

SPECIAL COURT FOR SIERRA LEONE
OFFICE OF THE PROSECUTOR
Freetown – Sierra Leone

Before: Judge Teresa Doherty, Presiding Judge
Judge Julia Sebutinde
Judge Richard Lussick

Registrar: Mr. Robin Vincent

Date filed: 4 May 2005

THE PROSECUTOR

Against

**Alex Tamba Brima
Brima Bazzy Kamara
Santigie Borbor Kanu**

Case No. SCSL-04-16-T

**PROSECUTION REQUEST FOR LEAVE TO CALL AN ADDITIONAL
WITNESS PURSUANT TO RULE 73bis(E)**

Office of the Prosecutor:

Luc Côté
Lesley Taylor
Melissa Pack
Lorenzo Pugliatti

Defence Counsel for Alex Tamba Brima

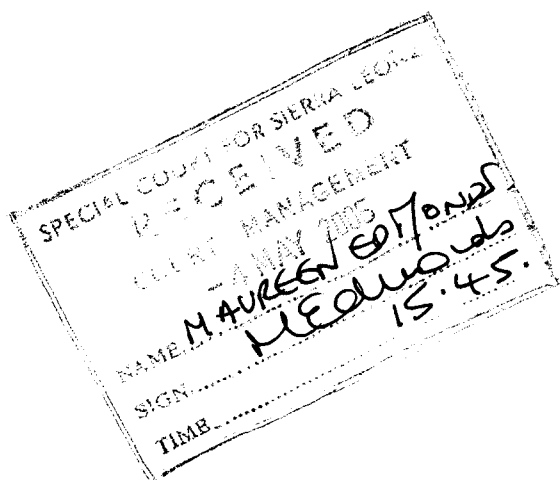
Kevin Metzger
Glenna Thompson
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Defence Counsel for Brima Bazzy Kamara

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Mohamed Pa-Momo Fofanah

Defence Counsel for Santigie Borbor Kanu

Geert-Jan Alexander Knoops
Carry Knoops
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I. INTRODUCTION

1. On 1 April 2004, Trial Chamber I issued the “Order to the Prosecution to File Disclosure Materials and Other Materials in Preparation for the Commencement of Trial” (the “Original Order”).¹
2. On 26 April 2004, pursuant to the Original Order, the Prosecution filed a “Witness List”, which included a summary of the expected testimony of each witness.
3. On 9 February 2005, Trial Chamber II issued the “Order to Prosecution to Provide Order of Witnesses and Witness Statements” (the “9 February 2005 Order”).
4. Pursuant to the 9 February 2005 Order, on 21 February 2005 the Prosecution filed a “Revised Witness List”.
5. Subsequently on 28 April 2005 the Prosecution filed an “Updated Witness List”.
6. Pursuant to Rule 73 bis(E), the Prosecution respectfully requests that the Trial

¹ *Prosecutor - v. - Alex Tamba Brima, Brima Bazzy Kamara and Santigie Borbor Kanu*, Case No.SCSL-04-16-T, Order to the Prosecution to File Disclosure Materials and Other Materials in Preparation for the Commencement of Trial, 1 April 2004.

Chamber allow the inclusion of an additional witness, to be called as an expert witness on the issue of forced marriage, for the reasons outlined below.

II. ARGUMENT

7. In keeping with the factors which have been enunciated by Trial Chamber I in previous Decisions, the Prosecution acknowledges the requirement that it demonstrate that the inclusion of the additional witness is in the “interests of justice” and that “good cause” be shown.

8. In previous Decisions in the proceedings *Prosecutor v. Norman* and others, respectively “Decision on Prosecution Request for Leave to Call Additional Witnesses” of 29 July 2004² (the “29 July 2004 Decision”) and “Decision on Prosecution Request for Leave to Call Additional Expert Witness Dr. William Haglund”³ of 1 October 2004 (the “1 October 2004 Decision”), it was recognised by Trial Chamber I that several factors have been taken into account by the international *ad hoc* tribunals in assessing the “interests of justice” and “good cause” for adding witnesses to the witness list.⁴

9. In its “Decision on Prosecution Request for Leave to Call Additional Witnesses and Disclose Additional Witness Statements” (the “11 February 2005 Decision”), in the proceedings *Prosecutor v. Sesay* and others, Trial Chamber 1 has reiterated that the Prosecution must demonstrate:
 - a) that the circumstances being argued to demonstrate good cause are “directly related and material to the facts in issue”;
 - b) that the evidence to be provided by the witnesses is “relevant to determining the issues at stake and would contribute to serving and fostering the overall interest of the law and justice”;

² *Prosecutor - v. - Norman, Fofana and Kondewa*, Case No.SCSL-2004-14-T, Decision on Prosecution Request for Leave to Call Additional Witnesses, 29 July 2004.

