

TABLE OF CONTENTS

Glossary	2
I Introduction	3
II Sexual violence in the Sierra Leone conflict and its impact on survivors	4
III The impact of shame and stigma.....	6
IV The government's obligation to ensure justice and reparations.....	15
V The government's implementation of justice and reparations to the survivors.....	21
VI Recognizing the efforts of non-government actors to ensure reparations to survivors.....	27
VII Conclusion	30
VIII Recommendations	31

Glossary

AFRC	Armed Forces Revolutionary Council
CDF	Civil Defence Forces, a militia fighting alongside the Sierra Leone Army
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
DDR	Disarmament, Demobilization and Reintegration
FAWE	Forum for African Women Educationalists
FSU	Family Support Unit
IRC	International Rescue Committee
MSF	Médecins Sans Frontières
NaCSA	National Commission for Social Action
REDRESS	An international human rights organisation
RUF	Revolutionary United Front
SLANGO	Sierra Leone Association of Non-Governmental Organizations
SLCMP	Sierra Leone Court Monitoring Programme
Special Court	Special Court for Sierra Leone
STI	Sexually Transmitted Infection
TRC	Truth and Reconciliation Commission
UNICEF	United Nations Children's Fund
UNIOSIL	United Nations Integrated Office in Sierra Leone

Sierra Leone

Getting reparations right for survivors of sexual violence

When women asked the president for an apology for victims of sexual violence from the war and he refused, it sent the wrong message.

NGO staff

When the war ended, NGOs and the UN made it known to the government that we were prepared to fund or provide services for reparations. The government never asked. It sent the wrong message.

UN staff in Sierra Leone

When the government responded to the ... TRC recommendations with a white paper instead of just taking steps to implement them, it sent the wrong message.

UNIOSIL staff

I Introduction

Six years after the end of the conflict in Sierra Leone, little has been done to ensure that survivors of sexual violence receive justice, acknowledgement of their suffering, or full, meaningful and effective reparations. The unimaginable brutality of violations committed against up to a third of Sierra Leone's mostly rural women and girls has been well documented; however the government has failed to effectively address the physical, psychological and economic impact of these crimes on the survivors. Without justice, recognition of the crimes or effective programmes to ensure their rehabilitation, without help to rebuild their lives or steps being taken to ensure that they are protected from future crimes, the suffering of the women and girls continues.¹

Amnesty International interviewed women and girls who have employed many strategies to survive, both during the conflict and in its aftermath. For them, sexual violence was not a single event but a violation that has continued in the absence of comprehensive measures to deal with it. Along with the sexual violence, many identified themselves as former 'rebel wives', which also contributed to isolation and exclusion. As a result, many have had difficulty accessing food, shelter, work and healthcare. The continuing discrimination they have faced has impeded their reintegration into the community.

¹ Although beyond the scope of this report, it is unsurprising that, in the absence of measures to address widespread violence against women during the conflict, domestic violence is considered the most serious social ill women face in Sierra Leone today.

These women and girls expressed a desire for justice and meaningful reparations not out of revenge but simply to enable them to become economically independent and begin to re-establish their lives free from fear, stigma and discrimination.

A reparations programme recommended by the Truth and Reconciliation Commission (TRC) in its 2004 report includes specific measures for victims of sexual abuse. This provides the government with new opportunities to ensure that victims can finally begin to address the damage that has been done to them. Lessons learned from efforts at reintegration reveal that the needs of women and girls have not been adequately met.² These lessons must be incorporated into the reparations programme, which requires the active participation of its beneficiaries if it is going to be designed to meet their needs.

In order to address the complex social and individual impact of sexual abuse, the reparations must be provided in a context that seeks to prevent future violence, addresses the deep-seated discrimination against women, promotes equality and improves women's status.

All victims and survivors of crimes against humanity, war crimes and other serious violations of international human rights and humanitarian laws are entitled to justice and reparations. This report focuses specifically on reparations for survivors of sexual abuse, which mainly affects women and girls from rural areas in Sierra Leone. Amnesty International examines the social and individual effects of sexual violence, the failure of the government to provide measures to address its impact, including justice and reparations, and the need for the government to implement a comprehensive and effective reparations programme to *get reparations right for victims of sexual violence*.

II Sexual violence in the Sierra Leone conflict and its impact on survivors

Between 1991 and 2002, all parties to the conflict in Sierra Leone perpetrated rape, sexual slavery and other crimes of sexual violence against Sierra Leonean women and girls.³ Overall estimates are that 250,000 women and girls (33 per cent of the total female population) were subjected to these crimes.⁴ Sierra Leone's Truth and Reconciliation Commission (TRC) concluded: "it is clear

² For an in-depth analysis of girls' experience of the Disarmament Demobilization and Reintegration (DDR) process see Susan McKay and Dyan Mazurana, *Where Are the Girls? Girls in Fighting Forces in Northern Uganda, Sierra Leone and Mozambique: Their lives during and after war*, Rights & Democracy, 2004.

