were going to do their operation called 'Ask No One'. After saying these words, they raped all of us that were in that round house."³³²

335. In terms of statements recorded by the Commission, the RUF and AFRC were the groups most likely to coerce women and girls into sexual slavery and forced marriages. A possible reason for this was that from 1993 to 1994, the RUF adopted a guerrilla mode of warfare and so its units were constantly on the move between bases in the bush. The fighters demanded women to perform domestic chores and to perform sexual services for them. Women and girls were vulnerable in their communities, so it was quite easy for a fighter to abduct them, force them under his immediate control and compel them into sexual slavery and forced labour.
336. While victims experienced some degree of protection as the exclusive property of one perpetrator through a "forced marriage", the relationship in most instances was entirely abusive. Most victims who spoke to the Commission nevertheless suffered some manifestations of the so-called "Stockholm syndrome", i.e. they tended in their testimonies to identify with their perpetrators and would insist that they had been treated well even though many of the experiences they were describing tended to be abusive. The economy of war also required that women make themselves useful to their captors or "bush husbands" in order to survive.
337. It is also clear from many of the victims' testimonies that being a "bush wife" to a member of the RUF did not necessarily protect them from being handed over to another combatant or multiple perpetrators to be gang raped.
338. The role of "bush wife" in the RUF included domestic as well as sexual servitude.

³³² TRC confidential statement from a former abductee and victim of sexual violence, recorded in Dasse Chiefdom, Moyamba District; 27 January 2003.

Responses of the RUF to allegations of sexual violations

339. The Commission called for submissions by all political parties and groupings. The Commission had access to official statements and a number of submissions made to it by the RUF. The Commission has noted with considerable surprise the failure of the RUF in its submission to address issues of sexual violence, including rape and other sexual abuses. Testimony gathered by the Commission reveals that the RUF commanders were not only aware of what was going on, but that the majority of them participated in the violations.³³³ Many victims named their perpetrators, including high-level commanders, in their statements.³³⁴
340. The NGO Physicians for Human Rights has reported that, during their survey of a sample population of survivors of sexual violence, 34 out of 94 survivors believed that the commander of the person who attacked them had knowledge that they were to be attacked.³³⁵
341. In terms of the testimony provided to the Commission, it is clear that the RUF had a policy deliberately to target women and girls with the clear intention of abducting them and holding them for various purposes described in this report. One of the main reasons for abduction was to violate women and girls by raping them and holding them as sexual slaves. The RUF cannot deny this *modus operandi* in the face of overwhelming evidence that, immediately after an attack, women seized in a raid were assigned to either commanders or combatants for the purposes of using them as “bush wives”. The TRC did not receive any report of an RUF commander who attempted to return abducted women and girls to their families, nor was any effort made by the RUF High Command to condemn this practice or to stop it. The RUF leadership must therefore accept that they are responsible for the violations that took place.
342. Immediately after the Abidjan Peace Accord in November 1996, there was a call for the cessation of hostilities from Foday Sankoh to RUF members. While there was a brief lull in the conflict in terms of RUF armed attacks, frankly there was no cessation in respect of the violence perpetrated against women. The ceasefire offered an opportunity to the RUF movement to deal honestly and conclusively with the issue of sexual violence and yet it did nothing.
343. Human Rights Watch in its report notes that the RUF made occasional efforts to declare rape a crime in certain areas under its control and in a few incidents even endeavoured to punish “ordinary combatants” who had contravened orders to this effect.³³⁶ The Commission has also gathered testimony from witnesses who indicated that some commanders prohibited rape and sexual violence against women, particular where the abductee was very young.³³⁷

³³³ In this regard, numerous entries in the Commission’s database are corroborated by the following testimony: TRC Confidential Individual Interviews with members of the RUF ‘vanguards’ contingent; interviews conducted variously in Freetown, Makeni, Magburaka, Kailahun and Kono; June to December 2003, and Captain (Retired) Moigboi Moigande Kosia, former officer in the Republic of Sierra Leone Military Forces (RSLMF) and later recruited into the RUF by Foday Sankoh as his first ‘G-1’ officer; testimony before TRC Public Hearings held in Freetown; 17 April 2003.

³³⁴ The Commission’s database allowed for the entry of perpetrator and commander names along with the description of the violations committed. Far more names were recorded for the RUF than for any of the other combatant factions.

³³⁵ See Physicians for Human Rights, *War-Related Sexual Violence in Sierra Leone*, at page 54.

³³⁶ See Human Rights Watch, *We’ll Kill You if you Cry*, at page 46.

³³⁷ Confidential testimony received before the TRC Special Thematic Hearings on Women, Freetown, 22 to 24 May 2003.

However this kind of attitude to rape was not the typical one held by most RUF commanders, so perpetrators of violations against women and girls were not too concerned about possible punishment or repercussions.

344. In his submission to the Commission, a former high-ranking RUF official stated that rape was considered a punishable offence by the RUF and that he witnessed an RUF member being punished for it. In spite of these claims, the Commission has not been able to establish many cases of punishment or any signs of remorse for what happened.
345. The Revolutionary United Front Party (RUF)³³⁸ in its submission to the TRC stated that the RUF High Command was not aware of the high prevalence of rape and sexual violence during the conflict and had a practice of executing those found guilty of rape through its “People’s Court”. The RUF apologised to the country for these and other violations committed by the RUF.³³⁹
346. The Commission finds the Revolutionary United Front (RUF) responsible for pursuing a deliberate strategy of abducting women and girls with the express intention of keeping them under their control, exploiting their vulnerability and sexually violating them either by raping them and causing them to be harmed by acts of sexual violence, using them as sexual and domestic slaves, torturing them and practicing a range of cruel and inhuman acts upon them.

CIVIL DEFENCE FORCES (CDF)

347. The Civil Defence Forces (CDF) was a network of civil militiamen created in 1996 from several different units, including Kamajors, Gbethes, Donsos, Tamaboros and Kapras, organised according to ethnicity and District of origin. Many CDF combatants laid claim to being traditional hunters with origins in their secret societies that predated the conflict. However, the overwhelming bulk of the fighters, particularly Kamajors, were in fact disaffected youths who were crudely enlisted into combat through illusory ceremonies of “initiation”.
348. In terms of the evidence before the Commission, it is clear that the predecessors of the CDF, most of whom were vigilantes and hunters, did not commit sexual violations or rape systematically. The Commission’s records reflect scarcely any sexual violations attributed to “CDF” in the years before 1996. A major reason that at the beginning of the conflict, the traditional initiates of the hunters’ secret societies tended to respect and uphold the rules and regulations that governed their society membership. Breaking any of the rules was taboo.
349. Secret society rules prohibited men from having sexual intercourse with women while performing their society duties, as they believed that sex or sexual contact with women before a battle would diminish their powers of immunity to withstand attacks or wounds.

³³⁸ The RUF was created in the wake of the Lomé Peace Agreement in 1999 as a political party designed to replace the RUF military movement. In reality it spent several years as a “political wing” of the RUF movement, while a combatant cadre continued to carry out military operations. More detail on the evolution of the RUF after Lomé can be found in the chapter on the Military and Political History of the Conflict in Volume Three A of this report.

³³⁹ Jonathan Kposowa, former Adjutant General of the RUF and present Secretary General of the RUF; TRC interview conducted at TRC Headquarters, Freetown; 23 June 2003.

350. In terms of the CDF code of practice after 1996, many witnesses claimed that a similar set of rules and taboos applied and that, additionally, all CDF members were obliged to protect civilians, particularly women and children.³⁴⁰
351. As the conflict escalated, the CDF was compelled to increase the number of men in its fighting forces. The rapidity with which this expansion happened meant that recruitment standards lapsed, numbers became unmanageably large and the purported code of ethics and practices was overlooked. The effect of this was that newer “initiates” into the CDF did not feel bound by age-old traditions and practices. Indeed, the new generation of CDF, especially Kamajors from the south and east, adopted a different ethos that was entirely geared towards war and perceived benefits it could yield. Ethnic differences also came into play, particularly as many of the CDF forces were deployed in areas not belonging to their immediate communities.
352. In the latter period of the conflict, from 1997 onwards, the Commission has noted a massive increase in the number of violations attributed to the CDF. From anecdotal testimony received by the Commission, it appears that CDF forces acted with almost the same amount of savagery as the RUF towards women and girls.³⁴¹ According to the Commission’s database, the CDF was responsible for 6% of the total violations recorded.³⁴² It is worthy of mention that for sexual violations recorded in the Commission’s database, the percentage of allegations against the CDF is as follows: rape 12%; sexual slavery 0.8%; and sexual abuse 7.3%.³⁴³ These figures indicate that the CDF perpetrators whose violations were recorded in the Commission’s database demonstrated twice as high a propensity to commit rape than their propensity to commit violations overall. The figures support the theory that, at least as far as the Commission’s database can indicate, elements of the CDF made a point of committing rapes in the latter period of the conflict.³⁴⁴
353. As CDF units were usually attached to a specific town or village for a specific period of time, they were not as mobile as the RUF or the AFRC. Thus in contrast to the “roaming detentions” of the RUF and the AFRC, the preferred *modus operandi* of the CDF in terms of sexual violations was to abduct women and girls and take them prisoner. They would then be confined to a single secure location, usually in a village or town where they were freely available to be used as sexual slaves. They would be held under the custody and complete control of the CDF and would be raped, either singly or gang raped, in a multiple number of ways. They would often be held naked and had to be freely available for sex.³⁴⁵

³⁴⁰ See, for example, Hassan Jalloh, former CDF commander of the Kamajors on the eastern border, TRC interview conducted in Freetown, 8 August 2003.

³⁴¹ TRC confidential statement from a female victim, recorded in Gbangbatoke, 5 February 2003.

³⁴² More detail on violations rates and the propensities of particular factions to commit certain violations can be found in the Statistical Report produced as an Appendix to this report.

³⁴³ See the Statistical Report produced as an Appendix to this report.

³⁴⁴ More detail on violations rates and the propensities of particular factions to commit certain violations can be found in the Statistical Report produced as an Appendix to this report.

³⁴⁵ See TRC confidential statements from multiple female victims, January to April 2003.

Responses of the CDF to allegations of sexual violations

354. The Commission has recorded many statements in its database and has heard testimony that women and their families reported CDF members for both rape and sexual violence to their commanders. The response was telling. Nothing happened and in many instances it became clear that rape and sexual violence was condoned, particularly where the women were thought to have spent time with or rendered assistance to the RUF or AFRC. No consideration seems to have been given to the possibility that women had been forced into these roles in order to survive. No evidence exists that the CDF took any action against its members who were accused of rape or sexual violence. On the contrary, such acts appear to have been condoned, particularly if the women were labelled “rebel collaborators” or “rebels”, or if they had family members who were associated with the RUF, the SLA or the AFRC.
355. The Commission finds that the CDF, particularly in the latter period of the conflict, pursued the deliberate strategy of abducting civilian women and girls believed to be in any way connected to the RUF or who had collaborated with them, and detained them in a cruel and inhuman way, with the intention of deliberately violating them, either by raping them or using them as sexual slaves. The Commission finds it particularly reprehensible that the CDF behaved in this manner when it was duty-bound to protect the civilian population and prevent violations being perpetrated against them.

ARMED FORCES REVOLUTIONARY COUNCIL (AFRC)

356. The Armed Forces Revolutionary Council (AFRC) led by Johnny Paul Koroma came into being after the overthrow of the government of President Ahmad Tejan Kabbah on 25 May 1997. Following the coup, the leadership of AFRC called upon the RUF to join them in government. The two factions referred to their alliance as “The People’s Army”.
357. Together the alliance of the RUF and the AFRC were incredibly brutal and savage in their conduct. They were responsible for the many atrocities and violations women and many others suffered during the infamous invasion of Freetown on 6 January 1999. It is worthy of mention that, in the Commission’s database, the percentage of sexual violations recorded against the AFRC is as follows: rape 12,6%; sexual slavery 3,5%; and sexual abuse 31,8%. Overall, the AFRC is accountable for 11,1% of the sexual violations recorded in the Commission’s database. The fact that the AFRC is responsible for three times as many sexual abuse violations recorded in the Commission’s database as overall violations recorded in the Commission’s database supports the theory of a deliberate plan to commit sexual abuses.³⁴⁶ While the Commission has not been able to obtain the precise statistics of the numbers of women that were tortured and sexually violated during this period, the NGO group FAWE (Forum for African Women Educationalists) in partnership with Médecins Sans Frontières (MSF) provided medical treatment and counselling to 1,862 female survivors of sexual violence.³⁴⁷ According to the TRC database, the AFRC alone is responsible for 7% of all violations recorded by the Commission.³⁴⁸

³⁴⁶ More detail on violations rates and the propensities of particular factions to commit certain violations can be found in the Statistical Report produced as an Appendix to this report.

³⁴⁷ See FAWE submission to TRC.

³⁴⁸ See the Statistical Report produced as an Appendix to this report.

Responses of the AFRC to allegations of sexual violations

358. The AFRC experienced the same kind of complexities and challenges with commandship as the RUF did, with many different combatant groups declaring allegiance only to a particular commander. During the conflict, some commanders acquired the reputation of being especially vicious in their targeting of women and girls. They became known by name and reputation among victims and Sierra Leonean society in general. In many statements and testimonies given to the Commission, women responded to the question of perpetrator identity by identifying the name of an individual perpetrator. A prominent example of an individual name that appeared frequently was "SAJ Musa", also recorded as "SAJ Musa's group".³⁴⁹ Many statements and testimony confirm the presence of the commander known as SAJ Musa at the scene of AFRC violations, particularly during the prolonged assault on the north of the country that culminated in the invasion of Freetown on 6 January 1999. Multiple violations, including sexual violations, were attributed to SAJ Musa personally and to other senior AFRC commanders in his unit.³⁵⁰
359. The AFRC did not institute any measures to address complaints in respect of rape and sexual violence. Its remaining members, whose factional allegiance is in any case difficult to ascertain, have never addressed this issue despite the numerous accusations.
360. The Commission finds the AFRC to have pursued a deliberate strategy of targeting girls and women with the specific intention of violating them by abducting them, raping them, perpetrating sexual violence upon them, torturing them as well as perpetrating cruel and inhuman acts against them. The Commission also finds that the AFRC together with the RUF were responsible for the rape and sexual violations perpetrated upon civilian women and girls during the January 1999 invasion of Freetown.

SIERRA LEONE ARMY (SLA)

361. The SLA³⁵¹ is reported to have committed violations including rape and sexual violence.³⁵² In terms of the Commission's database, the SLA was responsible for 5.2% of all rapes and sexual violations recorded by the Commission.³⁵³
362. SLA units, like their CDF counterparts, were typically attached to a specific town or village. SLA soldiers would be garrisoned in barracks or assigned to protect a location for several months. They were not mobile and thus tended to target women and girls by abducting them with the intention of detaining in a confined, secure location to be used at their whim and fancy as sex slaves. The Commission heard that women and girls detained in this way by the SLA were often kept naked to be available freely for sex or other abuses.

³⁴⁹ The Commission's database allowed for the entry of perpetrator and commander names along with the description of the violations committed. The name "SAJ Musa" (the popular name for the late AFRC commander Solomon A. J. Musa) appeared more times than any other combatant outside the ranks of the RUF. See the Statistical Report produced as an Appendix to this report.

³⁵⁰ See the commentary on perpetrator names in the Statistical Report produced as an Appendix to this report. Interviewees also testified about individual violators in the AFRC: see, for example, Agnes Sesay, TRC interview at Internal Displaced Persons Camp, Lunsar; 8 August, 2003.

³⁵¹ For the purposes of the TRC database, AFRC abuses are not included in the category of "SLA".

³⁵² See the Statistical Report produced as an Appendix to this report.

³⁵³ See the Statistical Report produced as an Appendix to this report.

363. Some deployments of the Sierra Leone Army were by 1994 engaging in the same patterns of behaviour that had characterised the earlier NPFL and RUF presence in towns and villages in the Eastern Districts. The SLA, understandably for a national Army, was present across a much broader geographical area than the RUF. In particular, the SLA tended to be stationed in more of the towns, whereas the RUF was establishing and consolidating its jungle bases in remote and heavily forested areas.

364. The maltreatment of civilians by SLA deployments included persistent acts of sexual abuse and general disregard for the dignity of the womenfolk. A farmer in the town of Yele, Gbonkolenken Chiefdom, Tonkolili District gave the following account of abuses by SLA soldiers under the command of one Captain Koroma:

“These soldiers were bullies. They used to take the wives of community people to sleep with them, cook for them as well as to launder their clothes. My wife was heavy with pregnancy and was asked to fill a forty-four gallon drum with water by the soldiers.”³⁵⁴

365. In the same manner as in other categories of abuse, sexual violence was often meted out randomly by the SLA. In Moyamba District in 1995, the Commission recorded violations by the SLA that were completely unconnected to the defence of communities against RUF attack. In the following statement, a whole community of forcibly displaced people was attacked in its new location in the bush:

“They captured our sisters and women and used them to their satisfaction. When using them, they sometimes inserted steel irons or the sharp edge of a stick into their vaginas and abandoned them. They also amputated some of their hands.”³⁵⁵

366. The tragedy of the impact of the conflict on the family was illustrated not only in the statements of victims, but also in the testimonies given by their family members and loved ones. The following statement was given by a man who testified solely as a witness to the rape of his wife at the hands of men dressed in SLA uniforms in January 1995:

“I saw people in SLA uniforms knocked my door. As I opened my door they pushed me. [These] uniformed men raped my dear wife. I saw two of these uniformed men raping my wife. She was not happy over that but she was forced to do so.”³⁵⁶

³⁵⁴ Santigie Koroma, farmer from Yele, Gbonkolenken Chiefdom, Tonkolili District, TRC statement recorded in Tonkolili District; 14 December 2002.

