Sexual Violence within the Sierra Leone Conflict

(New York, 26 February 2001) Throughout the nine year Sierra Leonean conflict there has been widespread and systematic sexual violence against women and girls including individual and gang rape, sexual assault with objects such as firewood, umbrellas and sticks, and sexual slavery. In thousands of cases, sexual violence has been followed by the abduction of women and girls and forced bondage to male combatants in slavery-like conditions often accompanied by forced labor. These sexual crimes are most often characterized by extraordinary brutality and are frequently preceded or followed by violent acts against other family members. The rebel factions use sexual violence as a weapon to terrorize, humiliate, punish and ultimately control the civilian population into submission.

The perpetration of sexual violence is often marked by the systematic breaking of taboos and undermining of 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. As in other countries, the abuse of women in the Sierra Leonean conflict is rooted in the persistent human rights violations that push women into a lower status with limited rights in all spheres of their lives, from home to work.

The violence has affected thousands of girls and women of all ages. While members of the Revolutionary United Front (RUF) and Armed Forces Revolutionary Council (AFRC; the renegade members of the Sierra Leonean Army who led the 1997 coup, now sometimes also known as the West Side Boys) have been the most common perpetrators, members of the civil defense forces - the biggest and most powerful of which is the Kamajors - and the loyal Sierra Leonean Army have also been implicated.

Following the 1999 Lom Peace Accord, there was a marked decrease in most human rights violations - except sexual violence, which continued unabated. From the signing in July 1999 to the May 2000 collapse of the accord, Human Rights Watch documented some one hundred cases of rape by rebel forces. Since the collapse of the peace agreement in May 2000, Human Rights Watch has received consistent reports of rape by RUF rebels and AFRC soldiers, and to a lesser extent by Kamajor militias.

There are no official statistics on the numbers of girls and women who have suffered sexual violence during the war. This is due both to under-reporting because of cultural factors, fear of retaliation, and lack of faith in the criminal justice system, and to a lack of resources devoted to the problem on the part of the relevant government ministries. While it is common that women know the perpetrators of these violations, very few have dared to bring charges, for fear of reprisals against them and their families. However, those girls who have either been released or managed to escape rebel captivity indicate that the overwhelming majority are sexually abused. According to one 1999 study, there were 1862 female victims of sexual abuse seen for medical treatment and counseling in one program treating victims raped and/or abducted during the January 1999 offensive against the capital Freetown. Of these, according to information received from Mdecins Sans Frontières (MSF) in March 2000, 55 percent reported having been gang raped and 200 had become pregnant.

Since April 1999, the Human Rights Watch office in Freetown has done extensive research on sexual violence and taken hundreds of testimonies of victims throughout the rebel war and from all areas of the country.

International Law

Sexual violence within the Sierra Leonean conflict is not only a war crime, but - given its widespread and systematic nature - is also a crime against humanity. Rape and other forms of sexual violence also constitute torture when they are intentionally inflicted on a victim by an official or with official instigation, consent or tolerance for purposes such as intimidation, punishment, or eliciting information. Grave breaches of the laws of war, torture, and crimes
against humanity are crimes of universal jurisdiction: any nation may prosecute the perpetrators, regardless of their nationality, the nationality of victims or of where the crime took place. However, it is not necessary to find that rape and sexual violence take place systematically or on a wide scale in order to prosecute the perpetrators under national law. Just as a single case of murder of a civilian can be prosecuted, so too can a single rape.

Victims interviewed by Human Rights Watch indicate that the violence is often premeditated and organized, suggesting command responsibility on the part of the military hierarchy. That is to say, officers have either authorized or ordered these abuses, or they knew or should have known that they were taking place, and took no measures to control their subordinates. An individual found to have command responsibility for the crime committed by a subordinate is deemed responsible at least of the same crime as the subordinate, that is, if the officer stood by while the subordinate committed rape, the officer is also responsible for rape.