³ *The Final Report of the Truth & Reconciliation Commission of Sierra Leone*, Volume III B Chapter 3 paragraph 207 states: "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."

⁴ *We Will Kill You If You Cry: Sexual violence in the Sierra Leone conflict*, Human Rights Watch Vol 15, No. 1 (A), January 2003, and *War-Related Sexual Violence in Sierra Leone: A population-based assessment*, Physicians for Human Rights, 2002 (War-Related Sexual Violence in Sierra Leone).

that there were deliberate policies systematically to target women and girls and systematically to rape and sexually violate them.”⁵ Crimes of rape and sexual violence have been documented by the international community, civil society and the TRC. Crimes of sexual violence have been investigated and prosecuted by the Special Court for Sierra Leone (Special Court). Its first judgement, handed down in June 2007, found three Armed Forces Revolutionary Council (AFRC) leaders guilty of rape and outrages of personal dignity, including sexual slavery.

Women and girls of all ages and across all districts in Sierra Leone suffered a multiplicity of abuses and violations, including rape, sexual slavery, forced pregnancy and other crimes of sexual violence. They were also subjected to abductions, enslavement, torture and forced labour. Many women and girls and their families were killed, lost limbs or witnessed horrendous acts committed against their children, husbands and other members of their families and communities.

The psychological, physical, social and economic impact on women and girls of this inhumane treatment is immeasurable. Shame has prevented large numbers of them from returning to their communities. Others live in silence, unable to share their painful memories out of fear that they will be rejected by family members and lose their future economic security. Women who have borne children as a result of the violation committed against them are not only unable to escape the stigma, but have to care for their children with limited means of sustaining themselves. These women and children are denied work, home, family and community, and are condemned to exist on the margins of society. In some cases, prostitution is their only means of survival, but this often results in further marginalization. As a result of this, reintegration has been extremely difficult or even impossible for many women and girls who were raped and sexually abused.

Survivors from Sierra Leone’s easternmost district, Kailahun, and from villages in the northern districts of Tonkolili and Bombali, shared their experiences with Amnesty International in March 2007.⁶ They revealed that, although six years had passed, the impact of the rape, sexual violence and sexual slavery they experienced still affected their everyday lives. Few had received the assistance they needed and, as a result, they were continuing to suffer terribly.

Case studies

Displaced in Kailahun

Kailahun is Sierra Leone’s easternmost district. Situated on the border of Liberia, this area was a stronghold of the Revolutionary United Front (RUF) and the Armed Forces Revolutionary Council (AFRC) throughout the conflict. It was not only the scene of significant destruction but

⁵ *The Final Report of the Truth & Reconciliation Commission of Sierra Leone*, Volume 3B Chapter 3, paragraph 330.

⁶ A follow-up visit to Freetown also took place in July 2007 to facilitate a workshop with members of civil society on their role in the reparations process.

was also the place where rebel groups had their main bases. These were dependent on the thousands of women, and girls who served as “wives”, cooks, labourers, fighters and sex slaves.

The majority of the women Amnesty International interviewed were abducted from other districts, including Bo, Kenema, Pujehun, Makeni, Magburaka and Bonthe, at a very young age. Some were as young as four. Their family members had often been killed, and they were brought to Kailahun in 1994 and forced to live with the RUF until peace came in 2002. The majority stayed in Kailahun after 2002, for a variety of reasons.

All the women had been subjected to sexual violence, sexual slavery and torture. Some had children. They were all suffering from physical and/or psychological effects of the crimes they had endured. As well as medical and psychological problems, their experiences have contributed to them suffering from low self-esteem, compounded by feelings of shame and stigmatization associated with rape. Some confessed that they had never spoken to anyone about their experiences due to the fear of stigma; others with children complained of being ridiculed and ostracized, and said they were shunned by other people, even relatives. Many said they needed medical care, education for their children, land to farm, micro-credit to start businesses and a place to live, but were weary of being labelled as women who had lived with the rebels or been raped.

Returning to Makenilol

Makenilol is a small community of approximately 100 houses half-way between Makeni town and Magburaka. During the 11-year conflict it suffered repeated attacks and a period of occupation by the RUF. It is estimated that 40 girls were abducted during the conflict. After disarmament in 2002, approximately 25 returned. Those who did not return had either died or resettled elsewhere. Although many girls were suffering war-related medical conditions, few sought proper medical assistance, as they were fearful that this would expose them to negative judgements and rejection by their parents. Instead they were treated with native medicine. When the girls first returned, many stayed isolated from the rest of the community.

In response to the ridicule and ostracism that many of the girls faced, the mammy queen⁷ and the chief explained to members of the community that the girls were not to blame for what had happened to them and said that anyone who harassed them would be fined. While this helped initially, it did not result in long-term acceptance of the girls. Up to eight returned to school, while many of the others, who had by now reached adulthood, left Makenilol to resettle in a community where they did not know anyone in the hope that they would find husbands to take care of them.