³⁵⁵ Joseph Smart, farmer from Bauya, Moyamba District, TRC statement recorded in Moyamba District, 4 March 2003.

³⁵⁶ Ibrahim Yayah, farmer from Kasama, Tikonko Chiefdom, Bo District, TRC statement recorded in Bo District; 15 January 2003.

Responses of the SLA to allegations of sexual violations

367. While the SLA had a clearly defined command structure, as well as reputedly operating structures to deal with allegations of rape and sexual violence, it does not appear that the Army dealt in any conclusive way with allegations of rape and sexual violence made against its soldiers, or with the alleged perpetrators themselves. The Army has not been able to show that any SLA soldier was punished for having committed this kind of offence.
368. When they appeared before the Commission, senior officers of the Army were asked questions pertaining to the numerous allegations of torture, rape and sexual violence made against them during the conflict. In addition to oral answers given at Commission hearings by officers including the erstwhile Chief of Defence Staff, Major-General Tom Carew, the RSLAF provided a set of written responses to TRC questions about violations. This document contained the following response to allegations of sexual violations:
- “[The acts of sexual violence committed by SLA soldiers during the conflict are] widely condemned by all members of RSLAF. Troops are however being sensitised on UN Conventions concerning these issues to prevent future occurrence.”³⁵⁷
369. Army officials were at great pains to assure the Commission that they have instituted new mechanisms to deal with rape and sexual violence:
- “The legal branch has been established to co-ordinate criminal prosecutions. There is also the Joint Provost Unit to investigate such cases. The COURT MARTIAL is also about to be established. The Army now has a qualified lawyer ready to carry out prosecutions. His Excellency the President has also signed the rules of Procedure for the Court Martial.”³⁵⁸
- [and]
- “In the absence of an established Court Martial, there is a good liaison between the Police and Provost Unit for the prosecution of these cases [of sexual violations].”³⁵⁹
370. The Commission finds that the SLA, which was primarily responsible for protecting the state and the civilian population, also pursued a strategy of abducting women and girls, particularly those believed to belong to the RUF or who had collaborated with the RUF / AFRC. The SLA deliberately detained women and girls in cruel and inhuman conditions with the intention of raping them and perpetrating other acts of sexual violence upon them.

³⁵⁷ See Republic of Sierra Leone Armed Forces (RSLAF), *Written responses to questions posed by the Truth and Reconciliation Commission (TRC)*, Freetown, August 2003 (hereinafter “RSLAF written responses to TRC questions”).

³⁵⁸ See RSLAF written responses to TRC questions.

³⁵⁹ See RSLAF written responses to TRC questions.

WEST SIDE BOYS

371. The Westside Boys, a perpetrator grouping that included serving Sierra Leonean Army officers, including AFRC Ministers such as Santigie Kanu, members of the Sierra Leonean Border Guards and civilians had their headquarters at Gberegama in Port Loko District. They emerged in the aftermath of the ECOMOG putsch of rebels from Freetown after the 6 January 1999 invasion of the city and its environs.³⁶⁰ The civilians included those abducted on the dissidents' retreat from Freetown in such areas as Wellington and Calaba Town, as well as some unemployed youth living in the ghettos and who had aligned themselves and fought with the invading rebel forces during the 6 January 1999 invasion. These youths became afraid of reprisals when the rebels were repelled and consequently fled with them.³⁶¹ The third category of civilians who became part of West Side Boys comprised the inhabitants of the communities where the West Side Boys had settled. They were abducted and forced to become part of them.³⁶²
372. The Commission received statements and testimony implicating the West Side Boys in rape and sexual violence against women. They have been described as a gang of bandits rather than credited as a politically motivated fighting force.³⁶³ Many of the statements the Commission received came from young girls who were forced to become "bush wives" to some of the members of this group.³⁶⁴ TRC statements also confirm that the Westside Boys continued to carry out abductions, rape and other violations against women right up to 10 September 2000, when they were wiped out by a dawn raid on their Okra Hills base involving Sierra Leone security services and British paratroopers.³⁶⁵

Responses of West Side Boys to allegations of sexual violations

373. The Commission did not receive any response to allegations of sexual violations made against this faction. Most of those who could claim to have been members of the West Side Boys are presently in detention, including three who are indicted by the Special Court for Sierra Leone and a significant number who are held in so-called "safe custody" in Pademba Road Prison in Freetown. With access to these persons severely restricted by the respective detaining authorities, the Commission was left to gather information on this faction from low-level members, police statements and victim testimonies.
374. The Commission finds the West Side Boys responsible for pursuing a policy of abducting women and girls, holding them against their will in forced marriages, raping them and using them as sexual slaves, perpetrating a range of cruel and inhuman acts upon them.

³⁶⁰ See Karimu, E.; investigator into the enlistment and abduction strategies of militias and armed groups in the Sierra Leone conflict; TRC interview conducted in Freetown, 6 October 2003.

³⁶¹ See Karimu, E.; investigator into the enlistment and abduction strategies of militias and armed groups in the Sierra Leone conflict; TRC interview conducted in Freetown, 6 October 2003.

³⁶² See Karimu, E.; investigator into the enlistment and abduction strategies of militias and armed groups in the Sierra Leone conflict; TRC interview conducted in Freetown, 6 October 2003.

³⁶³ See, *inter alia*, BBC News online, *Who are the West Side Boys?*, report of 31 August 2000, available at the following website: <http://news.bbc.co.uk/1/hi/world/africa/901209.stm>.

³⁶⁴ Confidential testimony received before TRC Closed Hearings, Freetown, May 2003.

³⁶⁵ See Karimu, E.; investigator into the enlistment and abduction strategies of militias and armed groups in the Sierra Leone conflict; TRC interview conducted in Freetown, 6 October 2003.

OTHER VIOLATIONS SUFFERED BY WOMEN

375. In addition to the specific categories of violations covered above, women suffered a multiplicity of different experiences and were subjected to a plethora of economic violations, which had an enormous impact on them during the conflict period and on their lives and livelihoods since.

EXTORTION

376. Women were frequent victims of extortion. In the TRC database, women account for 351 of the 1,314 counts of extortion where the gender of the victim is known to the Commission.³⁶⁶ The database records that all of the major armed groups perpetrated this violation against women. Extortion mostly took two forms. In the first instance, armed groups demanded money from persons illegally detained or from their family members. If family members failed to comply with such demands, the person held in custody was on occasion killed.³⁶⁷ In the second instance, armed groups imposed levies on communities for their upkeep. Beyond these two main types of extortion, there were numerous random acts in which combatants simply demanded money and took it by force.³⁶⁸ If individuals resisted such demands, they were subjected to further violations. Some of the victims told their stories to the TRC:

“Sometime in 1991, I was in the town of Blama when the RUF rebels attacked that community... we were forced to give them money and food as a sign of welcoming them; but I told them that times are rough and we gave them only five chickens. They came again with threatening remarks that if we do not give enough food that day, they will kill everybody in the town. We gave them all our food that day. As they left for the other community, I left the town with the rest of the people...because we could no longer stand the harassment.”³⁶⁹

“...I was sitting in my house when I saw people running. It was sometime in 1999 after the invasion of Makeni. It was getting to 4.00p.m, time for the afternoon prayers. I too ran towards the river, as it was the place that everybody was heading for... the place I went to hide was where I was captured... I was taken to a village called Rosos... they later took all my belongings from me. That same day, I returned to the town with other people thinking that all was over. On our return, another group of combatants came. They were rebels... They came to stay in the village but we were asked to feed them from contributions. We used to contribute 60 cups of rice, two gallons of palm oil, fish, pepper, groundnut and maggi daily for six months.”³⁷⁰

“On 6 January 1999, AFRC / RUF rebels attacked my house in Freetown and put me under gunpoint. They sprinkled petrol around the house and said they were going to burn the house... they focused their attention that I should give them money. They first demanded the sum of 20,000 Leones from me, which I gave in a hurry as a way of saving my life. After I had given them, they left.”³⁷¹

³⁶⁶ See the Statistical Report produced as an Appendix to this report.

³⁶⁷ TRC confidential statement from a female victim, recorded in Gbangbatoke, 5 February 2003.

³⁶⁸ See, for example, Adama John, TRC statement, Mbelleh, Yangtoke, 30 January 2003.

³⁶⁹ Massah Koroma, TRC statement, Blama Massaquoi, Pujehun District, 24 February 2003.

³⁷⁰ TRC confidential statement from a female victim, recorded in Batkanu, 4 December 2002.

³⁷¹ TRC confidential statement from a female victim, recorded in Freetown, 11 December 2002.

377. Women were often the main targets of extortion, as they were considered more vulnerable to this kind of demand than men. According to the TRC database, the CDF accounts for the most acts of extortion of all the armed factions perpetrated on the civil population under its areas of control. A victim told the Commission of what she and her husband experienced at the hands of the CDF Kamajors in Kabati village:

“Both my husband and I were residing in Kabati village... according to Mr. Gbessay (CDF commander) his purpose of visiting us was to arrest my husband to an isolated area in Kabati village known as “TONGO FIELD”. This Tongo Field was the field where these Kamajors normally killed people who refuses to pay fines levied on them... On the next day, a boy by the name of Musa came and told me that the Kamajors under the command of Mr. Fomba wanted to see me immediately and both of us went to these Kamajors. I was told by their boss...to pay a fine of fourteen thousand Leones, a bag of husk rice and seven chickens... I paid all these fines levied on me without reasons as I was under gunpoint. I had to pay all the fines levied on me after they had killed my husband for his properties... I want the Commission to know that all of these people are currently in Kabati village in Jong Chiefdom.”³⁷²

378. Another victim also told of her experience with the CDF:

“I was flogged by Kamajors at Bo. In 1999, I was captured by the Kamajors; we were twenty in number. In the first place when they captured me, I was having one hundred and fifteen thousand Leones in my bosom. I was stripped naked as I was born and they saw the money and they took it from my bosom. I felt stressed and uneasy, then I urinated on myself. They tied me up and I saw some of the civilians hands chopped off and others killed I was just waiting for my turn to be killed. Then the commander of the Kamajors told them not to kill me but to properly flog me.”³⁷³

379. Armed groups, particularly the CDF set up checkpoints and proceeded to extort money from passers-by, including women. Women traders were particularly targeted in this fashion.³⁷⁴ The setting up of checkpoints heightened tensions considerably in many communities. It became a major point of contention between communities in the south and the CDF forces stationed there.

380. A resolution only came when the Government of Sierra Leone, DFID (a British Development agency) and the European Union engaged the CDF and some interest groups in the various communities in dialogue on this issue. The outcome was the CDF / Community Reconciliation Workshop held on 17 and 18 June 1999 at the Bo town hall where some measures, such as the dismantling of some checkpoints, were agreed upon.³⁷⁵

³⁷² Kamah Joseph, TRC statement, Bonthe District, 3 March 2003.

³⁷³ Aminata Sesay, TRC statement, Bombali District, 17 December 2002.

³⁷⁴ See the Report from the Regional Reconciliation Committee Meeting – Southern Region, facilitated by DFID and European Union, including discussion of CDF violations, 8 August 1999.

³⁷⁵ See the Report from the Regional Reconciliation Committee Meeting – Southern Region, facilitated by DFID and European Union, including discussion of CDF violations, 8 August 1999.

LOOTING

381. The Commission recorded 931 counts of looting perpetrated against women, amounting to 30,1% of all acts of looting that were reported to the TRC.³⁷⁶ In this category the RUF accounts for most of the violations reported (59,7% for women and girls; 58,4% for men and boys).³⁷⁷ Individual RUF commanders sent combatants on missions to find food. These missions led to looting and pillaging of the targeted communities. RUF members have in their testimonies stated that children were included in these missions as they were very good at foraging out what they could get when they went out on looting sprees.³⁷⁸ The RUF had a deliberate strategy of targeting the property of civilians. In RUF parlance, looting was known as "jaja". A woman in Pujehun told the Commission of her experiences:

"I was in the town of Pujehun in April 1991... when the RUF rebels came to our community. They dressed like radicals with red bands and were telling us that they have come to free us from our poverty in Sierra Leone, but in the same gathering I saw one of them taking away my uncle's wrist watch and some other items were forcefully taken from people...

After their address, they started taking our properties and were loading them into a very big vehicle. Among their group were Pellejor and Eddie Kassay, whom we knew. When we asked them why they are taking our things, they told us that it was just the beginning and they would be doing worse than what they have started."³⁷⁹

382. At different times in the conflict, the RUF and other factions carried out specific military operations against civilians, which invariably resulted in widespread human rights violations. The objectives of these operations on occasion specifically included looting. In particular, the campaign of attacks known as "Operation Pay Yourself" resulted in large scale looting by RUF and AFRC combatants eager to gain a personal dividend from their participation in the war. A female health worker who was working with MSF at Kenema in 1997 described how her possessions were looted by members of the AFRC junta:

"In 1997, during junta rule, we were threatened by juntas that we were informants. It was on 8 February 1998 that they launched "Operation Pay Yourself" and there was heavy firing in the township... They came to my compound and started knocking on my door... they then entered the house, took our belongings, money and everything and they went away. Three groups wearing combat with their faces masked came to our house that very day... we lost everything."³⁸⁰

³⁷⁶ See the Statistical Report produced as an Appendix to this report.

³⁷⁷ More detail on violations rates and the propensities of particular factions to commit certain violations can be found in the Statistical Report produced as an Appendix to this report.

³⁷⁸ See, for example, Jonathan Kposowa, former Adjutant General of the RUF and present Secretary General of the RUF, TRC interview at TRC Headquarters, Freetown; 23 June 2003.

³⁷⁹ Mariama Sheriff, TRC statement, Pujehun Old Town, 29 March 2003.

³⁸⁰ TRC confidential statement recorded in Kenema District, 7 December 2003.

383. Looting raids were often directed against entire villages. A woman reported to the Commission what happened in her village:

“I was having a store at Gissiwolo Makpele comprising of tape recorders, cement and a lot of necessary things. It was set up for me by my husband, who was in Liberia... The juntas at Zimmi got to us on a Thursday afternoon and all the town was turned upside down. We fled for months and came back later, meeting Gissiwolo a ghost town with all properties looted.”³⁸¹

384. Allegations of looting in its various guises were made against each of the armed groups that participated in the conflict. Members of the Guinean Armed Forces were accused of looting.³⁸² Inhabitants of the border areas such as Kambia District complained of the looting of their properties, goods and money whenever there was an attack by the Guinean Armed Forces. Many witnesses told the Commission that in many areas, special markets existed in Guinea where these looted items were sold.³⁸³
385. Combatants also looted the property of women and gave them to wives and girlfriends. A common feature of the conflict was the fact that businesswomen and traders often fell into ambushes of the different armed forces and lost their goods. The Market Women’s Association of Sierra Leone testified to this in their appearance before the Commission.³⁸⁴

DESTRUCTION OF PROPERTY

386. A major feature of the conflict in Sierra Leone was the wanton destruction of property by the various armed forces. All of the major armed groups were responsible for the destruction of property belonging to civilians, including women.³⁸⁵ Women accounted for 1,009 of the 3,469 violations with gender recorded in the Commission’s database.³⁸⁶ This amounted to women suffering nearly 30% of all property violations.³⁸⁷ A woman told of the attack on Moselolo village by the RUF in 1995:

“ ...After the firing, I decided to come and check on the village. I saw flames of fire rising up from the thatch roofed houses and some of the zinc houses. I decided not to go further but to return to my people... We spent three days and three nights in the old farm. On the third day, in order to go and find out about the damage done, I and other villagers went without our families. On reaching our compound, I found out that all houses had been burnt down and our properties either looted or burnt; even our mosque was also burnt down.”³⁸⁸

³⁸¹ Kula Kuyateh, TRC statement, Gissiwulo-Makpele, Pujehun District, 21 January 2003.

³⁸² Aside from looting, very few violations in the TRC database were attributed to the Guinean Armed Forces (GAF). More detail on the propensities of particular factions to commit certain violations can be found in the Statistical Report produced as an Appendix to this report.

³⁸³ See excerpt from security document entitled *Observations on Guinea Markets, 2000*: “There are gigantic warehouses where looted properties are sold in the Guinea markets and towns: Nongoa, Wau Jibba, Gueckedu Central Markets, Macenta, Kenema-Wonda and Koundo-Twi.”

³⁸⁴ See Sierra Leone Market Women’s Association, Submission to the TRC Special Thematic Hearings on Women, Freetown, 22 to 24 May 2003 (hereinafter “Market Women’s Association submission to TRC”), at page 3.

³⁸⁵ Adama Musu, TRC statement, Mateboi, Sanda Tendaren, 5 March 2003.

³⁸⁶ See the Statistical Report produced as an Appendix to this report.

³⁸⁷ See the Statistical Report produced as an Appendix to this report.

³⁸⁸ Thiam Kamara, TRC statement, Batkanu, Leibesayeahun, 4 December 2002.

387. In Gerihun, a woman who had already suffered a previous displacement told of the destruction of the new home in which she and her family had settled:

“One morning I went to the lorry park to go to Bo on a Sunday in 1995. Then I saw military uniformed men who I could not distinguish at all... There was heavy firing and a loud sound of guns. The whole town was confused, everybody trying to get away. I rushed to my camp, got my children and then fled the town. By the time I could get my children, most of my property had been taken away, but I did not mind at all. Some other things were even drowned in the River Bebeh.