Perpetrators

Rebel Forces

The rebels (at different times the RUF, AFRC, and West Side Boys) have perpetrated systematic, organized and widespread sexual violence against girls and women since the Sierra Leonean civil war began in 1991. Most of the rapes documented by Human Rights Watch occurred during attacks against a hamlet, village or town. During the course of the attack, the victims were most often abducted and forced to become sexual partners or “wives” to their rebel captors. Once captured, victims often described trying to attach themselves to one rebel so as to avoid gang rape, be given a degree of protection and be subjected to less hardship. They often become pregnant, had children and remained with the rebels for years. Some received military training, were given drugs and later themselves became perpetrators of serious abuses. Human Rights Watch has documented several cases of female rebels being involved in ‘finding’ and later abducting young girls to be later raped by their commanding officers.

The RUF has made occasional efforts to declare rape a crime within areas under their control, and discipline combatants accused of ‘breaking the law.’ Human Rights Watch has documented numerous cases of combatants being publicly executed after summary trials in which they have been "convicted" of rape. Human Rights Watch condemns such extra-judicial and summary proceedings and executions. These efforts have in any event failed to deter the perpetration of sexual violence by rebel soldiers in practice.

Civil Defense Forces

Rape has until recently been very uncommon among the CDF forces, the largest of which is the Kamajors, primarily because of the belief that power and potency as a warrior is dependent upon sexual abstinence. In the last few years the Kamajors have been moved away from their native areas and traditional chiefs, and given more responsibility in national security. Once separated from the influence of the paramount and regional chiefs, they have become increasingly undisciplined and the cases of rape have become more common. Human Rights Watch has also documented one case of the sexual torture to death of a female RUF commander by a senior Kamajor leader.

ECOMOG and UNAMSIL

Human Rights Watch has not documented any cases of rape by soldiers serving under ECOMOG, the Economic Community of West African States peace keeping force., or under UNAMSIL, the U.N. Mission in Sierra Leone. The UNAMSIL human rights section provides basic training in international humanitarian law to the officers of all units serving in the mission.

Consequences of Sexual Violence
The victims of sexual violence can suffer severe health consequences. Human Rights Watch has interviewed two women who suffered a prolapsed uterus following rape, as well as several cases of serious injury among women who have had objects inserted into their vaginas. The incidence of sexually transmitted diseases is very high among the victims of sexual violence. The incidence of HIV/AIDS in rape victims is currently unknown but of great concern given rising rates of infection generally. There are effectively no programs available to test for infection. Girls as young as twelve have fallen pregnant as a result of rape.

According to health practitioners, victims of sexual violence often suffer anxiety and depression which lasts for years. Sierra Leonean society attaches a strong stigma to rape, and women are commonly blamed for having been raped or sexually assaulted. Many women who had been abducted interviewed by Human Rights Watch told how they stayed with the rebels for fear of being rejected by their family. This was particularly the case for those who had become pregnant and later had a child.

**Care for Victims**

Until the rebel offensive against the capital Freetown there were no statistics kept and no programs - either governmental or non governmental - specifically designed to treat the victims of sexual assault. The January 1999 offensive, in which thousands of girls and women were raped and later abducted by rebel forces, provoked a response on the part of such organizations as Medecins Sans Frontires, Forum for African Women Educationalists (FAWE), Cooperazione Internazionale (COOPI), and UNICEF.

During 1999, a task force on sexual violence was set up, and several counseling centers and a network of medical practitioners to treat the victims was established. MSF embarked on a program to train trauma counselors and COOPI opened a home in Freetown for abducted girls who had become pregnant. The services within the provinces, however, remain sorely lacking. The only existing program outside of Freetown is run by the International Rescue Committee (IRC) and treats victims living around the provincial headquarters of Bo and Kenema.