III The impact of shame and stigma

⁷ Female head of a village or community.

The shame, stigma, discrimination and rejection associated with rape and sexual violence significantly influence the choices and decisions of survivors and severely limits the opportunities open to them. Feelings of shame about having been raped affect the physical and mental health of women and girls, and this influences whether or not they seek the medical care they need. The stigma of sexual violence also affects where they live: many were too ashamed to return home; others were rejected by their communities if they did attempt to return.

Shame and fear of rejection affected the choices women and girls made about who they would speak to about their experiences and the type of information they felt they could share with others. Their reluctance to access services was matched by a general reluctance by girls who had suffered sexual violence to participate in Disarmament, Demobilization and Reintegration (DDR) and the Truth and Reconciliation Commission (TRC) processes in the same way as their male counterparts.

Rejection by communities and families also carries enormous economic consequences for the victims, who are excluded from their homes and cut off from possible means of livelihood. Survivors abandoned by their husbands are unlikely to marry again, leaving them as sole carers and supporters of their children.

1. Access to services

Social isolation and fear of rejection prevent many survivors from seeking help or speaking out about their experiences and needs. The mammy queen of Macomb, a village in the north near Makeni town, told Amnesty International:

“The women in our village did not speak to the TRC because they would have to say that they had been raped not once but many times, and they were not prepared to let others know this truth about what happened to them. This has prevented them from accessing many of the other services they need.”

Fearful of being exposed as rape victims, many women and girls did not make use of health centres. As a result, large numbers received no treatment or relied on native medicine. A health worker from the Forum for African Women Educationalists (FAWE) told Amnesty International that, even though the rapes had started in the early 1990s, it was not until the attack on Freetown in 1999 that people really started to speak about the gang rape and mass rape, and to address the health concerns related to it. She said:

“I don’t know the number of women and girls that died because they didn’t access any healthcare, or what the long-term impact will be on them of not addressing their medical needs. It is something we do not know. After 1999 the issue was finally exposed but only those with urgent medical needs came out. The majority were too ashamed to go to the health centre and instead relied on native medicine.”

2. Nowhere to go

Mamatu, originally from Pujehun, was forcibly brought to Kailahun and did not return home when peace came. She told Amnesty International:

“They tolerate us here but we are not really welcome. In 2002 we were released from the rebels but, because we all stayed so long with them, when it finally was time to return many did not have relatives left, or they felt that they would not be accepted if they tried to go back; some tried and were rejected. Where we are now, no one really speaks to us; we have no house and no land to farm. We are occupying more than 40 villages. None of the men are around as most went to the mining areas to find work and have met other women. None of us spoke to the TRC; we were ashamed.”

Mamie, originally from Bo and nearly 60 years old, was abducted and brought to Kailahun in 1995. When she tried to return home, her community rejected her. She said:

“I returned to Bo in 2004 and 2006, and both times they called me a rebel. They said that the rebels were killing and eating people so they didn’t want anything to do with me. Now to survive I take care of a child and in return the family gives me food. People in the community call me a rebel. Few people will talk to me. I need food, shelter, and medicine now.”

3. Considered “dirty” and “unworthy”

In Sierra Leone there is an assumption among some people that women were somehow responsible for what happened to them. They are often viewed as “shameful” or “dirty” because of the rape, making marriage an unlikely future option for many who suffered from sexual violence. Often, shame prevented them from trying to find husbands, and they feared that they would be rejected or abandoned if their experiences were discovered.

When Linda, now 30, returned to Makenilol in 2002, she was well aware of her limited future options. She knew that the community would be unlikely to accept her and that her chances of marriage would be reduced if it were known that she had been with the rebels. So she did not tell anyone what happened to her, and married a man from the community. Soon after her child was born, her husband abandoned her. She said:

“When I saw that one of the girls that I knew in the bush was rejected by her family, I knew it would not be good to tell too many people in the community, especially the men as they will not accept you. So I did not tell my new husband but later I heard that other men in the community were making fun of him for being married to me. Soon after I had the child he left me.”

Women and girls who survive rape are sometimes accused of not having resisted enough, of having somehow consented to sex or of having cooperated with the perpetrators. The chief in Macomb told Amnesty International: “Some women and girls have not come back because they know that people think it is their fault. We have tried to talk to people in the community but the feeling is strong.”

Children born as a result of rape generally face severe discrimination and are often referred to as “rebel children”. Fatmata from Makeni told Amnesty International about her experience of living with her stepsister:

“My stepsister gave my little son and me a place to live and some food. But the place was very dirty and they were abusive towards us. They would call my child a rebel child. This hurt me a lot. He is my son and this really offends me. In the end they threw us out a few months ago, saying that I did not do my chores properly.”