In the distance, I saw dark smoke rising into the sky from the direction of our camp. Later, I learnt that there was a fierce fight between the loyal SLA / SSD and the RUF rebels. Soon enough they disappeared, but the camp was destroyed.”³⁸⁹

WOMEN AS PERPETRATORS AND COLLABORATORS

388. While women and girls bore the brunt of the violations as victims, they also played a multiplicity of roles including those of “perpetrator” and “collaborator”. While these experiences are not widely documented, it is not surprising that women also took sides in the conflict. Often their participation is driven by socio-economic needs, the need to protect themselves and their families or to improve the quality of their lives. They assumed varied roles, including becoming armed combatants, providing medical assistance, feeding armed groups and supplying opposing forces with intelligence information often at great risk to their lives. Taking on an active role in the conflict placed a woman in even greater danger than normal, as opposing forces treated women associated with enemy factions more brutally than their male counterparts.
389. Many women voluntarily joined the war for a variety of reasons including personal conviction and belief in the cause of the group or faction they belonged to. Others were enraged and angered by what they witnessed and chose to play an active role in an attempt to rectify perceived wrongs. Many women experienced personal losses, which hurt them a great deal and led them into enrolling in the Army to avenge their loved ones.³⁹⁰
390. Women who joined forces opposed to the legitimate government were regarded as perpetrators. Major Kula Samba, a soldier in the Sierra Leone Army who served under the AFRC, was charged and convicted of treason by the reinstated government of President Ahmad Tejan Kabbah. She was tried by Court Martial, sentenced to death with no right of appeal and executed in October 1998.³⁹¹ Other women accused of treason and put on trial were civilians among the large group charged to court in 1998, including Matilda King (third accused) Kaindeh Bangura (eleventh accused) and Mayilla Yansaneh (twelfth accused). They were all convicted of treason and sentenced to death

³⁸⁹ Manyeh, Alimatu, Walihun, Jaiama-Bongor Chiefdon, 27 February 2003

³⁹⁰ See, for example, Inter Press Services, article by Ruby Oforil, 18 December 1992. The article includes an excerpt from an interview in which a female soldier says that she joined the Army “because the rebels killed my dad at Benguema...about a year ago”.

³⁹¹ See Mansaray, *Women Against Weapons*, at page 144. Major Kula Samba served as the AFRC’s Secretary of State responsible for Social Welfare, Gender and Children Affairs.

but were lucky to escape being executed.³⁹² Nancy Steele, a veteran activist who was 75 years old at the time, was also convicted of treason in 1998 and died in the stampede from the detention cells when the rebels broke into Pademba Road Prison in January 1999.³⁹³

391. Another woman perpetrator of note was Tina Musa, the wife of the late SAJ Musa, an AFRC commander of fearsome repute. Tina Musa, perhaps inevitably given her husband's central role in the AFRC, herself became embroiled in the conflict. While her initial role was purely one of connection to her husband, upon his death she came to wield enormous influence over his renegade group. A similar scenario of power dynamics was reported of women who were originally abducted and forced to become members of the other fighting forces.
392. A major characteristic of the conflict in Sierra Leone was that in the vast majority of cases, women abductees were compelled to take on active perpetrator roles. Most of the major armed groups used these tactics in order to impose a sense of factional affiliation and identity on their civilian abductees.
393. Some of the armed groups established special units solely staffed by women and girls. The RUF, for example, had a unit consisting solely of women known as the Women Auxiliary Corps (WACS), which was also charged with running the Small Girls' Unit of the RUF.³⁹⁴
394. Women involved in the conflict as perpetrators also committed notable human rights violations. Female commanders were often given appellations that characterised the forms of behaviour for which they were notorious: Adama "Cut Hand"; Lieutenant "Cause Trouble"; Kumba "Blood"; Lady "Jungle Law"; and Hawa "Two Barrel", for example. Killing, maiming, looting, burning and amputations were among the violations attributed to females in the TRC database. One female perpetrator gave the following personal testimony:

"During the first attack in Masiaka... [a male commander] took me along with him. When we reached their base, around Bo, inside a forest, I was injected inside my mouth on my last tooth. That injection made me to become fearless. I was not afraid to do anything when we were in the front. I was the one who always led the group...

When others were afraid, I would go and offend government troops and later come and inform them and we would go and attack, that is why I was called Cause Trouble. I took part in many attacks in this country, including the one in Freetown. I harassed people for their goods and threatened to kill them if they don't give me what I am demanding for. One day we laid an ambush at Mange Bureh Bridge. I was leading... we attacked one truck which was carrying government soldiers and we succeeded...

³⁹² See Mansaray, *Women Against Weapons*, at page 44. Matilda King, Kaindeh Bangura and Mayilla Yansaneh were freed from detention when invading forces stormed the Pademba Road Prison during the 6 January 1999 attack on Freetown. They were later pardoned as part of the amnesty provisions in the Lomé Peace Agreement of 7 July 1999.

³⁹³ See Mansaray, *Women Against Weapons*, at page 44. Nancy Steele founded the National Congress of Sierra Leone Women (NCSLW), affiliated to the All Peoples' Congress (APC) party.

³⁹⁴ See Patrick Beinda, former RUF G-2 commander and prominent RUF representative in the Eastern Province, TRC interview at TRC Headquarters, Freetown, 18 June 2003.

During the attack on Freetown on 6 January 1999, I was among those sent to open Pademba Road Prison to free our colleagues... One day we attacked Pamalap and it was very tense, because our main aim was to capture Guinea because we have been paid for it... The fighting was very tense and I got afraid and was retreating back when I was caught by Guinean soldiers and I was taken to their prison where I stayed for one year with hard labour...³⁹⁵

395. Another female ex-combatant, from the RUF faction, testified as follows:

“One morning after our arrival in Camp Zogoda, some of us were called to assemble by Commander Murray. In the assembly, I was injected with cocaine and given one set of military uniform and a knife... We went out to fight from Saturday to Wednesday, every day except on Thursdays and Fridays.”³⁹⁶

396. Women perpetrators sometimes held positions of authority in the various factions. The late Major Kula Samba famously became the Secretary of State for Social Welfare, Gender and Children Affairs in the AFRC regime.

397. Other prominent women included Agnes Mani of the RUF, who was part of the RUF contingent to the Abuja Peace talks,³⁹⁷ and Memuna Sesay, who took charge of training for the RUF's Women Auxiliary Corps.³⁹⁸ The RUF was also said to have had as many as five women members on its War Council from 1992 to 1994.³⁹⁹

398. Many women struggle to understand why women took up arms and committed violations in the Sierra Leone conflict. However war and conflict force women into many different roles, which are not monochromatic in nature. Survival is paramount for women in times of conflict. Once involved, the nature of women's involvement is little different from that of men. Violence became glorified during the conflict in Sierra Leone. Male and female combatants alike were celebrated and revered by their peers the more brutal and violent the violations they committed. The Commission heard that, in a perverse way, a combatant could only receive adulation and respect from his or her comrades by attaining a certain level of sheer ruthlessness and notoriety.⁴⁰⁰

399. Many women combatants simply yearned to belong to the group and not to be perceived as weak or exhibit signs of femininity. These yearnings often led to women perpetrating even more cruel and violent behaviour than that carried out by men in their efforts to qualify for “inclusion” and “recognition”.

³⁹⁵ Marie Kargbo, TRC statement, Old Police Barracks, Kambia, 4 February 2003.

³⁹⁶ Isatu Sesay, TRC statement, Fullah town, Gbangbatoke, 4 February 2003.

³⁹⁷ Patrick Beinda, former RUF G-2 commander and prominent RUF representative in the Eastern Province, TRC interview at TRC Headquarters, Freetown, 18 June 2003.

³⁹⁸ See Mansaray, *Women Against Weapons*, at page 45.

³⁹⁹ See Mansaray, *Women Against Weapons*, at page 46. Two of the names given as female members of the RUF War Council are Mama Kombey and Mamei Abu.

⁴⁰⁰ See Patrick Beinda, former RUF G-2 commander and prominent RUF representative in the Eastern Province, TRC interview at TRC Headquarters, Freetown, 18 June 2003. See also Jonathan Kposowa, former Adjutant General of the RUF and present Secretary General of the RUFFP; TRC interview conducted at TRC Headquarters, Freetown; 23 June 2003.

400. The question of “survival” also profoundly motivated and influenced women perpetrators in their involvement in gross human rights violations. Engaging in acts of violence provided women with a guarantee of security and survival from their own colleagues.⁴⁰¹ Women had to prove themselves to their peers, as well as their individual commanders, by carrying out violations without flinching or displaying any outward signs of weakness.
401. While most societies tend to ascribe to women a certain aversion to acts of violence, the conflicts taking place around the world suggest otherwise. According to Goldblatt and Meintjes, understanding that women are capable of perpetrating violence enables us to see that women are not monolithic in their outlook as a group and are not bearers of certain essential qualities such as kindness and compassion.⁴⁰² Gender stereotyping is certainly upset by the multiplicity of roles women take on in conflicts.
402. Some military psychologists subscribe to a theory of crowd psychology as another reason for women having committed violations.⁴⁰³ By this theory, people lose their individuality to the group and act according to the dictates of the collective. Individuals experience a feeling of “almost limitless power”, promoting a kind of automatism that allows people to carry out acts without conscious thought, all the time supported by the formidable presence of the group. In this state a person can commit the most vile and gruesome violations. Often those in the group are vulnerable to this kind of pressure because of their own peculiar physiological make-up, whereas without a crowd they might not have the guts to carry out such actions in normal circumstances.
403. Drugs also played a major role in altering the mindset of many perpetrators, including women, thus allowing for the most horrible violations to be carried out.
404. In addition, many women, while not serving as combatants, took on collaborative roles. In a number of instances, women allegedly performed as spies on behalf of armed factions on both sides of the spectrum, acting both for and against the government.⁴⁰⁴ Women reputedly established relationships with some ECOMOG soldiers, which allowed them to garner information about ECOMOG’s military strength. They also gained first-hand knowledge of garrisons as well as the deplorable conditions under which surrendered soldiers were kept and passed on this information to the AFRC.⁴⁰⁵

⁴⁰¹ See Women’s NGO Coalition submission to TRC, at page 10.

⁴⁰² See the citation in the Women’s NGO Coalition submission to TRC, at page 10.

⁴⁰³ The theory of crowd psychology has among its proponents Gustave Le Bon and Wilfred Trotter, both military psychologists. The theory states that humans are herd animals with strong gregarious impulses. Therefore in a crowd, the group mindset, supported by the formidableness of the group, takes over from the autonomy of the individual and precipitates uncharacteristic forms of behaviour.

⁴⁰⁴ See Sulaiman Momodu, “Women Spies”, article in the *Concord Times* newspaper, Freetown; 1 June 1998, at page 2. See also Hassan Jalloh, former CDF commander of the Kamajors on the eastern border, TRC interview conducted in Freetown, 8 August 2003.

⁴⁰⁵ See TRC confidential interviews with female participants in the conflict who performed “reconnaissance” roles on behalf of the AFRC and RUF, Freetown, September 2003.

405. Women were additionally accused of assisting with the war efforts of some of the armed groups by buying and selling looted goods. Some female traders were even captured and charged to court on allegations that they trafficked small arms under the guise of trading their goods.⁴⁰⁶
406. The market women were the group most affected by these allegations. The Sierra Leone Market Women's Association responded to the allegations during its appearance before the Commission and stated that its members had in fact risked their lives to go beyond rebel lines to buy goods in order to support their families.⁴⁰⁷
407. According to Binta Mansaray, another witness before the Commission, attempted to capture the many dimensions to women's involvement with the different factions in the conflict:

"Pro-rebel women collaborators also helped rebels to infiltrate communities... providing rebels with food and shelter... on the other hand, pro-government women identified rebel collaborators and this at times resulted in the lynching and extra-judicial killings of alleged collaborators... Some women acted as spies and encouraged pro-government forces... they [also] provided food and shelter for ECOMOG and the Civil Militia".⁴⁰⁸

408. Women also suffered because their family members belonged to various combatant groups and they were labelled "collaborators". Labelling women in this manner was a dangerous and sometime malicious ploy, more often than not making the women increasingly vulnerable to being violated. A woman whose son was an SLA soldier told the TRC of her ordeal of being arrested as a "collaborator" at Maboima in 1999:

"I was taken to the Commander of the Kamajors, Mr. Moses Sam, and he ordered his Kamajors to tie me up with twine rope. I was then asked to pay a fine of two thousand Leones. I was unable to remove the money from my clothes, not until when my daughter Aminata came to my rescue and removed the money to pay it to the ground commander. I was then asked by the chiefdom ground commander [to identify] who was taking care of me. I pointed at one Mr. Bangura... No sooner had I pointed to him, the ground commander imposed a fine on me of two million Leones. I pleaded until I paid forty thousand Leones, otherwise I would have been killed....

Later, the ground commander ordered his fellow Kamajors to come with one leaf of zinc so that they could lay me on it and slaughter me but one Mr. Dauda advised them not to kill me. I was again fined one hundred thousand Leones, which I paid to save my life before I was released."⁴⁰⁹

⁴⁰⁶ Dr. Julius Spencer, former Minister of Information and prominent commentator on the Sierra Leone conflict, TRC interview conducted at private residence, Freetown, 26 March 2003.

⁴⁰⁷ See Market Women's Association submission to TRC.

⁴⁰⁸ See Mansaray, *Women Against Weapons*, at page 149.

⁴⁰⁹ Adama Conteh, TRC statement, Bauya Kongbora Chiefdom, Moyamba District, 5 March 2003.

409. Collaboration in war is often a result of the fact that women actively work to improve their situation and thus effectively support the efforts of one or the other side. Many conflicts, including the Sierra Leonean conflict, have arisen as a result of socio-economic inequalities, so it is not surprising that women become collaborators in order to survive. Ethnic allegiances, personal affinities and private loyalties also contribute to why women take sides.
410. The Commission notes that it experienced great difficulties in accessing the testimonies of women ex-combatants and collaborators. The Commission has endeavoured to tell their story from the statements made by other witnesses and also submissions made to the Commission. However their story has not been told in its entirety. While the TRC has attempted to report faithfully on the impact and consequences the conflict has had on the lives of women, including those of women combatants, it is necessary to caution that the plight of women ex-combatants and their families is fairly precarious.
411. Women have been extremely guarded in their responses and have tried to avoid being identified as combatants or collaborators for fear of being targeted and stigmatised. Common wisdom has it that it is not easy to live in Sierra Leonean society as a woman who was part of one of the armed factions. Many women consider that being identified in such a capacity would lead to negative reactions from their communities, or even from their families and relatives. Women thus suffer a “double victimisation”: having been compelled by circumstances to join the armed forces, they are further victimised by the same society for having done so. Non-disclosure facilitates their assimilation into their society and is yet another survival mechanism. Living under the fear of being recognised and identified then becomes a perpetual nightmare, however.
412. Given that some women were not able to come forward to the TRC for fear of ostracism, society as a whole has lost a unique opportunity to understand fully the role played by women in the war. Sadly women are still constrained by societal norms from talking about what happened to them. Society “re-victimises” women and appears unwilling to accept that women, just like everybody else who suffered during the conflict, had little to no control over what happened to them.
413. Women who have come forward to the TRC have testified about their own anguish at being identified, ostracised and mocked, or at being made social outcasts at for having been associated with the armed factions. This plight stands to be compared to the relative ease with which many of their male counterparts have been accepted back in society. The Commission finds that women in Sierra Leone have had no option other than to bury their past so as to be accepted back into society.

WOMEN AS MEDIATORS AND PEACE MAKERS

414. Women played a major role in the peace process that led to the end of the conflict. After enduring years of destruction and chaos, women began to assume constructive roles as mediators and peacemakers.
415. At the beginning of 1994, rural and urban women of all classes and ethnic affiliations organised protest marches and peace rallies across the country. From 1994 onwards, pioneering women of the likes of Amy Smythe, Elizabeth Lavalie, Dr. Kadie Sesay and Zainab Bangura, along with women's groups such as the Mano River Women's Peace Network (MAWOPNET), Women's Movement for Peace, Forum for African Women Educationalists (FAWE), the Women's Forum, Sierra Leone Women's Movement for Peace and many others, took the lead in rallying society towards the cessation of hostilities.
416. Women activists organised seminars, embarked on public marches, held conferences and worked tirelessly towards the elections of 26 February 1996. They educated civilians on electoral proceedings, recruited and trained observers and pressured the military rulers to respect the results of elections. Women's groups also figured prominently in influencing Brigadier Maada Bio's National Provincial Ruling Council (NPRC) military government to hold democratic elections in the first place. These efforts were led by the group known as Women Organised for a Morally Enlightened Nation (WOMEN). The Women's Forum, an umbrella body for women's NGOs in Sierra Leone, organised a march on 9 February 1996 to petition the then Independent National Electoral Commission (INEC) concerning the upcoming elections. Eventually, women helped monitor the conduct of the polls on 26 February,⁴¹⁰ which led to the assumption of office by President Ahmad Tejan Kabbah.
417. The overthrow of President Ahmad Tejan Kabbah in 1997 caused many Sierra Leoneans to go into exile. Many of the women mentioned above who had worked to secure a democracy also fled from the country. While in exile, some women continued their efforts to fight for justice and peace in Sierra Leone. Based in Guinea, Mrs. Zainab Bangura set up a field office of the Campaign for Good Governance (CGG). This office would serve as a focal point for civil society working for the restoration of democracy in Sierra Leone.⁴¹¹
418. The late Mrs. Patricia Kabbah made trips to United States of America and Belgium, seeking support for the restoration of democracy. The First Lady also presented a radio programme on Radio Democracy 98.1 FM, which she used to counter AFRC propaganda.⁴¹²
419. After the invasion of Freetown in January 1999, women also participated in the National Consultative Conference convened by the National Commission for Democracy and Human Rights (NCDHR), headed by Dr. Kadie Sesay. The conference was charged with collating civil society's views on the peace talks due to take place in Lomé later that year.⁴¹³

⁴¹⁰ See the Women's Forum, Sierra Leone; informational brochure explaining the organisation's objectives and some of its past activities, produced in Freetown, at page 3.

