

# Sierra Leone's Civil War: The Role of Sexual Violence and the Emerging Presence of International Law

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**Abstract:** The mayhem committed against women through sexual violence during the long decade civil war in Sierra Leone cannot be overemphasized. Sexual Violence for the most part was seemed to be a norm in the society. Whether the International Community's presence played a dormant or active role to put an end to human rights violation remains unreciprocated. This paper is an attempt to examine the role of International Law and how it has dealt with the brutal instances of sexual violence both before and after Sierra Leone's Civil War of the 1990s. [New York Science Journal. 2010;3(6):1-5]. (ISSN: 1554-0200).

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## Introduction to Sierra Leone's Civil War

Sierra Leone is situated in the West Coast of Africa. The Portuguese were the first Europeans to explore the land and gave Sierra Leone its name, which means lion mountains. A former British colony, Sierra Leone gained its independence and became a sovereign state on April 27, 1961. The population size is approximately 5 million people and the country is comprised of 20 native African tribes.

The Civil War began in March of 1991 in the eastern town of Kailahun. The conflict began under complex circumstances that involved both internal and external factors. Domestically, rebel forces rose to power in response to what they viewed as years of corrupt, unjust, and despotic rule at the hands of the All Peoples Congress Party, the governing party of Sierra Leone since the end of British colonial rule. Poor rural citizens, for example, were increasingly offended by the richer ruling class of Sierra Leone. Externally, rebel groups within Sierra Leone received support from the Liberian President, Charles Taylor. President Taylor's main objective in dealing with Sierra Leone was to gain control of the rich diamond fields in the eastern part of the country. Precious mineral resources, which the country is widely known for, over time served to fuel and worsen the tension until the breakout of widespread hostilities.

The Armed Forces Revolutionary Council (AFRC), consisting of former low ranking disbanded soldiers in the Sierra Leone Army, and the Revolutionary United Front (RUF) were the primary rebel groups fighting the government. Both the AFRC and the RUF fought the influence of Charles Taylor. Ultimately, the war was instigated by it was President Taylor's alliance with Foday Sankoh, the head of the RUF and British-trained Sierra Leone military officer.

## Sierra Leone's Civil War: Sexual Violence against Women

The Civil War in Sierra Leone is known internationally for its atrocities. Not until recently has attention been paid to specific violence against women. Sexual violence is significant in that it is not only a result of the war, but it was also used as a tool. Rebel forces utilized sexual violence as a weapon to terrorize, humiliate and coerce the civilian population into submission.

During the Civil War, sexual violence against women and girls was widespread and systematic and included individual and gang rape. Sexual assault, for instance, with objects such as firewood, umbrellas and sticks, and sexual slavery was common place.<sup>i</sup> Throughout the conflict, many instances of sexual violence against women and girls were followed by their abduction and forced marriage to male combatants. Kidnapped women have even described trying to assign themselves to one rebel so as to avoid gang rape and gain a relative sense of protection.<sup>ii</sup> In many cases, women became pregnant and were forced to live with the rebel groups in slavery-like conditions for years. What's more, some women received military training and even became combatants and perpetrators of sexual violence.<sup>iii</sup>

In terms of sexual violence being utilized as a tool, it was employed in a way to undermine cultural values. "For example, Human Rights Watch has documented cases of fathers being forced to watch the rape of their daughters, middle aged women being raped by boys as young as eleven, women being raped in public places, and girls being raped during sacred coming-of-age rituals."<sup>iv</sup> Overall, cultural precedents of female degradation existing in Sierra Leone prior to the Civil War can be seen as motivating factors for the

violence. Even in peacetime, social customary law allowed men to exercise physical dominance over their spouses. Women have had little traditional marriage autonomy. As a result, when the Civil War broke out, the occurrences of extreme sexual brutality reinforced these cultural norms.