4. Rejected by relatives

Some of the women and girls were rejected by their own family members. Mamuta also told Amnesty International about a girl she knew:

“One of the women from the group of 50 who came from Pujehun was rejected by her family. During the war her family went to Guinea but she didn’t go with them – so now they are rejecting her. I don’t know where she is now.”

Leitia from Makeni told Amnesty International:

“I haven’t told anyone about what happened to me but my grandmother has and they laugh at me and say that I was with the rebels. This hurts me. I haven’t told anyone myself. I am not happy.”

5. Relieved to find someone to trust

Mary, originally from Makenilol, finally returned there in 2007 after being in Kono throughout the war. She stayed with the rebels for two years and had a child while she was in captivity. When she returned to Kono she did not tell anyone what had happened to her.

“When I finally escaped from the rebels I went to live with relatives in Kono. I didn’t tell anyone what happened to me ... I was ashamed....It was only when I arrived back in Makenilol that I told my mother. After I told her what happened I felt better. I felt it OK to talk to my mother because I knew she would not judge me and would accept me, and never tell anyone.”

6. Psychological scars

Few women and girls went through any formal Disarmament, Demobilization, and Reintegration (DDR) process as a result of being associated with the fighting forces. Instead, many returned to their communities on their own and often in secrecy with no psychological assistance to help them reintegrate. The secrecy, combined with limited options to address the psychological consequences of the extreme violence, loss of family members, community rejection, the financial and social consequences of children born as a result of rape, and loss of control of their reproductive capacity, has left women and girls to face their anxiety, depression, nightmares, anger and fear alone. Amnesty International found that many spoke of headaches, stomach pains and backaches – physical symptoms of psychological stress. With the harsh treatment they endured in captivity many women are disabled and unable to find work to sustain themselves, adding to their stress.

Hawa, now almost 70, and originally from the town of Daru in Kailahun district, is still severely traumatized from an event that took place in 1992, but has few options and no one to take care of her due to the death of her children. She also feels isolated as she has been unable to tell anyone what happened to her. In March 2007, more than 15 years after the event took place, she told Amnesty International:

“I was abducted in 1992. I was laid in front of everyone and openly gang raped by four boys. They raped me in front of a lot of people near to where the paramount chief lives in town. As a result of this rape I used to bleed all the time. It finally stopped bleeding about two years ago. I used native herbs to treat it. I never told anyone about this as it was just too awful to recount. I still remember it as though it happened yesterday as I am still in a lot of pain now. I have not been able to be with any other man since then. I am too afraid. Before the war I had four children and now they are all dead. My daughter was pregnant and they split her stomach and she and the baby died. I am all alone now because everyone else was killed. I am lonely. I don’t have anyone to share what happened to me I actually think telling others would only hurt me. I think they would only look down on me and no help would come from it. I know how people talk and then ridicule you.”

Many women and girls are unable to share their experiences, either because they have no living relatives and no one they trust to share them with, or because they fear that they will be rejected or ridiculed, leaving them lonely, isolated and unsupported. Musa is originally from Moyamba and has no living relatives. At the age of four, she watched her parents being killed in front of her and was then given the option of rape or death.

“I chose to live so that meant choosing to be raped. I stayed with them for 10 years. I am not able to sit properly as it is very painful for me to do so. I also have frequent sharp pains in my stomach. I have never menstruated either. This makes me very sad. So often during the 10 years I thought they were going to kill me. One man became my husband. He would often give me to other men. He and the others tortured me. They used to inject me in my leg and now I cannot walk properly. I was also beaten in the head and I still suffer pain in the head from time to time. I have a problem with my eyes because the

rebels used to put herbs in and rub them around. If there is too much light I cannot see well.”

Although Musa suffered unimaginably, she has been unable to share her experiences with anyone apart from another girl in the community who had suffered in a similar way to herself:

“I have not told anyone here except for one friend who is from my village, who was also abducted and survived, and sometimes we talk. She was the one who gave me information about my parents. I won’t tell anyone else as I am so afraid of how they might think of me.”

The social stigma that prevents women and girls from speaking about rape, combined with their need to ensure their own and their children’s survival, makes it very difficult for them to ask for services to address their mental health concerns. Staff of women’s organizations who worked directly with survivors of sexual violence highlighted the need for much greater attention to these concerns. Yet they noted that there were very few available programmes, and many of the programs that did exist had not always been thoroughly evaluated. Many recognized that mental health was not a governmental priority and believed that the fact that survivors themselves do not seem to prioritize it, has made it easier for government and other decision makers not to prioritize it either. A member of staff of the Ministry of Social Welfare stated: “Women and girls had psycho-social counselling at the end of the conflict. Now mental health concerns are not the priority but financial considerations are their main concerns.”

Adequately addressing psychological concerns is a challenging prospect given the myriad stresses that women in Sierra Leone face, the lack of understanding globally of the psychological impact of rape and sexual violence on women, and the lack of psychosocial and psychological services available in Sierra Leone. There is little doubt, however, that if mental health concerns continue to go unaddressed, it will be difficult for women and girls to be in a position to rebuild their lives or contribute to rebuilding the social fabric of their communities.