⁴¹¹ See Mansaray, *Women Against Weapons*, at page 149.

⁴¹² See Mansaray, *Women Against Weapons*, at page 150.

⁴¹³ See Mansaray, *Women Against Weapons*, at page 155.

420. Interventions by women in the post-Lomé peace process invariably tipped the balance in favour of the restoration of peace in Sierra Leone. In May 2000, a group of women belonging to various churches and mosques in Freetown requested and were granted an audience with RUF leader Foday Sankoh. Sankoh was reported to have treated the women with disdain upon their arrival at his residence. The women, angered by Sankoh's attitude, vented their displeasure. Christiana Macfoy of the Women's Forum told the BBC that:

“We are tired; we are not only tired, we are fed up. We have reached the end of the road as far as taking all these atrocities that are being committed. And it is the women who are bearing the brunt of it.”⁴¹⁴

421. The women's meeting turned out to be a prelude to a much larger demonstration of opposition to the RUF on 8 May 2000, when a broad cross-section of the entire populace, including as many as 2,000 women, marched on Foday Sankoh's Spur Road Lodge in Freetown. A chaotic breakdown of public security ensued, with members of the RUF and other armed factions opening fire on civilians, leading to the deaths of up to 40 people.⁴¹⁵ Foday Sankoh was captured some ten days later and taken into custody until his death in 2003.

422. There is no doubt that in the midst of the conflict and in the face of limited resources and continuing threats, many women in Sierra Leone worked relentlessly for peace. While most of the women involved had experienced the horrors of the conflict at first hand and were traumatised, they nonetheless rose above their personal circumstances to help to bring peace to their nation. They fought long and hard for normality to return to their lives, families and nation. In the process, some of them lost their lives.

423. The conflict has shown that while women are predominantly victims, they also play the roles of perpetrators and collaborators to armed groups. As combatants, they commit violations in the same way that men do. Militarisation and the presence of weapons create a culture of violence that often forces combatants to commit violations, sometimes as a means of survival, especially for women who still remain vulnerable even as combatants. Women have collaborated with the armed groups, serving in various capacities.

424. Throughout the world, while women often play a major role in the cessation of hostilities, they are routinely ignored and under-represented at peace negotiations and in the peace-building institutions that come into existence thereafter. Such was the case in Sierra Leone. Although two women representatives were involved in the Lomé negotiations, the only woman whose signature was appended to the Lomé Peace Agreement was Miss Coleman, who was a representative of the Organisation for African Unity (OAU).⁴¹⁶ It is sad to note that no Sierra Leonean woman was a signatory to the agreement and, further, that none was included on any of the various Commissions established to oversee or build upon the peace, such as the Commission for the Consolidation of Peace (CCP), Commission for the Management of Minerals and Strategic Resources, National Reconstruction and Development (CMMRD) or the Council of Religious Leaders.

⁴¹⁴ For the context of this quote and more detail on women's role in the events of May 2000, see Mansaray, *Women Against Weapons*, at pages 150 – 159.

⁴¹⁵ More detail on the landmark events of 8 May 2000 can be found in the chapter on the Military and Political History of the Conflict, in Volume Three A of this report.

⁴¹⁶ See Mansaray, *Women Against Weapons*, at page 159.

425. Despite the efforts of the many women's groups that have asked for more women to be included in government, there are currently only three women cabinet Ministers out of twenty-two, three deputy Ministers out of thirteen and sixteen women parliamentarians out of 120. These figures are insignificant in terms of the numbers of women in the country.
426. According to Dr Theo-Ben Gurivals at the debate leading to the first UN Security Council Resolution on Women, Peace and Security in October 2000:
- "Women are half of every community... Are they therefore, not also half of every solution?"⁴¹⁷
427. President Anwarul Chowdury of Bangladesh, who chaired the First UN Security Council Meeting on Women, Peace and Security stated that:
- "Members of the Security Council... affirm that the equal access and full participation of women in power structures and their full involvement in all efforts for the prevention and resolution of conflicts are essential for the maintenance and promotion of peace and security."⁴¹⁸
428. Women played a major role in ensuring that the conflict in Sierra Leone came to an end. However, they were marginalised in the peace talks and even more so in the various Commissions established after the signing of the Lomé Peace Agreement. Such exclusion, whether direct or indirect, deliberate or inadvertent, is characteristic of most countries where women's voices are not heard or taken into account. It is a situation that must not be allowed to persist in Sierra Leone. In this regard, the Commission considers UN Security Council Resolution 1325 on Women, Peace and Security, passed on 21 October 2000, to be pertinent.⁴¹⁹ It is important to locate the struggle for a strong women's voice in Sierra Leone in the broader struggle for women's inclusion in peace initiatives around the world. The institutions and processes of peace, security and development, as well as societies at large, are made stronger and more effective by the full and equal participation of women.

⁴¹⁷ See Rehn and Sirleaf, *Women, War and Peace*, at page 78.

⁴¹⁸ See Rehn and Sirleaf, *Women, War and Peace*, at page 78.

⁴¹⁹ See United Nations Security Council Resolution 1325 on Women, Peace and Security, S/RES 1325/2000, 21 October 2000.

IMPACT OF THE CONFLICT ON WOMEN AND GIRLS

429. Elizabeth Rehn and Ellen Johnson Sirleaf argue in their report entitled “Women, War and Peace” that the extreme violence women suffer during conflict does not arise solely out of the conditions of war but is directly related to the violence that exists in women’s lives during peacetime. They go on to say that “women experience violence because they are women, and often because they do not have the same rights or autonomy that men do”.⁴²⁰ Women are subjected to gender-based persecution, discrimination, sexual violence and oppression. Since they lack political rights or authority, they generally have no recourse. Women also lack access to the same resources that men have and have little or no control over their environment. The militarisation of societies during conflicts and the proliferation of small weapons lead to greater violence against women and, because men escape largely unpunished, greater impunity. Impunity in turn leads to greater levels of instability, thereby escalating the levels of domestic violence and sexual violence. The escalating violence leads to a new norm, which according to Rehn and Johnson continues long into the post-conflict period.⁴²¹
430. In the State of the World’s Mothers Report of 2003, Sierra Leone had the ignominious distinction of standing alongside four other countries as one of the worst places on earth in which to be a woman.⁴²² The Commission explores in the sections that follow what the consequences of the conflict have been for women in Sierra Leone. The consequences have been divided into various categories of impact, including socio-cultural factors, health considerations and changes to the economic and legal status of women after the war. The consequences described are both short-term and long-term in nature. Many of them have had a knock-on effect for the society at large. Wherever possible, the Commission has attempted to discuss also the various interventions from government and other actors designed to address these consequences.

SOCIO-CULTURAL IMPACT

431. In most traditional societies, socio-cultural norms and values are regarded as sacred. Those who flout the rules are usually cast out of their societies. In Sierra Leone, many of the norms and customs have as their core value the protection of women and girls. In addition many norms and customs exclude women from performing certain tasks and functions. The conflict in Sierra Leone shattered most of the norms and customs sacred to Sierra Leoneans, thus desecrating the value system underpinning their society.
432. Traditional society in Sierra Leone demands that women be cherished and looked after. In addition, women are customarily forbidden from taking up arms and becoming involved in warfare. Thus, those armed groups who targeted women and children, abducted them and sexually violated them broke all taboos of society. Women who became combatants in the conflict found themselves flouting all the normal rules and negating the cultural value system.

⁴²⁰ See Rehn and Sirleaf, *Women, War and Peace*, at page 13.

⁴²¹ See Rehn and Sirleaf, *Women, War and Peace*, at page 13.

⁴²² See Save the Children, *The State of the World’s Mothers 2003*, annual report into the conditions for motherhood and the advancement of women in selected countries around the world. The full report can be found at the website: www.savethechildren.org/mothers/report_2003/index.asp.

The Kamajors did not initially allow its members to harm women, children and unarmed civilians.⁴²³ However as the conflict progressed and less attention was paid to initiating new recruits in an ethical manner, previous undertakings were disregarded and the Kamajors also committed human rights violations against women and children. The conflict has had the effect of eroding the traditional conception of hunters' societies, thus resulting in the denigration of the original Kamajor society. A much-venerated cultural institution has been tarnished by the malicious and manipulative acts of the CDF leadership, especially its initiating cadre, during the course of the conflict.

433. Sexual violence and the kind of sexual violations that women suffered are themselves acts regarded as taboo in Sierra Leone. Sexual acts involving children, violations against older women, rape and disembowelment of pregnant women, rape and sexual abuse of pre-pubescent girls and virgins were all widespread in the conflict. These acts were carried out everywhere, defiling places regarded as sacred such as mosques, churches and the secret society "bushes" of the Bondo society. To carry out such heinous acts in highly sacred places is to undermine cultural and religious values yet further. Incest is regarded as a major crime and the forced acts of incest by many of the armed groups broke one of the major taboos not only of Sierra Leone but also in the wider world.⁴²⁴ The Commission finds that the RUF and the AFRC, in particular, deliberately engaged in strategies designed to destroy all the norms and values of traditional Sierra Leonean society.
434. There is no doubt the violation of women has led to the erosion of the mainstream value system in Sierra Leone. The consequences of the conflict are thus being seen in the high numbers of women and girls who continue to be raped and violated even in peacetime. Domestic violence is also on the increase. The consequences of the conflict have therefore been life altering not only for the victim but also for the wider society.

STIGMATISATION, OSTRACISATION AND ISOLATION

435. Rape and sexual violence as well as acts of extreme violence carried out on women and girls carry with them a price which women inevitably pay. Perversely women in most traditional societies are regarded as the custodians of the honour of men and society. Raping and violating them have come to symbolically represent the violation of the man and the society he belongs to. The bodies of women become the battleground over which opposing forces fight.⁴²⁵ In Sierra Leone women were raped and sexually violated often in front of their loved ones, humiliating and denigrating them. Women were forced to bear children belonging to the enemy. They are doubly victimised, they bear the burden of being raped which itself carries with it a stigma 'that of family honour being desecrated'.

⁴²³ See Hassan Jalloh, former CDF commander of the Kamajors on the eastern border, TRC interview conducted in Freetown, 8 August 2003.

⁴²⁴ Confidential testimony received before TRC Closed Hearings, Kailahun District, April 2003.

⁴²⁵ Rehn and Johnson-Violence against women, page 12

436. Women who are identified as having been raped or who disclose that they have been raped are regarded in Sierra Leone as bringing shame to their families. In addition to the pain and anguish of the rape and sexual violence, they mostly carry with them the pain of not being able to disclose their status for fear of being ostracised. In cases where women have made the rape and sexual violence known to families, efforts are frantically made to hush up the “disgrace”. The anguish and perceived shame is understandably even worse where the victim has borne the child of her rapist or captor. Many young mothers have been forced to give their children up to adoption.
437. Despite the pressure to bury the issue and to lapse into silence, some women in Sierra Leone have been brave enough to disclose their experiences publicly. Again it is the large number of women who experienced sexual violations in Sierra Leone that brought the issue to the fore. Women have complained to the TRC of stigmatisation in their various communities because some people have labelled them “rebel wives”.⁴²⁶ Re-integrating into their societies is difficult for those who have been forced into sexual slavery and in reality they are being penalised by society for matters totally out of their control and which occurred as a result of the conflict. Negative reception by family or community tends to accentuate their feelings of dislocation and social exclusion. Many women have expressed to the TRC their extreme sense of “rejection” and their “fear that they may never be able to lead a normal life”. Many would like to get married and have children and yet feel that no one will want them.⁴²⁷
438. In those instances where women have borne children from abusive relationships, the children remain a living reminder of a past their mothers would rather forget. Women and girls in this position face severe trauma and psychosocial problems, which has not yet begun to address.⁴²⁸

DISRUPTION TO FAMILY LIFE

439. Women who were the victims of sexual violence throughout the conflict in Sierra Leone have also suffered further blows. In attempting to resume normal family life, they have found that their husbands and in-laws reject them, precisely because of the violations they have experienced. Marital relationships have broken down dramatically, with most spouses unable to deal with the fact that their wives have been sexually violated.⁴²⁹ Many of the women who were displaced and separated from their husbands lived in rebel-held areas and are now unable to return to their original relationships because they have been “other men’s wives”.⁴³⁰ A victim who was raped and subsequently made a sexual slave testified to the Commission as follows:

“When I returned, my former husband left me. He said it was because; I had been taken away by rebels. I was now with no husband.”⁴³¹

⁴²⁶ “First Witness” – confidential testimony received before the TRC Special Thematic Hearings on Women, Freetown, 22 to 24 May 2003.

⁴²⁷ “Second Witness” – confidential testimony received before the TRC Special Thematic Hearings on Women, Freetown, 22 to 24 May 2003.

⁴²⁸ See Women’s NGO Coalition submission to TRC, at page 12.

⁴²⁹ “Second Witness” – confidential testimony received before the TRC Special Thematic Hearings on Women, Freetown, 22 to 24 May 2003.

⁴³⁰ See Women’s NGO Coalition submission to TRC, at page 12.

⁴³¹ Confidential testimony received before TRC Closed Hearings, Matru Jong, Bonthe, July 2003.

440. The plight that many women emerging from the conflict experience was also highlighted in an address by a woman community leader during the closing ceremonies of TRC hearings in the Kono District:

“From the stories you have heard, I am sure that you know how much our women and our children have suffered... especially the women: some of the men do not want to have them again as wives or friends...”⁴³²

441. The war has led to many women being divorced by their husbands. The consequences of divorce do not only impact on the lives of those directly affected but also impact on children and the extended families. Families traditionally bound together experience strained relationships as marriages bind families and not only the immediate the parties in African society. Women experience again a “double victimisation”, as they now have to bear the economic and social consequences of divorce.
442. The war also led to the total breakdown of family structures and the social fabric. Displacement, social dislocation and the breakdown of normal family life that occurred because of the war has also created new social problems. The extended African family system which has traditionally been a bulwark in preserving social norms and rules and which has provided safety net for large number of persons has been stretched thin and in some instances does not exist at all. The lack of guidance for young people particularly young girls at family and community level caused by the death of parents and the removal of the safety net has exposed many young girls to risky sexual behaviour. Family disintegration has been highlighted as a phenomenon that has provided a pathway to commercial sex work in Sierra Leone.⁴³³

PROSTITUTION AND SEXUAL EXPLOITATION

443. The legacy of the conflict on the already beleaguered women of Sierra Leone is extreme poverty and limited opportunities to engage in economic activities. The absence of viable employment opportunities and the need to survive has compelled many women to become commercial sex workers. In this regard, the Commission notes that a clear link exists between economic impoverishment and the increase in prostitution and sexual exploitation in post-conflict Sierra Leone. According to a report on commercial sex workers produced from a study by the NGO Goal Ireland, poverty is the primary cause that leads to prostitution. This trend was observed not only internally in Sierra Leone but also among women and girls who had fled the country as refugees to neighbouring countries:⁴³⁴

“Poverty, in all its paradigms (meanings) and perspectives is the main culprit for the female entering into commercial sex work.”⁴³⁵

⁴³² See the closing statement by the Chairlady of KSMTC, Kono community organisation, made at the conclusion of TRC public hearings in Koidu Town, Kono District, April 2003.

⁴³³ See Lebbie, S. H.; “*Survival Strategies of the Girl-Child and Young Women: Commercial Sexual Exploitation in the streets of Freetown*”; Goal Ireland, Freetown, February 2000, at page 7.

⁴³⁴ See Save the Children – UK and UNHCR, “*Sexual Violence and Exploitation: The Experience of Refugee Children in Liberia, Guinea and Sierra Leone*”, April 2002, at page 25.

⁴³⁵ See Lebbie, S. H.; “*Survival Strategies of the Girl-Child and Young Women: Commercial Sexual Exploitation in the streets of Freetown*”; Goal Ireland, Freetown, February 2000, at page 37.

444. Prostitution and sexual exploitation have many devastating consequences, not least health problems, societal rejection, violent assaults and an increase in the risk of contracting disease. Prostitution and sexual exploitation have also become aligned with other criminal acts such as theft and drug addiction. A frighteningly high number of young girls have become sexually active at a young age and have fallen into prostitution in order to survive. They are exposed to the mercy of their “clients” and are powerless to negotiate safe sex or control the relationship. They are extraordinarily vulnerable to sexually transmitted infections, HIV/AIDS, early pregnancy and unsafe abortion.⁴³⁶ They live on the edge of society.

HEALTH

445. Armed conflicts always impact negatively on the health of civilians. In addition to fatalities and injuries experienced as a direct result of the conflict, there are also consequences attached to the complete breakdown of public health systems and the displacement and movement of the population. The outbreak of infectious diseases in refugee camps, stress and mental health disorders and the trauma of experiencing violence are all often overlooked.
446. While both men and women are affected by the breakdown of the health system, women are affected in ways directly attributable to their gendered experiences of the conflict. This is particularly true in the area of reproductive health, which includes life-threatening pregnancies, lack of access to birth control measures and injuries arising from sexual violence.