**Protection of Civilians in Sierra Leone Today**

The U.N. and its member states have failed to demonstrate the commitment to the implementation of the Lom peace accord that is implied by the U.N.’s acceptance of the position of "moral guarantor" of the agreement. It took three-and-a-half months after the signing of the Lom accord for the Security Council to adopt a resolution creating a peacekeeping force, and further months for the soldiers authorized under that resolution actually to arrive in Sierra Leone; only after the crisis caused by the RUF taking U.N. soldiers hostage in May did UNAMSIL's military contingent reach the level of 11,100 authorized in February. Moreover, the mandate granted to the peacekeeping force was too limited for the conditions facing it, while the troops that have been deployed have failed to implement even that limited mandate. When UNAMSIL forces have come under RUF attack since the resumption of hostilities, they have frequently chosen to make an immediate retreat rather than attempting to maintain their positions. UNAMSIL and government forces, including the loyal Sierra Leonean Army and the Sierra Leone Police, are in control of less than half of the country.

In particular, very little effort has been made by the Sierra Leonean Army, Sierra Leonean Police and UNAMSIL to protect women and girls from attack by rebel groups. For example, in the months following the signing of the Lom accord, Human Rights Watch documented scores of abductions and rapes of girls and women by AFRC and RUF rebels within villages around the western towns of Masiaka and Port Loko. The attacks occurred within the context of food raids and against public transport vehicles along a major highway. While the rebel activities were well known by UNAMSIL, ECOMOG (prior to their withdrawal), Sierra Leonean Police and the Sierra Leonean Army, there was no effort to arrest and prosecute the perpetrators. Several women were in fact abducted less than a mile from UNAMSIL and SLA checkpoints.
The UNAMSIL human rights section is currently providing human rights education to Sierra Leonean Police units. The British army is training 3,000 members of the Sierra Leonean Army, and includes education on the laws of armed conflict and child protection within their training curriculum. There is, however, no specific training to any military or police force with regard to women's rights, including women's rights to equality and bodily integrity.

Impunity

Article IX of the Lom Accord required the government of Sierra Leone to "grant absolute and free pardon and reprieve to all combatants and collaborators in respect of anything done by them in pursuit of their objectives" up to the date of the signing of the accord. The special representative of the U.N. secretary-general attached a reservation to the Lom Accord stating that the U.N. interpreted Article IX not to apply to "international crimes of genocide, crimes against humanity, war crimes, and other serious violations of international humanitarian law."

All states have a duty to prosecute the perpetrators of serious violations of human rights and international humanitarian law, including sexual violence. Human Rights Watch does not believe that, even under the terms of the Lom amnesty as currently in force under Sierra Leonean law, rape and sexual violence should be considered as being "in pursuit of the objectives" of any of the parties to the conflict.

Recommendations

Human Rights Watch urges all Sierra Leonean authorities and UNAMSIL to take steps to protect women from sexual violence, address the legal and other needs of victims, and bring perpetrators to justice. In particular, Human Rights Watch urges UNAMSIL to ensure that its monitoring of human rights abuses includes reporting on current incidents of rape and sexual assault against women and abduction of women for forced labor by rebel or pro-government forces, or by soldiers serving with the UNAMSIL peacekeeping forces. UNAMSIL should work with the Sierra Leonean government to put in place disciplinary and other procedures to prevent violations of international humanitarian law and other abuses, including sexual violence, by pro-government forces including the Sierra Leonean Army and the Civil Defense Forces.

Given the widespread nature of sexual abuse within the Sierra Leonean conflict, Human Rights Watch urges UNAMSIL, and the Commonwealth training teams involved in training UNAMSIL peacekeepers, the Sierra Leonean Army and Police, to include classes within their training to address women's rights, including women's rights to equality and bodily integrity, with special emphasis on sexual assault.

The Sierra Leonean Ministry of Health and international humanitarian organizations should make every effort to address health issues for women resulting from sexual violence. To the degree possible, programs for rape survivors should be integrated into broader programs to ensure that rape survivors are not further stigmatized.

Human Rights Watch has called for the establishment of an internationally-supported tribunal to bring to justice the perpetrators of war crimes and other abuses in Sierra Leone. Any such tribunal, or trials under Sierra Leonean law, should recognize and prosecute rape, sexual slavery and sexual mutilation, where appropriate, as crimes against humanity or war crimes. All investigations should be done in a manner that has as a priority minimizing secondary trauma to the victim and assuring her physical and psychological well-being. The investigations should be done by investigators with gender and sexual assault expertise and training.