7. Severe beating as part of sexual violence

Sexual violence was accompanied by other forms of violence. Sylvia told us how the beating was sometimes more severe than the rape, and said that it has been difficult to get the care she needs.

“We were then taken to be slaves in the farm, fetching food and water, and beaten regularly. Once I accidentally gave the commander an insect in his water and suffered 40 lashes for it. We were constantly on the move and expected to carry heavy loads. Since disarmament in 2002, despite all the pain in my back and internally, I have only been treated with native medicine.”

Kediata told Amnesty International how the rebels used her and then hit her; she is still in a lot of pain today.

“They sexually used me and then afterwards hit me on my side and beat me. I now have problems with my legs and at the side of my buttocks. When they did this I was pregnant and then later the unborn baby died. I was so badly off that when I finally got to the village I was taken to the hospital for treatment. I still have a lot of pain in my leg and it has impacted my ability to work.”

8. Inaccessibility to appropriate healthcare

Amnesty International found that the repeated rapes and sexual abuse caused damage to the reproductive organs, miscarriages, unwanted pregnancies and sexually transmitted diseases including HIV/AIDS. Many women suffered injuries as a direct result of the rape and sexual violence they endured, including gynaecological problems affecting their uterus. Women raped at a very young age, who became pregnant, often suffered from fistula, a serious and painful disorder with devastating physical consequences. Other physical health problems resulted from the brutality of repeated rape. The majority of survivors were also disabled after having been subjected to other forms of torture, beatings, slave-like conditions and carrying heavy loads.

The poor status of the healthcare system and the lack of specialized care for women available throughout the country make it a challenge for women to gain access to the care they need in the aftermath of these experiences.

After Awa’s experience with the rebels she returned to Kono and gave birth to her first child. Immediately after this, she developed urinary incontinence, one of the physical consequences of fistula, but she found it impossible to find adequate healthcare in Kono. She said:

“After spending six years with the rebels, I decided to stay in Kono. I began to have problems with my water running when I returned back to the village. It was not continuous but once I had my first child it got worse. I then had another child and then it began to run all the time and became continuous. As there was no service in Kono, I came to Magburaka. It cost 160,000 le (US\$45), which took the family three months of farming to accumulate. By the time they saved this money I was unconscious. My mother and men in the village carried me on a stretcher for two days and then I was brought on a truck which took another two days. I have now had the operation but my water continues to run. I have no money to return.”

Florence, now living in Makeni, told Amnesty International:

“When I was shot in the vagina I had problems; I had no control over my bowels or my urine. I went to the hospital and so now I have no problems with my bowels but I still do with my urine. I have not had any follow-up since this happened. I was also told to go to Mercy Ships but I tried twice, but both times I was told that I could not enter because I did not have a paper.”⁸

⁸ Mercy Ships is an international organization focused on health issues.

Hawa spoke about the impact that gang rape has had on her daughter:

“My eldest daughter was gang raped when she was 10, and now at 17 she cannot walk properly. Although I know she needs an operation to help her, we don’t have the money so she has only received medicine that’s not curing her.”

While efforts are being made by the government through the National Commission for Social Action (NaCSA) to build health structures in rural Sierra Leone, feedback from the chiefs in several communities revealed frustration at the lack of medicine and qualified personnel.⁹ Organizations such as MSF, which have operated in Sierra Leone since the mid-1990s, continue to highlight the poor state of the health sector and the impact this is having on the population. In August 2007 MSF (Operational Centre Amsterdam) left the country even though many of the health indicators remain very poor, indicating that not even basic healthcare needs are being adequately addressed.

Sierra Leone has one of the highest maternal mortality rates in the world, with 2,000 women out of every 100,000 dying in childbirth. There are severe problems of access to reliable health information, high rates of harmful traditional practices, and insufficient gynaecological and reproductive health services available to women and girls. Greater emphasis should be placed on providing accurate information about women’s health and the provision of services including access to primary healthcare, qualified birth attendants and access to specialized health services.

9. Little access to work, education, and housing

Feelings of frustration and despair were expressed in conversations with women across Sierra Leone as they talked about their desire for work and educational opportunities, and described the limited options available to them. Mamata in Kailahun reflected on how many women and girls in that town were living:

“All of us here are still suffering. We need to act like slaves to survive. We all work for other people here; we take care of their children, and we clean the house and prepare the food. Many of us are disabled. None of us are living like we would in our village if we lived there now. We live like slaves. Our children are not going to school, we have no food, and no houses.”

10. Discrimination as a result of age

The despair was particularly acute for women over the age of 25, when they realized their limited options. Too old for school, and with marriage an unlikely prospect, women sought skill-training, farming and micro-credit schemes. However, they found that most of the programmes run by

⁹ NaCSA is tasked with coordinating all the activities of all non-governmental organizations and ensuring that they are in line with the government’s overall goals of reconstruction, resettlement and rehabilitation.