REPRODUCTIVE HEALTH

447. Pregnancy and delivery of normal healthy babies are difficult and dangerous at the best of times. During a conflict, they are life-threatening. It has been estimated that in poor countries, maternal mortality rates are nearly forty times those in the industrialised world.⁴³⁷ In Sierra Leone, the MICS Survey of 2000 reported a maternal death rate of 1,800 out of every 100,000 births. Over 60% of these maternal deaths were considered to be due to preventable causes.⁴³⁸
448. During the conflict, many pregnant women, finding themselves in the most repressive conditions, were not able to access medical help. In the case of those who were forced to live with the armed forces, being constantly on the move prevented them from accessing any health-care facilities. Many women and girls were also deprived of health services due to the fact that the armed forces had destroyed or looted them during the conflict.⁴³⁹ Many women also found themselves experiencing malnutrition, particularly in rural areas where they were unable to grow vegetables or engage in farming activities due to the war. In these circumstances, women died in inordinately high numbers.⁴⁴⁰

⁴³⁶ See World's Women, *Trends and Statistics 2000*, report on issues affecting female development globally. See also the website: <http://unstats.un.org/unsd/demographic/ww2000/health2000.htm>.

⁴³⁷ See World's Women, *Trends and Statistics 2000*, including the website in the above footnote.

⁴³⁸ Government of Sierra Leone; Report on the Status of Women and Children; November 2000.

⁴³⁹ See Women's NGO Coalition submission to TRC, at page 4. According to this submission, by 1997 only 70% of all health facilities in Sierra Leone were functioning. The rest had been looted, damaged, burnt down or abandoned as a result of the war.

⁴⁴⁰ See World's Women, *Trends and Statistics 2000*, including the website in the above footnote.

449. While access to proper medical care and proper nutrition are major factors in reproductive health, the constant exposure to violence and death during the conflict also took its toll on pregnant women. They suffered enormous mental trauma from the experiences and exigencies they were subjected to. Women's groups report that in many emergency situations, spontaneous abortions occurred as a result of the extreme mental and physical stress. As no immediate medical assistance was on hand in the bush many women died under these circumstances. While no accurate data exists, anecdotal evidence to the Commission suggests that many women died under these circumstances.
450. Access to information and a proper reproductive health system empowers women to take charge of their lives and makes it possible for them to have a safe sex life. They have the right to make choices as to whether they wish to reproduce and have the freedom to do so when they wish. All of this was taken away from them during the conflict. Chaos and mayhem reigned and as a result thereof, women were negatively impacted upon by the lack of access to proper health care, the lack of choice and the loss of freedom to make choices. This has severe negative implications for their continued development in both public and private spheres. Opportunities for education, economic and political empowerment have been lost.⁴⁴¹

SEXUAL VIOLENCE INJURIES

451. Women in Sierra Leone are severely affected by the injuries they have sustained as a result of the sexual violations they have experienced. Gynaecological problems that many suffer included a prolapsed uterus and Vesico-Vaginal Fistula (VVF) lesions.
452. According to a submission made by FAWE,⁴⁴² the gang rape and multiple rape of two women who were raped by 15 and 30 rebels respectively, where one of the victims had only given birth two weeks before being raped, led to both victims suffering from a prolapsed uterus. In the case of the first victim, repairs took place, which focused on the uterus assuming it proper position. For the second, the severity of the prolapse required the uterus to be taken out.⁴⁴³
453. These anecdotes testify to the continuing consequences for women. The loss of the uterus effectively renders a woman infertile and further leads to the destabilisation of her whole life, as Sierra Leonean society attaches a stigma to infertility. Some women are suffering from incontinence due to Vesico / Recto Vaginal Fistula (VVF / RVF), which has made life for them very unbearable.⁴⁴⁴
454. FAWE reports that in terms of the work it has done with women victims, injuries have ranged from small scars to big lower abdominal laparotomy wounds. The latter category results from women having their stomachs opened by the armed forces while pregnant.⁴⁴⁵

⁴⁴¹ See Women's NGO Coalition submission to TRC, at page 11.

⁴⁴² See FAWE submission to TRC, at page 14.

⁴⁴³ See FAWE submission to TRC, at page 14.

⁴⁴⁴ A TRC statement taker reported the case of a female VVF patient from whom she had endeavoured to take a statement, but was ultimately unable to do so due to the extreme discomfort and persistent medical problems experienced by the female in question.

⁴⁴⁵ See FAWE submission to TRC, at page 14.

UNPLANNED AND UNWANTED PREGNANCIES

455. Another consequence of the conflict in Sierra Leone has been the numerous unplanned and unwanted pregnancies that affected the vast majority of women abducted and forced into sexual slavery and who suffered sexual violence. Unwanted children are an aspect of this legacy.⁴⁴⁶ For many women already affected by the stigma of association with the RUF and the AFRC, the children born from these unions are a further burden on them. The circumstances around the conception of these children turn what should be a desirable human experience into an unbelievable and life-long nightmare. Women and girls who have borne children in this way face not only the humiliation and pain they suffered from rape and sexual violence, but also a living reminder of what happened. The stigma ensures further social dislocation, prohibits reintegration and causes further trauma. It poses severe economic and psychosocial problems for the mothers, their children and their families.
456. Many of women who testified to the TRC admitted that their feelings towards their children were ambivalent. While they associated the children with the brutality meted out to them by the perpetrator and resent having to look after them, the children are also part of them and need their care and attention. In some instances, the children have been accepted in their mother's families but there are a number of cases where mothers with children born under these circumstances have been forced to leave their family and immediate society altogether as they met with such reluctance to absorb them. The virtue of forgiveness, so deeply rooted in African culture, is at odds with the traditional society's feelings of repugnance towards children born in this way, particularly in Sierra Leone. However in many societies, the culture of silence about children born from acts of sexual violence has also silenced any rumblings over children born from "forced marriages".
457. In most conflicts, women raped face the possibility of children being born from such acts of violence. While abortion is one mechanism to deal with such unwanted pregnancies, it is not always an option open to every woman. In Sierra Leone abortion is considered illegal. While it is possible to have a "back street" abortion, for most women this course is undesirable as it is expensive and the risks associated with it are enormous.
458. Another prohibiting factor has been the destruction of health services facilities, coupled with the flight of some health professionals, which has made abortion almost unavailable in Sierra Leone. Abortion has been driven underground and has thus been placed practically out of reach. The vast majority of women in Sierra Leone have thus had no choice but to carry their babies to full term.
459. Many of the women who testified to the Commission indicated that their children themselves were unaware of the circumstances of their birth. Society has not dealt with the issue in any honest or transparent fashion. What is clear is that education is needed to help society confront the problem openly and sensitively.

⁴⁴⁶ See FAWE submission to TRC, at page 3.

SEXUALLY TRANSMITTED INFECTIONS – STIs

460. It is a fact that in situations of armed conflict women are often extremely vulnerable to contracting sexually transmitted diseases or infections (STDs or STIs), given the indiscriminate sexual violations to which they are subjected. High rates of STDs and STIs are likely to occur among internally displaced populations and refugees, as studies have linked moving populations from conflict zones with their spread and the escalation of HIV/AIDS.⁴⁴⁷ The high prevalence rate of STIs among military populations around the world (estimated at between two and five times the rate for civilians), together with the extensive contact between civilians and combatants in times of conflict, lead to high levels of infection.⁴⁴⁸
461. Poor countries like Sierra Leone are even more liable to experience the spread of STIs upon the cessation of hostilities. The lack of access to medical care and assistance for women in the post-war environment makes them an even more vulnerable group. The breakdown of health facilities during the conflict and in its aftermath often means that women have no access to medicines, reproductive health care services, contraceptive services or counselling. Many women in their statements and testimonies to the Commission stated that they are presently suffering from vaginal discharges, which they attribute to the sexual violations they suffered in the conflict.⁴⁴⁹ Experts who have made submissions to the Commission attribute such complaints to the untreated STIs that women have contracted out of the sexual violations they have suffered. Often STIs go untreated as a result of ignorance, lack of adequate health care facilities, poverty and social instability, all of which are legacies of the conflict in Sierra Leone. The implications of STIs are profound, as a simple infection can easily develop into pelvic inflammatory disease and eventually cause infertility. In most African societies – and Sierra Leone is no exception – an enormous social stigma is attached to infertility.
462. Again, there is insufficient data on how many women suffer from STIs in Sierra Leone. Lack of access to information on safe sex and how to prevent the spread of STIs as well as poverty and powerlessness impact on the ability of women to take charge of their own lives. Several submissions to the Commission picked out women's enforced subordination in terms of sexual and reproductive health as a major issue that will need to be addressed in the near future.⁴⁵⁰

⁴⁴⁷ See Rehn and Sirleaf, *Women, War and Peace*, at page 41.

⁴⁴⁸ See Rehn and Sirleaf, *Women, War and Peace*, at page 52.

⁴⁴⁹ More detail on the long-term effects that women have suffered as a result of sexual abuse violations can be found in the results of the Commission's special coding exercises and accompanying commentaries in the Statistical Report produced as an Appendix to this report, as well as in the chapter on Reparations in Volume Two of this report.

⁴⁵⁰ See, for example, Planned Parenthood Association submission to TRC, at page 2.

HIV / AIDS

463. In general, gender inequality is a major force behind the HIV/AIDS epidemic. According to Lee Waldorf in a study on HIV/AIDS and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), commissioned by United Nations Development Fund for Women (UNIFEM), a wide range of power imbalances and inequalities between men and women – rooted in economic relations, in family structures, in differences in education and experience, in exposure to violence and in cultural expectations – have placed many women in the position of being unable to negotiate safer sexual practices with their partners. It is a fact that women and adolescent girls are more vulnerable to HIV/AIDS than men and boys.⁴⁵¹
464. While the conflict in Sierra Leone has been largely responsible for the increased numbers of women and girls who live with HIV/AIDS, cultural practices such as female genital mutilation and early marriages are also thought to have had a significant impact on the problem.⁴⁵² In the main, the total powerlessness of women to negotiate safe sex or avert abuses during conflict situations, coupled with the deliberate strategy of the armed forces to rape and sexually violate women, have contributed to the spread of HIV/AIDS amongst women.
465. Conflicts are a major factor in spreading HIV/AIDS. Women are denied control over the partners they have sex with. In Sierra Leone this problem has been exacerbated because of the nature of the conflict, especially the high levels of rape and gang rape to which women and girls were subjected. Systematic violations, along with low awareness of HIV/AIDS and the breakdown of vital services in health and education, contribute to the rapid growth in the number of people who contract HIV/AIDS. In the aftermath of the conflict, many women have turned to commercial sex work as a means of survival, because of the complete devastation of the economy and the needs of their impoverished families. Prostitution too has led to an increase of HIV/AIDS amongst the Sierra Leone population.
466. Transmission from mother to child and lack of access to proper health care are further major reasons for the increase of HIV/AIDS infection.
467. Finally but importantly, the abusive parts played by some peacekeepers in post-conflict Sierra Leone have accelerated the epidemic. Peacekeepers have contributed significantly to the increase in the commercial sex trade, as they have favourable economic resources, which make them an attractive option for the local sex workers. In many instances, a sex worker's earnings are relied upon as a source of income for her entire family, who thus encourage her to ply her trade. It is common knowledge in Sierra Leone that sex workers earn higher fees for sex without condoms and this perilous practice itself contributes to the spread of HIV/AIDS.

⁴⁵¹ See Waldorf, L., Study of the impact of the HIV/AIDS epidemic on women, using the analytical framework of CEDAW, study commissioned by UNIFEM. See also the UNFPA report available on the following website: <http://www.planetwire.org/files.fcgi/2137-women.pdf>.

⁴⁵² See the UNFPA report: <http://www.planetwire.org/files.fcgi/2137-women.pdf>, at page7.

468. There is no doubt that women have been placed in a precarious and vulnerable position in terms of HIV/AIDS epidemic in Sierra Leone because of the conflict. The 2002 report by the Joint United Nations Programme on HIV/AIDS (UNAIDS) on the global AIDS epidemic estimated that “by the end of 2001 there were 170,000 persons between the age 15 and 49 living with the virus in Sierra Leone”. UNAIDS estimates that more than 50% of this total, which is about 90,000 sufferers, are women and girls.⁴⁵³
469. The consequences of the HIV/AIDS epidemic on women are far reaching and have been referred to as the “triple jeopardy”, as HIV/AIDS affects the productive, reproductive and community roles that only women can play.⁴⁵⁴ Their positions as reproducers, mothers and caregivers are all affected.
470. Stigmatisation and ostracisation are another consequence of HIV/AIDS. Women living with the virus, experience high levels of stigma and discrimination on the basis of their HIV/AIDS status. This prevents any discussion on publicly discussing the causes of HIV/AIDS and from seeking appropriate responses to the disease. Those affected are often unable to seek treatment or assistance in case their status is discovered. In conflict situations, matters are further exacerbated by the general state of anarchy that is prevalent. Even in post-conflict situations, issues are prioritised and attentions are focused more on reconstruction than on other issues such as HIV/AIDS.
471. The depressed post-war economy has meant that Sierra Leone has not been able to prioritise either the reconstruction of the health system or the management of the HIV/AIDS epidemic. It does not possess the necessary purchasing power to buy anti-retroviral drugs, even where available. The lethal combination of poverty and a non-functional health sector means that the infected women do not have a chance at survival. The statistics speak for themselves. According to the NGO Save the Children, Sierra Leone is no different to other post-conflict countries where the response to dealing with HIV/AIDS in the aftermath of the conflict has been poor.⁴⁵⁵
472. HIV/AIDS devastates families and makes orphans of children. As mothers and caregivers, the death of women through HIV/AIDS has a devastating impact on the family, particularly on children. Children become adults overnight, engaging in economic activities for survival, thus perpetuating child labour and poverty. Some degenerate into drugging, commercial sex work, stealing and other acts that are inimical to their lives and progress in the short as well as long term.
473. An emerging problem is the new dependence on the aged to take care of those living. This is a reversal of a pattern in African societies such as Sierra Leone where children are the usual support structures for the aged. The death of women and children through HIV/AIDS has led to untold hardship for the aged as they have lost the comfort of being taken care of. They have also had to take on the role of providers and caregivers to their children living with HIV/AIDS and on their death to assume same role for their grandchildren. It is important to note that most caregivers or providers are women.

⁴⁵³ See Joint UN Programme on HIV/AIDS, *Global Report 2002*; also at: www.unaids.org.

⁴⁵⁴ See Bennett, O.; *Triple Jeopardy: Women and Aids*; Panos Institute; London. Also available at the website: <http://www.eldis.org/gender/dossiers/stigma.htm>.

⁴⁵⁵ See Save the Children, *HIV and Conflict: A Double Emergency*, report also on the website at: http://www.savethechildren.org.uk/temp.scuk/cache/unsattach/212_hivconflict.pdf.

474. At a national level the loss of person-power affects the economy. Given the role of women in subsistence farming in countries like Sierra Leone, the effect of HIV/AIDS on the economy is profound. Sierra Leone lacks accurate statistics of how many women contracted HIV/AIDS during the conflict and how many are living with the virus or have died as a consequence of contacting the virus.

THE IMPACT OF AMPUTATIONS ON WOMEN

475. Women were as much the victims of amputations as men. The effects of the amputations on their lives have been manifold, ranging from health, social to economic. After the war, Handicap International and MSF provided assistance to amputees and ran medical services at the Aberdeen Amputee camp. While MSF no longer provides any services, Handicap International has continued to provide some services to amputees. Women amputees told the Commission that they were not able to access the services presently provided by Handicap International.⁴⁵⁶
476. While amputations of all kinds have a devastating effect on women and girls, it is important to note that the degree of social and economic dependence of an amputee is determined by the type and level of loss of limb. In an agrarian economy like that in Sierra Leone, amputated women and girls lose the ability to actively engage in farming activities. This affects their ability to earn a living and also to provide food for the family. Many women and girls in Sierra Leone have been reduced to begging for their sustenance and that of their families.
477. The state in Sierra Leone does not have at present the capacity to rehabilitate amputees, particularly women and girls. In those instances where young girls have had their limbs amputated, their futures have been completely compromised. Coupled with poverty, they face a future without any opportunity or hope. The fate therefore of many girls who suffered amputations in the conflict presently hangs in the balance. Women who through amputations have lost their ability to earn have in many instances lost their husbands. In other instances, men who are unable or unwilling to care for their amputee wives have left them.
478. The social impact of amputations is equally far reaching. It ranges from lifestyle change, loss of social interaction and loss of self-esteem, to effect on family members. For women, the transformation of their bodies has had an effect on their self-esteem. Many amputee women expressed the view that they felt incomplete, ashamed and not worthy of being loved. Amputations have had a profound impact on relationships they have had before the amputation. Many women state that they have become social recluses, refusing to interact with other members of society. Many have become depressed and talk about taking their own lives. Amputations also impact on other family members as it puts an added strain on the resources of the family in trying to cope with the situation. Role changes occur in the family, which cause diverse sentiments of resentment among family members. For women amputees the inability to carry out their previous functions is a particularly bitter pill to swallow.

⁴⁵⁶ "First Witness" – confidential testimony received before the TRC Special Thematic Hearings on Women, Freetown, 22 to 24 May 2003.

479. Women amputees expressed to the Commission their anguish at their loss of privacy, particularly with regard to carrying out their bodily functions. Women who are double amputees, either of the legs or hands, are profoundly affected. Being dependent on others to assist them with intensely private functions, they consider themselves stripped of dignity and a burden to others.
480. Amputations affect not only the individual concerned but have knock-on effects on the entire society. Perfectly healthy normal individuals now need care and assistance. They impact on the economy for a whole generation.