Due to under reporting, there are no official statistics on the number of girls and women who suffered sexual violence during the war. While women often knew the perpetrators, few have brought charges as a result of fear of reprisals and lack of trust in the judicial system.<sup>v</sup> In a study released by Physicians for Human Rights (PHR) in 2002, through the support of the United Nations Assistance Mission in Sierra Leone (UNAMSIL), almost half (42%) of the 991 households questioned said they thought the known perpetrators should be punished.<sup>vi</sup> Nevertheless, “fear of reprisals and a desire for peace were cited by many women as a reason for not supporting punishment for human rights violators.”<sup>vii</sup> Though 80% of women surveyed expressed support for legal protection of women's rights, more than half of the women said that their husbands had the right to beat them and that it was the wife's responsibility to be sexually submissive.

While the majority of atrocities are claimed to be carried out by the RUF, other rebel groups and the loyal Sierra Leone army have also been implicated. While it cannot be determined how centralized sexual violence against women was to the overall strategy of groups like the RUF, reports describe how the general nature of the attacks seemed to be premeditated and well planned.<sup>viii</sup> In the attempt to garner national unity following the Civil War, Sierra Leone's Truth and Reconciliation Commission (TRC) sought to create an impartial record of the sexual violence that occurred during the war. The Commission found out early, however, that breaking cultural taboos would be difficult as women are often alienated from their own communities when they confess to having been violated.<sup>ix</sup>

### **After the Civil War: Sexual Violence in Sierra Leone**

The Lomé Peace Accord of 1999 between the Revolutionary United Forces and the Sierra Leonean government marked the official end of the war. Rebel fighters had agreed to surrender their arms in return for representation in the government.<sup>x</sup> Nevertheless, it was only the beginning of the end in regards to the human rights violations that characterized the war. In subsequent years, there have been many instances of violations of the Lomé Peace Accord that have disregarded the rights of women through sexual violence.

Survivors of the forced marriages and rapes of the war in Sierra Leone continue to face a reality of

sexual violence in so called peacetime. The United States Mission in Sierra Leone released a report citing that rape was a greater problem after the war than prior, indicating that the war left a legacy of sexual violence.<sup>xi</sup> When coupled with patriarchic cultural norms, Sierra Leone's three legitimate legal systems, which are comprised of statutory, Islamic, and cultural law, cannot prevent the further perpetuation of sexual violence.

The lack of autonomy of women is exemplified both through their marriage roles in society and in the courtroom. Domestically, a wife is today still not expected to refuse sex with her husband except under certain circumstances. Men, as a result, can appeal to this customary law in order to justify forcing his wife to have sex. In addition, many victims are afraid of the social stigma associated with sexual violence and choose not to report the incidents.<sup>xii</sup> The fear goes beyond being ostracized, because a husband can exercise his customary right to “chastise” his wife if he views rape as adulterous.<sup>xiii</sup> In addition, if a woman wishes to report rape, but is from a family that values Islamic and/or customary law, she may have to depend on her family or husband to speak for her.<sup>xiv</sup> Injustices in testifying were revealed when women who suffered sexual abuses during the war were required to attend hearings with their husbands, who were often the perpetrators. The most frequently reported cases of sexual violence were against virgins and violent rapes that rendered the woman infertile. The emphasis on these rapes highlight that a woman's domestic and reproductive duties are her only important attributes that require legal protection.

“In Sierra Leone, a complicated constellation of rape laws in the statutory system ensures minimal prosecution of rape.”<sup>xv</sup> Rape may be a crime in Sierra Leone, but the definition of rape is easily manipulated in favor of the perpetrator. Under customary law, the first point of contact is a Chief and precedent establishes that they tend to decide rape cases with the preservation of community harmony in mind rather than in the interest of the individual victim.<sup>xvi</sup> Furthermore, in order to avoid potential community conflict, and consequently punishment of the perpetrator, a Chief may permit the rapist to marry his victim. On a more positive note, victims have the option to appeal these cases to higher courts. While the first post war rape case was prosecuted in 1999, and many more have followed, the process has been relatively slow.<sup>xvii</sup>

It is impossible to ignore the injustices against women in Sierra Leone, but it is important to note that Sierra Leone's Constitution guarantees sexual equality. Furthermore, statutory law views rape as a crime worthy of long-term imprisonment. These laws serve as a stepping stone in curbing sexual violence against

women and to the ultimate recognition of women's rights in Sierra Leone. Human rights groups are also serving to raise awareness on women's issues, challenge the subordinate role of women, and prosecute those who violate the basic human rights of women.