NGOs were aimed at children, while commercial programmes were either too expensive or did not offer day-care, making it impossible for those with children to participate. Many of the older women who spoke to Amnesty International also highlighted how limited their options were. Hawa from Port Loko told Amnesty International: *“After the war I went back to Port Loko but there were no programmes for an old woman like me. I decided to then return to Makeni because it was a bigger town.”* Many were separated from their families and had suffered the humiliation of being raped or treated brutally by boys or young men as young as their own children or grandchildren, but they did not have anyone to take care of them or to talk to about these experiences.

11. Inaccessible education

The high cost of education caused significant stress, since adult women with children were preoccupied with earning enough money to be able to send their children to school, while girls who had children were also concerned about going to school themselves. However, although school for primary age children was free, families were expected to supply books and school uniforms, which was beyond the means of some families. As a result they could not send their children to school. Secondary education school fees, ranging from 20,000 -75,000 le (US\$ 7-25) per term, were prohibitive for most families. The chief of Makenilol lamented the high cost of education, saying: *“It is so important for our rural children to go to school, but it is just too expensive for most people.”*

12. Prostitution leads to further marginalization

Insufficient available programmes designed to help women and girls move on from the conflict and rebuild their lives resulted in some women and girls resorting to prostitution. Jamesina from Makeni told Amnesty International:

“I went through DDR but then the skill training provided was not enough. It lasted for six months and then one machine was given to two people. I sold off my portion of the machine to the other girl but that money soon ran out and my only option then was to go into prostitution as it was the only way that I could find to make money.”

13. Continuing discrimination, violence and denial of justice

The high levels of violence against women in Sierra Leone and society’s acceptance that violence is ‘normal’ are, in part, a result of the state’s failure to prosecute those responsible for rape and sexual violence during the conflict and for the continuing violence against women and girls in homes and communities. Despite the government’s obligation to protect women from rape and sexual violence, only a few steps have been taken to deal with these crimes.

Amnesty International believes that this failure to punish perpetrators for both past and current crimes gives the impression that they will not have to face the consequences of their actions, ignores the distress of the victims, and creates a risk of future violations.

After serious campaigning by civil society concerning critical women's rights bills that had been pending since 2003, just before the parliament closed in June 2007 three significant bills were passed: the Domestic Violence Bill, the Registration of Customary Marriage and Divorce Bill, and the Intestate Succession Bill. The Domestic Violence Bill criminalizes violence in the family providing the police with the legal tools they need to investigate and prosecute these crimes. The Registration of Customary Marriage and Divorce Bill and Intestate Succession Bills can begin to help improve the status of women in rural Sierra Leone by allowing them greater access to property and greater rights in marriage, making it easier for them to leave abusive relationships. However in rural Sierra Leone the true challenge will be to ensure that police enforce these laws and they do not continue to be illegally adjudicated informally by the chiefs, as this perpetuates discrimination against women.

14. Remaining challenges

Despite the passage of the women rights bills mentioned above, there is still a long way to go to deter the violations in the first place. Not only is violence against women and girls rampant, but efforts to prosecute perpetrators have been largely ineffective. Discussions with the gender coordinator of the International Rescue Committee (IRC) in July 2007 indicated that rape, including gang rape, was still taking place.

“Only yesterday I heard about a girl who was so brutally gang raped that she died. It was men from her village. There was another one we heard about the day before. Rape is still happening on a large scale in Sierra Leone and there is very little being done to stop it.”

Amnesty International is concerned that mediation in rape cases contributes to impunity and facilitates state evasion of the obligation to ensure that violence against women is prosecuted. The restoration of 'peace' is usually aimed at providing an understanding between families, and such agreements do not prioritize the victims' needs including for justice. A staff member of the Ministry of Social Welfare, Gender and Children's Affairs discussed the challenges of prosecuting current cases concerning violence against women including rape. She told Amnesty International:

“Even when girls are encouraged to report cases to the FSU, it seems that the magistrate looks for peaceful solutions to deal with the issue rather than trying the case. I think that if both the family and the magistrate opt for a peaceful solution then they both should be fined. These are practices which are discouraging girls from even reporting cases.”¹⁰

IV The government's obligation to ensure justice and reparations

¹⁰ The Family Support Unit has been set up within the Sierra Leone Police to deal with domestic violence.

Under international law, those responsible for rape, sexual slavery and sexual violence amounting to crimes against humanity, war crimes and torture must be brought to justice and the survivors must receive full and effective reparations.

In 2005, the United Nations General Assembly adopted the Basic Principles and Guidelines on the Right to a Remedy and Reparations for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (Basic Principles and Guidelines).¹¹ The Basic Principles and Guidelines codify the obligations of states under international law to respond to serious crimes under international law, when they are committed, by implementing the rights of victims.