THE WIDE-RANGING EFFECTS OF SEXUAL VIOLENCE

481. Sexual violence has had both physical and psycho-social consequences. The physical wounds seen in sexual violation cases range from genital trauma, bruising, lacerations, abrasions, mutilations and damages to surrounding pelvic structures. According to a medical practitioner attached to Connaught Government Hospital in Freetown, in treating the many victims of sexual violence after the war doctors have noticed the following:

“Sexual violence also led to unwanted pregnancies, risky abortions, STIs, HIV/AIDS, sexual dysfunctions, infertility, miscarriages, stomach pains, nausea, vaginal pains, irritable bowel syndrome, still births, itching, burning, traumatic stress disorder, death, urinary tract infections, and many other desperate health problems.”⁴⁵⁷

Psycho-social consequences

482. Some of the psycho-social consequences that victims of sexual violence exhibit are anxiety, depression, flashbacks, shame, anger, guilt/self-blame, fear, suicide, post traumatic stress disorders, inferiority complex and general hopelessness. In Sierra Leone as in most African societies, the psycho-social problems of victims are not properly discussed or dealt with. People have been largely unable to express their views or their personal thoughts in the aftermath of the conflict. A myth that prevails in African societies is that there is no need for counselling as traditional structures exist that allow those affected to deal with trauma. While such a statement may have been true in the past, the conflict has left society broken and fragmented. No mechanisms exist for women in particular to deal with their feelings of anger, humiliation and shame. In many of the hearings before the Commission, rape victims expressed shock, anger, resentment and a general sense of loss at their plight. Most of them were also given to weeping fits during their testimonies.⁴⁵⁸
483. At an emotional level, most sexual victims exhibit such symptoms as being prone to depression, anxious, fearful and resentful of other people. They also exhibit changes in behavioural patterns, for example generally peculiar behaviour, expressions of guilt, loss of self-worth, inability to function as before and signs of withdrawal symptoms. Victims and their families require urgent and full access to trauma counselling.

⁴⁵⁷ Kamara, R. (Dr.); Medical practitioner attached to Connaught Government Hospital, TRC interview conducted in Freetown, 27 June 2003.

⁴⁵⁸ See, for example, “First Witness” and “Second Witness” – confidential testimonies given before the TRC Special Thematic Hearings on Women, Freetown, 22 to 24 May 2003.

Mental health

484. The conflict in Sierra Leone has left a marked impact on its peoples. Many have been left deeply traumatised. The massive violence to which the population has been exposed will inevitably leave a lasting impression on the national psyche.
485. While both sexes have suffered terrible violations, women's experiences have been exacerbated by gender-based violations. Recent studies suggest that women and men respond differently to trauma. These studies suggest that women run twice the risk of developing post-traumatic stress disorders as certain types of trauma may have a deeper and longer-term psychological impact on women.⁴⁵⁹
486. Sierra Leonean women were exposed to traumatic events such as rape and sexual violence, the killing of close family members and the burning and looting of their properties, as described earlier in this chapter. Many women had to leave their homes to live as displaced persons or refugees in foreign countries, without any support systems. Such dislocation and emotional freefall again precipitate enormous trauma. A recent survey on mental health and substance abuse in post-conflict Sierra Leone showed that more than 90% of the sample population had a significant traumatic exposure. Between 50% and 75% of the sample demonstrated "moderate symptoms" of trauma, while between 15% and 25% showed "severe symptoms".⁴⁶⁰ The survey included both sexes.
487. Sierra Leone has only one psychiatric hospital with one trained and qualified psychiatrist to provide psycho-social counselling to trauma victims after the conflict.⁴⁶¹ Trauma counselling services have been provided through the services of non-state institutions and organisations, such City of Rest and Cooperazione Internazionale (COOPI), who were working on seventeen categories of traumatic experience including eating disorders associated with forced cannibalism. Other organisations such as MSF Holland, FAWE and IRC have also provided psycho-social counselling.
488. It is important to note that Sierra Leoneans do not ascribe as much importance to treating mental health conditions as they do to treating physical afflictions. The psychological effects of the conflict, especially the effects on women, are generally underplayed if not dismissed altogether.
489. Armed conflicts have a profoundly negative impact on the health of women. Factors such as the destruction of family and community networks and support systems, poverty and the loss of livelihood reduce the capacity of individual women to protect their own and their families' health for decades to come.

⁴⁵⁹ See Barreslau, N.; "Gender Differences in Trauma and Post-Traumatic Stress Disorder", in *Journal of Gender Specific Medicine*, Vol. 5, No. 1, January – February 2002, at pages 34 to 40.

⁴⁶⁰ See Jemsen, B. S.; "Mental Health and Substances Abuse in Post-Conflict Sierra Leone", published by the World Health Organisation, October 2002, at page 10.

⁴⁶¹ See Dr. Edward Nahim, Sierra Leone's only qualified psychiatrist, TRC interview conducted at Kissy Mental Hospital, Freetown, 30 July 2003.

490. Women and girls have been hugely disadvantaged by the complete deterioration of existing health services and the lack of access to properly trained personnel. Of particular immediate concern is the non-existence of services to deal with physical problems, but the total lack of skilled counselling professionals is just as ominous because of its longer-term effects. Had it not been for the non-governmental sector, women and girls in Sierra Leone would have had no recourse to any assistance.

POST-CONFLICT MECHANISMS FOR INTERVENTION IN RESPECT OF WOMEN AND GIRLS

INTERVENTIONS IN RESPECT OF SEXUAL VIOLATIONS

491. A number of agencies took specific measures after the conflict to address problems generated by sexual violence. An intervention that had a major impact on women was the programme run by the Forum for African Women Educationalists (FAWE), with support from Médecins Sans Frontières (MSF). FAWE had discovered that a large number of girls had been sexually violated during the January 1999 invasion of Freetown.
492. The programme that FAWE devised was called Operation Freedom.⁴⁶² In collaboration with MSF and Sierra Leone Association of University Women (SLAUW), FAWE trained a team of specialist in counselling, case management and referrals. FAWE used partnerships with other agencies to raise awareness of the services they were providing to sexual violence victims, including the availability of free medical services. They also carried out sensitisation campaigns for the broader society in order to deal with the negative attitudes that victims of sexual violence were experiencing. The programme provided more than 2,000 victims of sexual violence with access to micro-credit schemes and educational assistance. In spite of the huge success of Operation Freedom, it stuttered to a halt due to lack of funding. After funding from MSF stopped, the UNHCR provided funding for an additional two months. This emergency contribution was insufficient to allow the programme to continue.
493. The Christian Children's Fund Sierra Leone, in collaboration with the Sierra Leone Association of University Women, embarked on a similar initiative, which took the form of a community-based initiative to train health care workers, teachers and community representatives in basic therapeutic skills to deal with victims of sexual violence. More than 600 people were trained. However, funding problems also forced this programme to be ended prematurely.
494. The Council of Churches of Sierra Leone and Campaign for Good Governance have established programmes to provide legal support to victims. At the same time, they embarked on campaigns to improve the prosecutorial process by providing the following services: case management to survivors and their families; sensitising lawyers and members of the judiciary about gender-based violence; and advocating for improved legislation.⁴⁶³

⁴⁶² Christiana Thorpe, Founding President, Forum for African Women Educationalists (FAWE), TRC interview conducted in Freetown, March 2003.

⁴⁶³ More detail can be found at the following website: www.womensCommission.org/pdf/ifnotaf.pdf.

495. Currently, the International Rescue Committee (IRC) maintains a gender-based violence (GBV) programme in the country, which it started in 1999 as a component of an emergency reproductive health programme. According to IRC, the need for this programme became necessary due to the realisation that:

“The health programme recognised that the specific health and psycho-social needs of the women and girls raped and sexually assaulted during the war were not being adequately addressed.”⁴⁶⁴

496. The IRC programme is holistic in nature and seeks to address not only preventative mechanisms but also to improve the quality of response from the health, psychosocial, legal/justice and security sectors. While initially the GBV programme was meant to provide emergency health and psychosocial service to survivors immediately after the conflict, it has developed to the point where it now deals with problems of the post conflict period. It currently operates in Kono, Kenema, Kailahun and Freetown.

497. According to the IRC, as at June 2003, it has assisted over 800 survivors of conflict and post-conflict related gender-based violence. In the Provinces, the programme works with communities to establish Women’s Action Groups (WAGs). The groups are provided with training on gender-based violence issues and according to IRC, serve as agents of change in their respective communities. A development of the IRC gender programme is the establishment of a Sexual Assault Referral Centre named the “Rainbo Centre” situated at Princess Christian Maternity Hospital in Freetown. They hope to start off two more Sexual Assault Referral Centres in Kenema and in another location to be yet determined.

498. A National Sexual Violence Committee was established and is currently chaired by the Ministry of Social Welfare, Gender and Children’s Affairs. It includes UNICEF and a number of other non-governmental organisations involved in the provision of services dealing with sexual violence.

Effectiveness of interventions in respect of sexual violence

499. While the efforts of these bodies are to be lauded, attitudes in the country have not changed greatly. Victims of sexual violence still experience the stigma of disclosing the violation. Sierra Leonean society has not really woken up to issues of sexual violence and a culture of silence still prevails. Structures meant to deal with issues of sexual violence do not take the crime seriously. As a consequence, victims of sexual violation under-report these crimes.

500. Police attitudes towards the victims of sexual violence are problematic. In many instances women do not report the crime, as they are aware of the fact that they will receive very little sympathy from the police. The government is aware of the problem and has tried to address it through the establishment of Family Support Units within the police force, designed to deal sensitively with women. The government has also begun to provide training for the police in the handling of domestic and sexual violence.

⁴⁶⁴ See International Rescue Committee (IRC); Submission to the Truth and Reconciliation Commission, 18 June 2003 (hereinafter “IRC submission to TRC”), at page 2.

501. Despite these initiatives, according to the IRC, police personnel in the Provinces receive inadequate training to conduct interviews with survivors of sexual violence who are mainly girl-children. They complain that interviewing techniques are harsh and judgemental of the victims. In addition, police investigations are often poorly conducted. This is due to insufficient training and insufficient resources.⁴⁶⁵ An example of this is the requirement that a police doctor or medical doctor identified by the Ministry of Health issue a medical certificate which allows a forensic examination to be carried out. Presently, only one doctor is available in each of the districts and only one of them is a female based in Freetown.⁴⁶⁶ According to IRC, it is not clear what the criteria for choosing the doctors are. In addition, the absence of a doctor from his location creates a problem, as the victim is unable to obtain the requisite "P-3" form.⁴⁶⁷
502. The financial resources required to prosecute rape cases are prohibitive for the victim and often serve to deter taking the matter further. The costs associated with the obtaining "P-3" form required by rape victims serves as a deterrent. In addition, the legal system is slow with adjournments being the order of the day..
503. The Justice system itself militates against victims of sexual violence taking their matters further. GBV cases are heard in open courts, with perpetrators being allowed to cross-examine victims. Justice officials have little or no understanding of the trauma associated with cases of sexual violence. The courts have too few officials who are trained to deal with these cases. Victims have no access to legal aid.
504. Reflecting on the inadequate judicial response to cases of gender-based violence, the Honourable Minister for Social Welfare, Gender and Children Affairs made the following remarks:
- "Prevailing attitudes towards gender-based violence against women and rape issues are not treated with the importance they deserve. Factors such as lack of protection of witnesses and victims, lack of forensic evidence and subjecting women to humiliation in court also hinder the course of justice in such cases."⁴⁶⁸
505. Current programmes targeting gender-based violence are directed at girls and not women. Women are generally disadvantaged by the complete focus on girls. The United Nations Rapporteur on Violence against Women, during her visit to Sierra Leone, lamented donor apathy towards the cause of women as well as the fact that that most programmes of sexual violence are tilted heavily in favour of children.

⁴⁶⁵ See IRC submission to TRC, at page 2.

⁴⁶⁶ See IRC submission to TRC, at page 2.

⁴⁶⁷ The "P-3" form is a document that victims of rape and sexual violence require to fill out as part of the reporting process. Only registered medical practitioners have the authority to distribute "P-3s".

⁴⁶⁸ Gbujama, Honourable S. Y., Minister of Social Welfare, Gender and Children's Affairs; "*Gender Mainstreaming: Sierra Leone Poverty Reduction Strategy 2004-2006*"; 9 October 2003, at page 2.

506. Statistics are a major problem for GBV service providers. It is extremely difficult to plan appropriate responses where no statistics exist to indicate the scale of the problem. Sadly, the government has no programme in place to generate these statistics and neither has it demonstrated any desire to generate one. For proper programmatic planning not just for government but also to assist donors and NGOs, the gathering of statistics is essential.
507. To date, the country lacks a mandatory national health policy that spells out standards of treatment for survivors of sexual violence. The establishment of a national policy framework would go a long way to addressing the problems that victims of sexual violence experience. It would also assist with eliminating many of the problems described above which lead to an under reporting of rape and incidents of sexual violence.
508. A further problem that exists is the differentiation between services available in Freetown and the Provinces to disadvantage of those that live in the Provinces. The paucity of services effectively prohibits women in the villages from accessing them. Even more debilitating is the fact that the vast majority of women are not even aware of the services that exist. There is an urgent need for massive sensitisation campaigns to make women aware of the existence of services that exist and how to access them.
509. Sierra Leone has a number of local and international agencies working on issues emanating from the conflict. There are also a significant number of local and international NGOs working on aspects affecting civil society. The impact of the conflict and the poverty it has engendered as well as the inability of government to take on all aspects of reconstructing society has meant that civil sector initiatives have become very pronounced in all areas.
510. A major factor that hinders significant progress in the field is the lack of effective co-ordination. Many NGOs work with limited resources. In order to avoid a duplication of services, it would be useful to establish a register listing local and international NGOs, local and international agencies, as well as government agencies working on programmes dealing with gender-based violence. Government itself should take the lead on this matter and also take responsibility for the co-ordination of such a service. A choice few strategic interventions would improve the quality of services to a significant degree and lead to greater use of limited financial resources.

CONSEQUENCES OF THE CONFLICT FOR WOMEN AND RELATED INTERVENTIONS

ECONOMIC CONSEQUENCES OF THE CONFLICT

511. The conflict in Sierra Leone has had devastating consequences not only on human life but also on the economy and the infrastructure of the country, both of which need to be rebuilt in its aftermath. Most war-torn countries undergo similar economic challenges and questions of priority. According to the World Disasters Report 2001, the poor have suffered disproportionately, with the economies of war-affected states being severely eroded, if not completely collapsed.⁴⁶⁹ War undermines development in complex and multi-dimensional ways as the economically active lose their lives, people are displaced and those who live by farming are unable to yield any produce. Natural resources are depleted, while business and industry are destroyed.
512. The worst-case scenario is true of Sierra Leone. The ravages of war have proved to be a major constraint on economic development. Sadly most of the developing world's poorest countries are locked in conflict. The World Bank states that eighty percent of the world's 20 poorest countries have suffered a major civil war in the past 15 years, Sierra Leone included.⁴⁷⁰ Describing the economic impact of the war, a group of Sierra Leonean women submitted:
- “During the war, people were forcibly evicted from their houses, many houses and public buildings were burned down, looted, vandalised, furniture removed, savings forcibly taken from people and all livestock consumed. The livelihood system of people was severely disrupted, there was loss of source of income, economic activities ceased, thereby increasing the level of poverty. Women and children were hardest hit. They were totally dispossessed of their worldly possessions and meagre savings. Spouses and other male breadwinners were killed, made redundant or separated from their families.”⁴⁷¹
513. Madam Koloneh Jusu, leader of an association of women farmers at Peacock Farm in Wellington, near Freetown testified in the same submission as follows:
- “Our house was burnt down during the war. We stayed in a displaced camp for six months. When we came back, we put up a temporary structure where we started rebuilding our lives again. It was the same story for most of the women in this association. We had no means of livelihood. Our husbands were either killed in the war or made redundant, because the industrial estate that employed them has closed down due to the wanton rebel destruction.”⁴⁷²

⁴⁶⁹ See USAID, *World Disasters Report 2001*, citing the International Federation of Red Cross and Red Crescent Societies; see the website: <http://www.usaid.gov/democracy/profs/conflict.pdf>.

⁴⁷⁰ See Women's NGO Coalition submission to TRC, at page 16.

⁴⁷¹ See Women's NGO Coalition submission to TRC, at page 16.

⁴⁷² See Women's NGO Coalition submission to TRC, at page 16.

514. The war denied women of any genuine prospect of economic advancement. The Sierra Leonean economy in the pre-conflict period was already survivalist in nature particularly in the rural parts of Sierra Leone. The majority of women live in the rural areas and are engaged in subsistence farming, which forms the bedrock of food production in Sierra Leone.⁴⁷³ The RUF began the war by first occupying the rural areas in the Provinces, which immediately affected food production in the country and resulted in food insecurity.⁴⁷⁴ In many of the rural areas, those who farmed were compelled to supply food to the RUF on pain of death. At the same time the occupying forces had a devastating effect on output. In some areas, rural infrastructure was damaged and agricultural production was reduced, with food processing, storage and distribution systems being destroyed.
515. Women were also affected by the fact that their men – sons, husbands and fathers – either took up arms voluntarily or were compelled to do so. As a result of subsequent male combat losses, many women have become household heads. The wanton killing and destruction that took place during the course of the conflict therefore had an enforced impact on the status of women.
516. Women began to take on additional roles and responsibility as heads of households, not only providing for their own needs, but those of the extended family and the wider community as well. The conflict also forced women to become decision makers and to determine how resources should be used. These strategic tasks had traditionally been the exclusive preserve of men.
517. Women in terms of custom and tradition had played a subservient role. The conflict eroded these traditional customs and practices that had placed constraints on women in the past and restricted their mobility. Given the lack of statistics, establishing the current number of female-headed households is now a priority.
518. As the conflict spread in Sierra Leone, families became displaced, with many women becoming internally displaced persons. Many others fled into exile, particularly those with the resources to do so. According to the UNHCR, there are approximately 50 million refugees in the world, with 75% to 80% of them women and children.⁴⁷⁵ For the most part, they are civilians. In recent decades, civilian refugees have accounted for more than 90% of all refugees. Educated Sierra Leoneans left the country in massive droves as the conflict escalated. This latest exodus has only worsened the massive brain drain from the country. While many took refuge in neighbouring countries, a large number settled in Europe and the USA. Many refuse to come back as their memories of the conflict are bitter. This loss of human power has translated into huge economic loss for Sierra Leone.