### **The Role of International Law**

On August 14, 2000 the Security Council to the United Nations declared that though Resolution 1315, an independent special court was to be established to prosecute individuals who had committed grave crimes against humanity, war crimes as well as violations of international humanitarian law within Sierra Leone after November 30 1996. On January 16, 2002, the United Nations and the government of Sierra Leone adopted the Agreement on the Establishment of a Special Court for Sierra Leone. This special court or tribunal represented both international and domestic interests. Specifically, it aimed to use local and international judges, prosecutors and staff. The court would work to address crimes under both international humanitarian law and Sierra Leonean law such as enslavement, torture, persecution on political, ethnic or religious grounds, "mass killing, extrajudicial executions, widespread mutilation, in particular amputation of hands, arms, legs, lips and other parts of the body, sexual violence against girls and women, sexual slavery, abduction of thousands of children and adults, hard labor and forced recruitment into armed groups and looting".<sup>xviii</sup>

According to resolution 1315, the special Court for Sierra Leone would be financed by voluntary contributions from states, intergovernmental organizations and nongovernmental organizations. This was problematic because the scope and goals of the court made a viable and sustainable stream of resources compulsory. Relying solely on voluntary contributions would not guarantee the consistent funding which would be required to appoint the judges, the prosecutor, registrar and the administrative staff. In March 2004, the U.N. Secretary General requested that the United States contributed 40 million dollars to assist the court in its attempts to bring justice to the war torn nation. Nonetheless, the United States agreed to grant only 33 million dollars to help fund operations through the end of 2005. Current funds, as a result, will not be able cover the court's expenses during the final stages as well as in the post completion phase.<sup>xix</sup>

Despite financial setbacks, the court is said to have accomplished the following; "a defense office that advocates to ensure effective defense representation and fair trials, a comprehensive scheme of protection and support for scores of witnesses and a robust outreach that disseminates information about the court around the country through video,

radio and discussion".<sup>xx</sup> In addition, the court is sending a clear message, namely, that the Sierra Leonean government as well as the international community will not tolerate the heinous crimes perpetrated during the war. As such, it is a meaningful contributor in building respect for the rule of law. It has also led to a growing belief in justice, the judicial process and accountability. Finally, the court has been instrumental in developing women's right in the region. As a Sierra Leonean citizen stated during an interview with Human Rights Watch observers, "they stand up for women there".<sup>xxi</sup>

### **Conclusion**

The establishment of the Special court in Sierra Leone is significant not only because it seeks justice for the victims of sexual violence, but it has begun the process of establishing respect for the rule of law. In this respect, it serves as a resource and an asylum for the victimized and ostracized citizens of Sierra Leone as well as a deterrent for possible perpetrators. Women, who are often the victims of heinous sexual crimes can now begin to turn to the courts for justice and protection against sexual abuse and violence.

In 2003, Foday Sankoh, the leader of the RUF, was captured and died in government custody, while awaiting trial for war crimes against humanity. Six months ago, Charles Taylor, the former Liberian president, was caught along the border between Nigeria and Cameroon trying to flee. Soon after, former President Taylor was brought to Sierra Leone and then transferred to the Hague, where he will be tried at a UN criminal court for crimes against humanity. The intervention of the international community following the Civil War in Sierra Leone has helped to shed light on and bring justice to an extremely grim situation. Such intervention, while perhaps not enough, is a phenomenon of the last half century. If it continues to grow, maybe such gross human rights violations can be stopped before they start.

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