The Basic Principles and Guidelines require states to ensure that victims receive justice. It affirms the obligation under international law for states to investigate crimes under international law (including, rape, sexual slavery and sexual violence amounting to crimes against humanity, war crimes and torture), and, where there is sufficient admissible evidence, to prosecute those suspected of committing the crimes.¹² Trials should apply international fair trial standards and the death penalty should not be applied in any cases. The obligation to investigate and prosecute these crimes prohibits the adoption of national amnesties covering the crimes.¹³

The Basic Principles and Guidelines affirm that victims of such crimes also have a right to full and effective reparations under international law. The right to reparation is well established in international human rights law as a central element of the right to a remedy contained in international and regional human rights treaties.¹⁴ The right to and forms of reparation for

¹¹ General Assembly Resolution A/RES/60/147, 16 December 2005.

¹² See Principle 4 of the Basic Principles and Guidelines. The obligation is also set out in numerous conventions, including the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention against Torture and other cruel, inhuman and degrading treatment or punishment, the Geneva Conventions, the Rome Statute of the International Criminal Court, as well as under customary international law.

¹³ See: Amnesty International's *Sierra Leone: Special Court for Sierra Leone: denial of right to appeal and prohibition of amnesties for crimes under international law* AI Index: AFR 51/012/2003.

¹⁴ Universal Declaration of Human Rights, Article 8; International Covenant on Civil and Political Rights, Article 2 (3); Convention against Torture and other Forms of Cruel, Inhuman or Degrading Treatment or Punishment, Article 13; International Convention on the Elimination of All Forms of Racial Discrimination, Article 6; Declaration on the Protection of All Persons from Enforced Disappearance, Articles 9 and 13; UN Principles on Extra-legal Executions, Principles 4 and 16; Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, Principles 4-7; Charter of Fundamental Rights of the European Union, Article 47; American Convention on Human Rights, Article 7 (1) (a) and 25; American Declaration of the Rights and Duties of Man, Article XVIII; Inter-American Convention on Forced Disappearance of Persons, Article III (1); Inter-American Convention to Prevent and Punish

violations of international human rights law are expressly stated in a number of instruments and jurisprudence by international and regional human rights courts and bodies.¹⁵ In most cases where these crimes have been committed, governments are primarily responsible for providing reparations because of the state's own involvement in the crimes and because the state has failed to protect its citizens. In Sierra Leone, as the TRC report notes:

The Commission took the view that the State has a legal obligation to provide reparations for violations committed by both state actors and private actors. ... States have the obligation to guarantee the enjoyment of human rights and to ensure that human rights violators are brought to justice and that reparations are made to victims.

States do not only have an obligation to respect human rights themselves; they are also obliged "to ensure compliance with international obligations by private persons and an obligation to prevent violations. If governments fail to apply due diligence in responding

Torture, Article 8 (1); African Charter on Human and People's Rights, Article 7 (1) (a); Arab Charter on Human Rights, Article 9.

¹⁵ For example: International Covenant on Civil and Political Rights, Article 9(5): "anyone who has been a victim of unlawful arrest or detention shall have an enforceable right to compensation"; Convention against Torture and other Forms of Cruel, Inhuman or Degrading Treatment or Punishment, Article 14: "Each State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of death of the victim as a result of an act of torture, his dependants shall be entitled to compensation"; Committee on the Elimination of Racial Discrimination, General Comment 26 on Article 6: "the right to seek just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination... is not necessarily secured solely by the punishment of the perpetrator... the courts and other competent authorities should consider awarding financial compensation for damage, material or moral, suffered by a victim, whenever appropriate"; Committee on the Elimination of Discrimination against Women, General Recommendation 18 on Violence against Women (UN Doc. A/47/38), para. 24(t): "States parties should take all legal and other measures that are necessary to provide effective protection of women against gender-based violence, including, inter alia: Effective legal measures, including penal sanctions, civil remedies and compensatory provisions..."; Working Group on Involuntary or Enforced Disappearances, General Comment to Article 19 of the 1992 Declaration on the Protection of All Persons from Enforced Disappearance (UN Doc. E/CN/4/1998/43): "The victims of acts of enforced disappearance and their family shall obtain redress and shall have the right to adequate compensation, including the means for as complete rehabilitation as possible. In the event of death of the victims as a result of an act of enforced disappearance, their dependants shall also be entitled to compensation"; International Convention on the Protection of All Persons from Enforced Disappearance (not yet in force), Article 24(4): "Each State Party shall ensure in its legal system that the victims of enforced disappearance have the right to obtain reparation and prompt, fair and adequate compensation"; European Court of Human Rights, *Aksoy v. Turkey*, Judgment of 18 December 1996, para. 98: "where an individual has an arguable claim that he has been tortured by agents of the State, the notion of an "effective remedy" entails, in addition to the payment of compensation where appropriate, a thorough and effective investigation capable of leading to the identification and punishment of those responsible and including effective access for the complainant to the investigatory procedure."