⁴⁷³ See Women's Forum submission to TRC, at pages 2 and 6.

⁴⁷⁴ See Women's NGO Coalition submission to TRC, at page 17.

⁴⁷⁵ More details on the global situation relating to refugees, including up-to-date statistics, can be found at the UNHCR website: www.unhcr.org.

SURVIVING POVERTY

519. Surviving poverty in post-conflict Sierra Leone has forced unpalatable choices on many families. In order to boost meagre family incomes, children, particularly older children, have been forced to join their parents in commercial enterprises belonging to the family at the expense of going to school. Aligned to this trend has been the increase in the cost of education in Sierra Leone. Even in the public education system, where the government bears some of the costs in terms of providing schoolbooks and paying examination fees, it has been difficult for some families to send their children or wards to school due to financial constraints. Where families have had to prioritise which of their children's schooling they pay for, it is usually the girl children who will be kept away from school and put to work elsewhere.
520. Many girls in post-conflict Sierra Leone have thus been deprived of the right to acquire education, in effect jeopardising their future prospects even further. Although the access and retention rates have increased for school-going children over the years,⁴⁷⁶ there are still acute weaknesses in the system, such as the poor availability of secondary school education for girls. By way of example, there are some districts in the northern and eastern Provinces of Sierra Leone where the percentage of girls accessing secondary school is as low as 4% and 3% respectively.⁴⁷⁷

LEARNING NEW SKILLS

521. In the post-conflict era, Sierra Leone women have opted to learn new skills in order to establish new means of livelihood. In addition to subsistence farming, which they still practice in the Provinces, women have learnt new skills such as brick making, hair dressing, soap making, tie-dyeing of fabrics and weaving. Such skills training programmes as well as micro credit schemes have in the main been provided by Government through its various agencies, bolstered by donors, local and international agencies and local and international NGOs.
522. The National Commission for Demobilisation, Disarmament and Rehabilitation (NCDDR) provided skills training for some of the demobilised women and girls with the fighting forces. This training was provided to women in the internally displaced persons' camps and it is still ongoing today in some parts of the country for other categories of women. Some of the government bodies involved in providing this assistance were the Ministry of Social Welfare, Gender and Children Affairs (MSWGCA),⁴⁷⁸ the now dissolved National Commission for Demobilisation, Disarmament and Reintegration (NCDDR) and the present day National Commission for Social Action (NaCSA), which was formerly National Commission for Reconstruction, Resettlement and Rehabilitation (NCRRR).

⁴⁷⁶ See the Ministry of Education, Science and Technology; Submission to the Truth and Reconciliation Commission, September 2003 (hereinafter "Ministry of Education, Science and Technology submission to TRC"), at page 7.

⁴⁷⁷ See Ministry of Education, Science and Technology submission to TRC, at page 7.

⁴⁷⁸ See the Permanent Secretary of the Ministry of Social Welfare, Gender and Children Affairs, TRC interview conducted at the Ministry building, Freetown, July 2003.

POVERTY REDUCTION STRATEGY PROGRAMME (PRSP)

523. The MSWGCA stated that in 1999 the government instituted a Poverty Reduction Strategy Programme, originally named the Social Action and Poverty Alleviation (SAPA) scheme.⁴⁷⁹ The main thrust of this programme has been a micro-credit scheme, which started with an initial sum of Le 150 million from the Sierra Leone government. The programme also provides training for women leaders, training of petty traders in management skills and adult literacy classes.⁴⁸⁰ The implementing body for this programme was the National Commission for Reconstruction, Resettlement and Rehabilitation, now renamed as the National Commission for Social Action (NaCSA).
524. NaCSA confirms that the scheme has benefited more than 6,500 poor persons as recipients, of which at least 95% are women.⁴⁸¹ The scheme has successfully progressed with a loan-recovery rate of over 90% and it has received additional funding to the tune of Le 159.25 million from the African Development Bank.⁴⁸² The SAPA scheme has so far disbursed over Le 1.5 billion.⁴⁸³
525. The major economic activities undertaken with the 4,390 loans obtained so far from the SAPA micro-credit scheme are the following:
- Gardening / sale of agricultural produce: resale of agricultural produce and backyard gardening.
 - Processed foodstuffs: cooked foods, rice, cakes, groundnuts, fish preservation and sale of products.
 - Commerce: petty trading in manufactured / household goods; clothing and textiles.
 - Small-scale industries: soap making; gara / batik.
 - Others: firewood.⁴⁸⁴
526. Another government body that ran a micro-credit scheme was the National Committee for Disarmament, Demobilisation, and Reintegration (NCDDR). This programme was targeted primarily at ex-combatants and their partners, as well as the handicapped. Micro-credit loans of Le 300,000 were given out to various categories of people. Regrettably a poor recovery rate and the tendency of many ex-combatants to collect the money forcibly from their wives led to the collapse of the programme.

⁴⁷⁹ See the Permanent Secretary of the Ministry of Social Welfare, Gender and Children Affairs, TRC interview conducted at the Ministry building, Freetown, July 2003.

⁴⁸⁰ See the Social Action and Poverty Alleviation (SAPA) programme, discussion of the SAPA Micro-Finance Scheme, 1999 to 2001 (hereinafter, "SAPA, *Micro-Finance Scheme*") at page 1.

⁴⁸¹ See SAPA, *Micro-Finance Scheme*, at page 1.

⁴⁸² See SAPA, *Micro-Finance Scheme*, at page 1.

⁴⁸³ See SAPA, *Micro-Finance Scheme*, at page 2.

⁴⁸⁴ See SAPA, *Micro-Finance Scheme*, at page 2.

527. Besides the government's micro-finance schemes, a number of local and international NGOs have also been involved in the provision of micro-credit for women. These agencies include GTZ, Action Aid, Agrisystems and FAWE. Such schemes are thought to have been generally successful, with few obvious shortcomings. In evaluating the government financed micro-credit program, the Permanent Secretary of the Ministry of Social Welfare, Gender and Children Affairs made the following observations:

"A lot of women groups benefited. Groups testified that the micro-credit scheme worked for them. It elevated them. An example is that one of the women groups in the Western area went into transportation and was quite successful."⁴⁸⁵

528. Skills training has undoubtedly assisted and equipped many women with skills that they can use to earn money. In many instances women have been empowered not only to sustain themselves but also their families. In women-headed households, it is often this money that forms the only source of income.

529. While there is much to applaud about the skills training programmes that have been provided, it is also necessary to comment on some of the problems experienced. Hitches have included the non-availability of start-up kits after the training, bureaucracy surrounding the release of resources to the recipients and interference from corrupt officials, who illegally demanded that the recipients pay them money before they are issued with their start-up kits.⁴⁸⁶ An unavoidable consequence of the skills training has also been those recipients who sell their kits for much-needed cash as soon as the training is complete.

530. A more general structural problem has been the dearth of analysis done on the economy and its requisite skills and products needs beyond the short term. Since nobody really knows what level of capacity the economy needs in different sectors, a plethora of agencies might provide skills training for women in the same field of production, resulting in a glut of these products. The economy does not have a high purchasing power amongst the citizenry. Consequently, the market for the products of skills training is very limited. Besides having no market for some of the products produced, service skills acquired, such as hair dressing and tailoring, have also failed to attract enough patronage as a result of the poor economic situation.

531. There is a need for the government to create sustainable opportunities for women who have received training in these skills to sell their products and use their service skills appropriately. At present, many of the newly acquired skills are going to waste and many women told the Commission that they are deeply frustrated.

532. While women desperately need assistance in the form of micro credit, it is equally imperative to retain positive perceptions of micro-credit schemes among the public. Many women who partook in the most recent micro-credit scheme advised the Commission that they felt that they had been set up to fail and that long-term economic growth was not possible given the amounts of the loans and the time period they were given for repayment of the loans.

⁴⁸⁵ See the Permanent Secretary of the Ministry of Social Welfare, Gender and Children Affairs, TRC interview conducted at the Ministry building, Freetown, July 2003.

⁴⁸⁶ See, for example, Kadiatu Brima, TRC interview at IDP Camp Lunsar, 8 August 2003.

Women have cited the Social Action and Poverty Alleviation (SAPA) micro-finance scheme being run by the government as one of the starkest examples of insufficient loans. The initial amount of SAPA loans ranged from Le50, 000 to Le100, 000 (about US \$30). In disbursing the loans, Le100, 000 was given out on 3,185 occasions. Another batch of Le200, 000 was given out on 1,035 occasions. The third set of loans of Le300, 000 each were given out on 160 occasions while the last batches of Le400, 000 were given out on 10 occasions. The loan period ranged from three to six months. Subsequent disbursements were based on satisfactory performance after previous loan receipts. A report on this programme stated that more than 6,500 persons benefited from the scheme and that the scheme had recorded a 90% repayment rate.⁴⁸⁷ The low amount of the final loan payments suggests that the repayment rate may not accurately reflect the reality of the situation. It is unlikely that loans were repaid at the rate indicated by SAPA.

533. Many beneficiaries complained that the period of repayment was too short to really allow beneficiaries the maximum use of these loans. The issue of repayment is traditionally problematic, in that most beneficiaries have in past not repaid their loans. This has meant that loan benefits cannot devolve to other equally needy persons who would otherwise have accessed the facility. The non-repayment of loans has led to many donors being reluctant to invest in such schemes.
534. The kind of business ventures in which most women beneficiaries engage also affect their ability to repay their loans. In the case of the SAPA micro-finance scheme, women had taken out loans to engage in food-based businesses. The returns on these kinds of businesses have not been very profitable.
535. There have been many positive features to the micro-credit scheme. Many women emerging from a conflict situation have been able to step out from poverty. However given the negative aspects of the “practical mechanics” of the micro-credit schemes, there is also some disquiet that many women are falling into a “micro-credit finance ghetto”.⁴⁸⁸ According to Rehn and Sirleaf,⁴⁸⁹ small loans limit women to small purchases, which can generate immediate income but without larger loans, the business cannot grow.
536. A major problem associated with micro-credit schemes is that it feeds into the perception that women are supplementary wage-earners rather than entrepreneurs. Women are thus convinced to pitch their efforts at household and cottage industry levels. The widely held belief that micro-credit programmes represent the tool to address the root causes of women’s poverty locks women out of larger financial markets and leaves them in the domestic sector. At many levels, micro-credit can actually therefore reinforce women’s marginalisation. While micro-credit programmes address a particular need, there is a major need to find mechanisms to introduce women into the broader economy by helping them to access the larger financial markets and institutions.

⁴⁸⁷ See SAPA, *Micro-Finance Scheme*, at page 2.

⁴⁸⁸ See Rehn and Sirleaf, *Women, War and Peace*, at page 131.

⁴⁸⁹ See Rehn and Sirleaf, *Women, War and Peace*, at page 132.

OWNERSHIP OF LAND

537. Women also face legal and cultural barriers in acquiring ownership of land. Accessing land belonging to their spouses is a major problem that many women in Sierra Leone face where their husbands have died in the conflict. Once they have lost the male in their families, women- or girl-headed households are not able to retain and cultivate the land previously farmed by the family. Many Sierra Leonean women have raised this issue with the Commission:

“... The land tenure system and inheritance laws are crucial to returning displaced people, especially in the cases of women who might have lost their husbands.”⁴⁹⁰

538. The same is true of property left behind by the dead spouse. Under Sierra Leonean customary law,⁴⁹¹ women only own property through their husbands and children. If the husband is killed or dies and the wife does not have an older son who can claim the property, she often must yield to her husband’s family who hold her fate in their hands by deciding effectively whether she can keep her own property.

539. Despite the various interventions towards economic reform since the end of the conflict, most women in Sierra Leone still live below the poverty line.⁴⁹² In submissions made by women, various reasons are cited for the heightened state of poverty that exists in Sierra Leone: bad governance and economic mismanagement, increased vulnerability from the civil war, unemployment and under-employment and lack of access to basic social services are but a few.

540. Women and girls suffer the impact of poverty most profoundly because they lack income-generating skills, land, family labour force and start-up capital for business. A significant problem is the inadequate access to financial resources that could provide for items such as seeds, tools and technical assistance for those involved in farming. Given that the majority of rural women in the country are involved in agricultural production, the shortfall of resources constitutes a crippling setback in their quest to become economically self-sufficient.

541. The Women’s Coalition stated insightfully in their submission:

“...Without access to economic means, the poverty experienced may create grounds for renewed tension and conflict.”⁴⁹³

⁴⁹⁰ See Women’s NGO Coalition submission to TRC, at page 22.

⁴⁹¹ See Joko Smart, H. M.; *Sierra Leone Customary Family Law*; Freetown, 1983, at page 152.

⁴⁹² See Women’s NGO Coalition submission to TRC, at page 17.

⁴⁹³ See Women’s NGO Coalition submission to TRC, at page 16.

EFFORTS AT REINTEGRATION AND REHABILITATION

542. The NCDDR defined “reintegration” as “assistance measures provided to former combatants that would increase the potential for their economic and social reintegration into society.”⁴⁹⁴ While the NCDDR confined its programme to former combatants, the Commission considers the issue of “reintegration” to apply to the context of women and girls generally, not only to the former combatants among them.
543. The NCDDR was tasked by its mandate with the disarmament, demobilisation and reintegration of ex-combatants. While its chosen approach mostly impacted on male ex-combatants, the reintegration programmes contained some elements of economic and social reintegration for female ex-combatants and the wives of male ex-combatants. The NCDDR has done incredible work in this field and accomplished the goal of disarming and demobilising thousands of ex-combatants and increasing security in the country. However a major criticism of the programme has been that the plight of women and girls was not specifically addressed by the DDR programmes and that women and girls did not therefore benefit in a substantial way from these programmes in Sierra Leone. A question the Commission has yet to address is why this oversight happened.
544. The Commission came to the conclusion that the issues of gender and the specific needs of women were not taken into account when the programme was planned. In particular little or no attention was given to an issue which has primarily affected women, that of stigmatisation in communities once they have been identified as being ex-combatants.
545. The DDR programme also failed to carry out sensitisation programmes in communities in order to deal with the negative perceptions attached to women and girls identified as ex-combatants. A further problem was the fact that the eligibility rules for admission into the programme did not cater for the different roles played by women and girls during the war. The criteria established for access were quite restrictive and deterred many women from even trying to access the DDR programme.

⁴⁹⁴ See Kai-Kai, F.; “*Disarmament, Demobilisation and Reintegration in Post-war Sierra Leone*”, in Ayissi, A. and Poulton, R-E.; *Bound to Co-operate: Conflict, Peace and People in Sierra Leone*, United Nations Publications; Geneva, Switzerland, 2000 (hereinafter “Kai-Kai, *DDR in Post-war Sierra Leone*”), at page 127.

546. Another criticism of the programme has been the issue of relevance and appropriateness in preparing ex-combatants to participate once more in the social and economic life of Sierra Leone. The reintegration aspects of the DDR programme have been criticised as not being in sync with the economic and social recovery needs of the people. In many instances, the livelihood skills acquired through DDR were irrelevant to the recipients' realities, hindering family reunification and community acceptance.⁴⁹⁵ The DDR programme also failed to taken seriously the issues of reconciliation at a community level. The head of the NCDDR said the following:

"...Another very important strategic consideration that was not adequately planned for, namely, reconciliation at community level... there are many cases of ex-combatants encountering difficulties of acceptance. Even for former child-combatants, most child protection agencies have complained about parents refusing to accept their own children back during family tracing and reunion interventions."⁴⁹⁶

547. Resettlement in Sierra Leone followed the declaration of safety by two months and took place in three phases. The first phase for Internal Displaced Persons (IDPs) and returnee refugees was in April 2001 after the south, west and some parts of the east of the country were declared safe. As at September 2001, a third of the country was considered safe for resettlement. The safe areas were predominantly in the southern and eastern parts of the country. By December 2001, the last of the country's districts was opened up. The third phase started by April 2002 with the movement of people back to the eastern part of the country. By the end of 2002, the IDP resettlement programme was officially completed. In all close to 215,000 persons were given assistance with resettlement. The assistance provided for the resettled consisted of transportation costs, two months of food and household supplies.

548. While the official resettlement programme is over, there are many displaced persons in internal displacement camps. In many instances, those who had resettled chose to come back to the camps rather than to their new houses, as they preferred living in the camps.⁴⁹⁷ Many stated that their homes had been destroyed, they had lost family members and that they lacked the capacity to continue with their previous livelihoods in the resettled areas. Many displaced persons complained that they had not been able to benefit from resettlement due to not having been issued an IDP number prior to the start of the resettlement exercise.⁴⁹⁸ Many camp inmates have indicated a willingness to be resettled if such an opportunity should arise in the future.

⁴⁹⁵ More analysis of this issues can be found in the Women's NGO Coalition submission to TRC.

⁴⁹⁶ See Kai-Kai, *DDR in Post-war Sierra Leone*, at page 127.

⁴⁹⁶ See Zubaitu Browne, Executive Secretary of the 50 / 50 Group, TRC interview conducted in Freetown, 17 November 2003.

⁴⁹⁷ See, for example, Ramatu Conteh, TRC interview, IDP Camp Lunsar, 8 August 2003.

⁴⁹⁸ See, for example, Phina Dumbuya, TRC interview, IDP Camp Lunsar, 8 August 2003.

549. A large number of women did not benefit from the resettlement process. They argue that the workers charged with handling the registration process for resettlement exercises did not do their jobs competently. Another factor that prohibited registration was the cumbersome nature of the process, which took a longer time than many women could afford to spend when they were also concerned with providing food for their families. Many widowed women and women who head households found it especially difficult to register.

ACCESS TO HOUSING

550. While women did benefit from some of the programmes for reintegration, in most instances these programmes have benefited men and not women-headed households or widows. The Norwegian Refugee Council provided amputees and war wounded with housing. In this programme the NGO received support from the Catholic Mission in Sierra Leone. The houses for the amputees and war wounded have been designed around the needs of amputees and war wounded. They consist of a two-bedroom structure, with a big living room and veranda, outside toilet, bathroom and kitchen.⁴⁹⁹
551. As at December 2002, there were 239 primary beneficiaries together with an additional 1,800 family members and dependents who benefited from the Norwegian Refugee Council's housing project. Of the 239 primary beneficiaries, 82 fall into the war-wounded category, with 157 in the amputee category. Of the latter number only 55 women are primary beneficiaries.⁵⁰⁰ These houses have been built in every district in the country with the exception of Pujehun and Bonthe.
552. The beneficiaries to the houses have also received two beds and mattresses, one table and four chairs. In addition in order to facilitate the reintegration process for the beneficiaries and their families, NRC organised sensitisation seminars in the communities in which the amputees were to be resettled. The sensitisation seminars targeted the leadership in districts and chiefdoms, including community leaders, teachers, social and health workers, as well as possible neighbours. The aims and objectives of the seminars were to prevent stigmatisation and to inform the community of the needs of the amputees / war wounded at an early stage.⁵⁰¹
553. The NRC is hopeful that it will be able to provide housing to an additional 70 amputees / war wounded as well as their family members and dependents totalling in all 560 persons. Construction has started on 35 houses, 10 have been completed and handed over to NRC. The NRC through UNHCR has also been able to construct three water wells for the housing beneficiaries in Kono.
554. The NRC programme has been a major factor in the resettlement of both the amputee and war-wounded communities. The programme has not been without problems, however, not least in the area of core funding. The initial grant awarded by the Norwegian government was exhausted at the end of 2002. The NRC has been optimistic of raising further funding. The acquisition of land, particularly in places such as the Western Area, Bo and Kenema, is becoming ever more difficult. Finding suitable labour for the construction of these houses has also been also problematic in areas like Kono.

⁴⁹⁹ See Norwegian Refugee Council, Submission to the Truth and Reconciliation Commission, Freetown, 31 July 2003 (hereinafter "Norwegian Refugee Council submission to TRC"), at page 6.

⁵⁰⁰ See Norwegian Refugee Council submission to TRC, at page 6.

⁵⁰¹ See Norwegian Refugee Council submission to TRC, at page 5.

555. Cause Canada, another agency working in the field of reintegration since 2001, has provided assistance to resettled beneficiaries in the form of skills training, micro-credit schemes, physiotherapy and other services. Allied to the standard reintegration package given, Cause Canada has also provided beneficiaries with a resettlement package based on their individual needs. Cause Canada also ensured that there would be social workers available in resettlement areas so as to assist the beneficiaries and their families with becoming independent and self-sufficient.⁵⁰²
556. In many communities, a level of social reintegration has taken place following the organisation of ritual cleansing ceremonies by the communities, especially for the ex-combatants.⁵⁰³ On the back of these ceremonies, even several female ex-combatants have been accepted back into their various communities. In a number of cases, graduation ceremonies are organised at the end of the skills training course that the girls and women have undergone. With the help of some NGOs or agencies of government, the community is brought together at these graduation ceremonies and can join as one in accepting war-affected women and girls back into its midst.⁵⁰⁴
557. A number of NGOs and government agencies, working in conjunction with UN agencies, offer family reunification services for children, with an emphasis on the girl-child. Particular mention should be made in this regard of the work of UNICEF, along with such NGOs as Caritas Makeni, Christian Brothers and World Vision.
558. Despite these efforts, social reintegration in Sierra Leone has been fraught with problems. The stigmatisation of women and girls associated with the various armed factions remains a huge stumbling block to reintegration. The fragmented sensitisation programme being carried out by different organisations across the country has not had an ameliorating effect on the issue. Women and girls are wary of being identified with any of the belligerents. Yet at the heart of the recovery process is the need for acceptance of the wrongs of the past to make a more stable society in the future. It is a process that must necessarily involve ex-combatants, who should become constructive contributors to peaceful and progressive communities. The head of the NCDDR posed this pertinent question:

“How shall enemies become reconciled and accept to live together?”⁵⁰⁵

⁵⁰² See Norwegian Refugee Council submission to TRC, at page 7.

⁵⁰³ See Rosalind Shaw, anthropologist and author who has extensively studied the traditions of cleansing and reconciliation in Sierra Leone, TRC interview in Freetown, June 2003.

⁵⁰⁴ See Rosalind Shaw, anthropologist and author who has extensively studied the traditions of cleansing and reconciliation in Sierra Leone, TRC interview in Freetown, June 2003.

⁵⁰⁵ See Kai-Kai, *DDR in Post-war Sierra Leone*, at page 123.

559. Integration remains one of the most important aspects of post-conflict work. It is also a necessary component of the reconciliation process. The Truth and Reconciliation Commission has kick-started the reconciliation process in all the districts during its public hearings phase. In addition, the Commission, through its reconciliation unit, has galvanised civil society and religious leadership into taking up the reins of the process. The Commission assisted with training personnel and helped District Councils to take on aspects of its administration.

THE LEGAL STATUS OF WOMEN AFTER THE WAR

560. There is no doubt that the participation of women in the peace process as well as in civil and political affairs has contributed to the relative stability of the country in the aftermath of the conflict. The transition now provides women with an opportune moment to demand changes that will improve their status in all areas that affect them. While legal reform has been slow, the increased awareness by women of their rights has catalysed positive developments on a number of fronts affecting them. Some of these developments are listed below:
- The establishment of the Family Support Unit (FSU) within the police force, which includes trained personnel who deal with cases of alleged sexual offences and domestic violence.
 - The establishment of the “Rainbo Centre” (a sexual violence referral centre) by the International Rescue Committee (IRC),⁵⁰⁶ which provides free medical attention, counselling services and, to a limited extent, some forms of legal assistance where required to victims of rape or sexual assault.⁵⁰⁷
 - A marked increase in the number of awareness campaigns and workshops offered by civil society groups, non-governmental organisations and the government, which address the rights of women, the abuses women suffered not only during the war but also before the war, endeavouring to break the culture of silence and impunity in Sierra Leone that inhibits these crimes from being reported and or prosecuted.
 - A marked increase in the reporting, investigation and prosecution of sexual violence and related offences within the home.
 - The International Human Rights Law Group in its current “Access to Justice” programme in Kono, Koinadugu and Kailahun continues to inform the populace on the laws of Sierra Leone in an effort to bring justice close to the people.
 - The Law Reform Commission, working together with the Ministry of Social Welfare, Gender and Children’s Affairs and other partners, has included women’s rights in its reform agenda.

⁵⁰⁶ The International Rescue Committee (IRC) is an international non-governmental organisation that conducts a variety of development and humanitarian assistance projects across Sierra Leone. More detail about the IRC can be found at its website: www.theirc.org.

⁵⁰⁷ See International Rescue Committee (IRC), Sierra Leone; *A Handbook about the Rainbo Centre*, information booklet produced and distributed in Freetown, 2003.

- The Ministry of Social Welfare, Gender and Children's Affairs, in conjunction with UNIFEM, is embarking on a series of consultations with the aim of incorporating the Convention on the Elimination of Discrimination Against Women (CEDAW) into national law.
- Accountability mechanisms for crimes committed against women during the war have come into being, in the shape of the Truth and Reconciliation Commission (TRC) and the Special Court for Sierra Leone.

WOMEN IN POLITICS AND DECISION-MAKING

561. Women in Sierra Leone are starting, slowly but surely, to make an impact on the political landscape in the country. While not yet totally satisfactory, the most visible change has been the increased number of women contesting political office. In the May 2002 general elections more than 165 women contested in various capacities, with 46 women running for parliamentary seats.⁵⁰⁸ Seven of the eight political parties contesting the 2002 general elections and chieftaincy positions fielded women.
562. The last election also saw the emergence of the first woman Deputy Speaker of the House of Parliament, the first woman Presidential candidate and the first two women Presidential running mates. In total the election saw 18 women, two of whom are Paramount Chiefs, become Members of Parliament. The previous parliament had only eight women in total. The current government has, at the time of writing, three women cabinet Ministers and three deputy Ministers compared to only two cabinet Ministers and two deputy Ministers in the previous administration.⁵⁰⁹
563. There is little doubt that these changes would not have not come about without the combined efforts of women and NGOs involved in advocacy work for women's involvement in politics. One such NGO is the 50 / 50 Group, which was formed in November 2000 with the objective of empowering women and enabling them to participate effectively in politics. Its stated mission is to increase the level of female participation in government and to ensure gender parity in all walks of life.⁵¹⁰ It has been involved in the training of both old and budding new women politicians. The funding for its training has come from the National Democratic Institute and the Westminster Foundation for Democracy, administered locally through the British Council of Sierra Leone.⁵¹¹
564. The 50 / 50 group has been able to conduct training sessions all over the country on issues relating to gender and politics. Many beneficiaries of such training have gone on to run for political office. For the local government elections of 2004 – the first of their kind in several decades – the group stated its intent also to provide training for women who wished to stand as municipal council candidates.

⁵⁰⁸ Comprehensive information relating to the May 2002 elections in Sierra Leone can be found on the *Sierra Leone Web* website at: www.sierra-leone.org/documents-elections.html.

⁵⁰⁹ See Zubaitu Browne, Executive Secretary of the 50 / 50 Group, TRC interview conducted in Freetown, 17 November 2003.

⁵¹⁰ See the "50 / 50 Group", Submission to the TRC Special Thematic Hearings on Women; Freetown, 24 May 2003 (hereinafter "50 / 50 Group submission to TRC"), at page 2.

⁵¹¹ See 50 / 50 Group submission to TRC, at page 1.

565. The 50 / 50 group is also involved in lobbying government and political parties for the adoption of conditions that would encourage and enable women to participate in politics. To this effect, they advocated for the “zipper system”⁵¹² in the 2002 general election, which helped in getting some more women into office. At the time of writing, the group was lobbying the political parties for the reservation of a certain percentage of political seats for women during the 2004 local government elections.⁵¹³
566. In spite of the increase in the number of women participating in the political arena, there has been no dramatic “multiplier effect”. The 50 / 50 Group noted that although women are always the best campaigners, they are not the decision-makers in their parties and only a handful hold executive positions. The use of women as “Mammy Queens”⁵¹⁴ during election campaigns exemplifies the use to which politicians put women. Women leaders are used to co-ordinate the women during electioneering for party members. These women mostly serve as cooks, “cheerleaders” and general rabble-rousers. In its submission to the TRC, the Sierra Leone Market Women’s Association lamented the perceived manipulation behind their roles:
- “Most governments only recognise us market women when it is time for elections, campaigning and using us as instruments to get political power. We will then be assembled like herds of sheep and masqueraded for the public and the international community as cooks and “ashobi dancers”. Elaborate promises will be made to us about the education of our children, [or] providing housing and health care for us – promises that have never been kept... Over the years we have become pawns in a game of politics that we do not understand... This behaviour over the years has humiliated and demeaned us as women.”⁵¹⁵
567. While women do feature in politics, it is important to note that significant obstacles prevent them from participating as they should. The 50 / 50 Group identifies domination of politics by men and under-representation of women as a major obstacle to change, since it prevents women’s views from being heard and considered.⁵¹⁶ Another obstacle stems from the cultural practices that discriminate against women in some parts of the country. In the north of Sierra Leone, women are not allowed to be Paramount Chiefs, which debars them from representing any seats in that are contested exclusively by Paramount Chiefs.⁵¹⁷

⁵¹² The so-called “zipper system” is a means of equalising the number of male and female candidates who stand for a political party. The names of men and women alternate equally in the list of top names in the party, thus resembling the alternating teeth of a “zipper”. More detail on this policy and other aspects of the work of the 50 / 50 group can be found in its Internet entry to the Sierra Leone Encyclopaedia for 2004: http://www.daco-sl.org/encyclopedia2004/4_part/4_5ffg.htm.

⁵¹³ See Zubaitu Browne, Executive Secretary of the 50 / 50 Group, TRC interview conducted in Freetown, 17 November 2003.

⁵¹⁴ The term “Mammy Queen” indicates a female leader of considerable seniority who is responsible for organising and taking care of a group, usually comprising other women and girls. The term has connotations of a “maternal” figure, or Chairwoman, and is considered by many women to be used in a quite patronising manner by men. See Market Women’s Association submission to TRC.

⁵¹⁵ See Market Women’s Association submission to TRC, at page 2.

⁵¹⁶ See 50 / 50 Group submission to TRC, at page 6.

⁵¹⁷ See 50 / 50 Group submission to TRC, at page 6.

568. However the biggest stumbling block to enhanced women's participation lies in the outlook of women themselves. Due to culture and tradition, women have been socialised into accepting that they should neither participate in politics nor seek to occupy positions of power, as these domains are "reserved" for men. It is an attitude that not only prevents women from attaining positions of political representation and leadership, but also in a perverse way discourages them from voting for and supporting the few women who do seek office.
569. Participation in politics of course also requires access to financial resources, which most women lack. Women have identified a lack of access to finance as a major impediment to their effective participation in politics. This phenomenon is not unique to Sierra Leone; it is rather a worldwide trend that requires to be addressed through sustained, concerted efforts.
570. Despite the various remaining obstacles, women in Sierra Leone are no longer willing to be passive onlookers in the political arena. Their determination to improve the participation of women in politics can be seen in the activities of NGOs such as the 50 / 50 Group and the Network of Women Ministers and Parliamentarians (NEWMAP). The latter is a caucus of women Ministers and parliamentarians who are working in league to put issues concerning women forward in every facet of the society. According to the 50 / 50 Group:

"Sierra Leone women are not only asking for a slice of the pie, they are saying that they have learnt the lessons of the past and now want to make a difference to how the pie is shaped."⁵¹⁸

PRESENT INSTITUTIONAL MECHANISMS FOR THE ADVANCEMENT OF WOMEN

571. The Ministry of Social Welfare, Gender and Children's Affairs supported by UNICEF provided two policies in 2000, the National Policy on the Advancement of Women and the National Policy on Gender Mainstreaming. The National Policy on the Advancement of Women is an all-encompassing policy seeking to improve the status of women and remove discrimination, as it is perceived to exist in various sectors.
572. The National Policy on Gender Mainstreaming acknowledges that the lower status of women in comparison to men is due to gender imbalances that arise from unequal opportunities and access to and control over productive resources and benefits. The policy sets out the Government's commitment to pursue a gender-sensitive approach in all its programmes and development activities in the country. The Government is yet to implement these policies and turn the promises they offer to the women and the nation into a reality.
573. These documents are, of course, only policies and have not been enacted to lend them any force of law. Even as policies the political will appears to be absent to implement them, but they are proof that the Government acknowledges the dire need to ensure that women enjoy equal rights and opportunities and that these rights must be protected. The Government must show its commitment by making reference to these policies in the Constitution. The policies are very significant to the Law Reform Commission,⁵¹⁹ as they present a strong case for women and provide a broad basis for legal reform.

⁵¹⁸ See 50 / 50 Group submission to TRC, at page 7.

⁵¹⁹ See *Law Reform Commission Decree* No.17 of 1994

CONCLUSION

574. Women and girls suffered terrible atrocities in the Sierra Leone conflict. Many died and their stories remain untold. And yet, many brave and courageous women and girls survived and were able to come forward to tell the Commission of the brutality they experienced and of how they were stripped of humanity and dignity. Others told of how they were afraid to reveal their stories because of the way in which they will be shamed by their loved ones, families, friends and communities. Many women have borne children and are outcasts because of it. They are doubly punished, because society has let them down and because of vile deeds perpetrated against them in the first place.
575. The Commission, while not a court of law, has made findings of responsibility against those who committed these atrocities. While these do not amount to findings of guilt, they are important as they represent in the Commission's view an account of those responsible for the violations. In the Commission's view, it was necessary to name organisations and individuals where the evidence presented itself. The full set of findings in respect of women and the armed conflict can be found in the dedicated Findings chapter in Volume Two of this report.
576. At the same time, many women have come together to help each other. Many agencies have provided succour and assistance to women and girls. Their efforts have been recorded and many women and girls continue to appreciate the efforts to help and assist them.
577. The Commission believes that an opportunity exists in this transitional period to address the plight of women and girls at the highest levels. For example, giving effect to the provisions of CEDAW and to other international human rights instruments, which provide inspiration and the impetus to improve the quality of life for women and children, would be a tremendously symbolic step.
578. The Commission has made recommendations on how the lives of women can be improved. They involve legal, political, social and economic reforms, which have the potential to offer women and girls an opportunity to have a better life. The recommendations are contained in the dedicated Recommendations chapter in Volume Two of this report. The Commission has set out in the Recommendations chapter those measures it regards as imperative and those the country should strive towards achieving. It also suggests who should be responsible for implementing these recommendations.
579. The Commission is of the view that this Government of Sierra Leone and successive governments are responsible for keeping faith with the Lomé Peace Agreement and for ensuring that the recommendations of the Truth and Reconciliation Commission are carried out, if the women and girls of Sierra Leone are indeed to enjoy a better life in the future.