*adequately to, or in structurally preventing human rights violations, they are legally and morally responsible.*¹⁶

Under international law, the individuals who committed the crimes,¹⁷ armed groups who commit crimes¹⁸ and other states whose forces commit crimes can also be responsible for providing reparations.¹⁹ However, in Sierra Leone, the government has precluded victims from obtaining reparations from individuals and armed groups by establishing the Lomé amnesty. The government has also failed to seek reparations against other states involved in the conflict. In these circumstances, the government is responsible for providing reparations for all crimes, which is not to say, that it cannot accept assistance in fulfilling this responsibility from non-governmental and humanitarian organizations, international donors, the United Nations and other actors.

In terms of what reparations the state must provide, international law requires that:

*Reparation must, as far as possible, wipe out all the consequences of the illegal act and re-establish the situation which would, in all probability, have existed if that act had not been committed.*²⁰

¹⁶ *The Final Report of the Truth & Reconciliation Commission of Sierra Leone*, Volume 2, Chapter 4, paragraph 21

¹⁷ Most legal systems provide that victims of crime can claim compensation and other forms of reparation against the person who committed the crime through the criminal or civil process. Principle 15 of the UN Basic Principles and Guidelines states: "In cases where a person, a legal person or other entity is found liable for reparation to a victim, such person should provide reparation to the victim..."

¹⁸ Armed opposition groups are required to respect international humanitarian law (see: ICRC, Customary International Law, Volume I, Rules, Rule 139.) and there has been some practice to demonstrate that such groups are required to provide appropriate reparation. UN Security Council Resolution 1071 (30 August 1996) on the Situation in Liberia called on "the leaders of all factions to ensure the immediate return of looted property"; UN Commission on Human Rights in Resolution 1998/70 on the situation on situation of human rights in Afghanistan, urged all parties "to provide sufficient and effective remedies to the victims of grave violations and abuses of human rights and of accepted humanitarian rules and to bring the perpetrators to trial"; UN Secretary General, Report of the causes of conflict and the promotion of durable peace and sustainable development in Africa, UN Doc. A/52/8710S/1998/318, 13 April 1998, para.50 recommends: "international legal machinery be developed to facilitate efforts to find, attach and seize the assets of transgressing parties and their leaders"; The Comprehensive Agreement on Respect for Human Rights and Humanitarian Law in the Philippines states "the Parties to the armed conflict shall adhere to and be bound more generally by the generally accepted principles and standards of international humanitarian law." Article 2(3) of Part II states that the right of victims and their families to seek justice for violations includes "adequate compensation or indemnification, restitution and rehabilitation."

¹⁹ Under the law of state responsibility a state responsible for crimes under international law "is under an obligation to make full reparation for the injury caused by the internationally wrongful act" (Article 31 of the International Law Commission's Articles on State Responsibility).

²⁰ Chorzow Factory Case, Merits, 1928, PCIJ, Series A, No. 17, p47; Crawford, *The International Law Commission's Articles on State Responsibility*, Commentary to Article 31, p202.

The UN Basic Principles and Guidelines describe five recognized forms of reparations: rehabilitation, restitution, compensation, satisfaction and guarantees of non-repetition. Rehabilitation, restitution and compensation are designed to affect the individual directly, whereas satisfaction and guarantees of non-repetition are less direct and contribute to the broader and longer-term restorative aims of reparations.

Restitution involves measures aimed at restoring the victim to the original situation before the crime occurred, including, as appropriate:

- restoration of liberty;
- enjoyment of human rights, identity, family life and citizenship;
- return to one's place of residence;
- restoration of employment and return of property.

This form of reparation provides for measures to be taken to address the status of women within the family or community as the result of the violation. It can also assist in ensuring that individuals can return to their homes and obtain access to the type of employment they had prior to the conflict.

Compensation involves monetary awards for economically assessable damage, such as:

- physical or mental harm;
- lost opportunities, including employment, education and social benefits;
- material damages and loss of earnings, including loss of earning potential;
- moral damage;
- costs required for legal or expert assistance, medicine and medical services and psychological and social services.

Rehabilitation includes medical and psychological care, as well as legal and social services. As identified in this report the rehabilitation needs of survivors of sexual violence in Sierra Leone are immense.

Satisfaction, which is referred to in the TRC report as symbolic reparations, includes measures such as:

- verification of the facts and full and public disclosure of the truth;
- the search for the whereabouts of the disappeared, for the identities of the children abducted, and for the bodies of those killed, and for assistance in the recovery, identification and reburial of the bodies in accordance with the expressed or presumed wish of the victims, or the cultural practices of the families and communities;
- an official declaration or a judicial decision restoring the dignity, the reputation and the rights of the victim and of persons closely connected with the victim;
- public apology, including acknowledgement of the facts and acceptance of responsibility;
- judicial and administrative sanctions against persons liable for the violations;