³ *Prosecutor - v. - Norman, Fofana and Kondewa*, Case No.SCSL-2004-14-T, Decision on Prosecution Request for Leave to Call Additional Expert Witness Dr. William Haglund, 1 October 2004

⁴ *Prosecutor v. Nahimana et al*, Case No.ICTR-99-52-I, Decision on the Prosecutor’s Oral Motion for Leave to amend the list of selected witnesses, 26 June 2001, cited in the 29 July 2004 Decision, para. 29; in the 1 October 2004 Decision, para. 13.

- c) that “leave to call new witnesses would not unfairly prejudice the defence”; and
- d) that the new evidence “could not have been discovered or made available at a point earlier in time notwithstanding the exercise of due diligence”.⁵

10. The Prosecution respectfully submits that the factors outlined below demonstrate how the addition of the proposed expert witness meets the standard of good cause and of being in the interests of justice, as articulated by Trial Chamber I in its Decisions of 29 July 2004, 1 October 2004 and 11 February 2005.

III. PROSECUTION’S PROPOSED EXPERT WITNESS

11. The Prosecution respectfully requests that Mrs. Zainab Hawa Bangura be added to the Witness List and that the Prosecution be allowed to call this witness as an expert witness to testify at trial on the issue of forced marriage. A full curriculum vitae of Mrs. Bangura is appended to this Motion at Annex A. The report of Mrs. Bangura is appended at Annex B.

(i) Procedural background demonstrates good cause

12. Previously, the Prosecution had intended to call an expert witness, Ms. Beth Vann – a Technical Advisor to the Reproductive Health Response in Conflict Consortium, to testify as to the broad subject of all sexual violence during the conflict in Sierra Leone. Indeed, Ms Vann was included on the Witness List filed on 26 April 2004 as TF1-332. Ms. Vann’s final report was received by the Prosecution on 5 October 2004.

13. However, upon receipt of that report, the Prosecution came to the conclusion that most aspects of sexual violence could be addressed solely by the testimony of first-hand witnesses, without the need for the type of expert testimony of Ms. Vann.⁶ The Prosecution also came to the conclusion that one aspect of sexual violence did

⁵ *Prosecutor - v. - Issa Hassan Sesay, Morris Kallon, Augustine Gbao*, Case No.SCSL-15-T, Decision on Prosecution Request for Leave to Call Additional Witnesses and Disclose Additional Witness Statements, 11 February 2005, paras. 34 and 35.

⁶ Consequently, Ms Vann has not appeared on the “core” witness list filed with the Court.

warrant an expert opinion being presented to the Trial Chamber, namely expertise focussing on the issue of forced marriage, as charged as an inhumane act in Count 9 of the Further Amended Consolidated Indictment.⁷

14. Further, the Prosecution was strongly of the opinion that on this extremely sensitive topic, particularly given its distinct social and cultural consequences and its uniqueness to the Sierra Leone conflict, the Trial Chamber would be best served to hear testimony from a Sierra Leonean expert on the matter.
15. After having concluded the above, the Prosecution immediately commenced procedures for identifying and recruiting a local Sierra Leonean expert on the subject of forced marriage.
16. Between October 2004 and November 2004, the Prosecution liaised with prominent members of Sierra Leone's civil society and women's rights community, which resulted in a course of personal interviews being conducted by the Prosecution with potential experts.
17. Subsequent to these interviews a roundtable meeting was held on 6 December 2004 between the Prosecution and prominent members of the local community, with a view to ultimately identifying a suitable Sierra Leonean expert.
18. Following this meeting, the Prosecution identified Mrs. Bangura as a suitable local expert to testify as to the specific context of the crime of forced marriage, and for a written report to be produced.
19. In January 2005 further conferences were conducted with Mrs. Bangura in order to confirm her expertise on the subject and on 14 February 2005 the Prosecution sent a letter of instruction to Mrs. Bangura to produce a written report and to testify on

⁷ *Prosecutor - v. - Alex Tamba Brima, Brima Bazzy Kamara and Santigie Borbor Kanu*, Case No.SCSL-04-16-T, Further Amended Consolidated Indictment, 18 February 2005, paras. 51-57.

behalf of the Prosecution.

20. Between 14 February 2005 and the present time, Mrs. Bangura combined her usual national and international civil society activities with the researching and drafting of her expert report. Mrs. Bangura is an internationally renowned activist and frequently has commitments requiring her attendance overseas. Despite her extremely pressed schedule of commitments,⁸ Mrs. Bangura has now submitted to the Prosecution the final draft of her report.
21. Thus, the delay in applying to the Trial Chamber on this matter is borne out of the fact that, despite demonstrated diligence, this expert witness has only relatively recently been identified by the Prosecution, and had sufficient time to adequately produce her report. Nonetheless, the evidence the Prosecution seeks to have admitted is highly relevant and important for the presentation of the Prosecution's case.
22. The Prosecution submits that on the sensitive and complex issue of forced marriage, the Trial Chamber would be best served by the testimony of this Sierra Leonean expert who would truly be able to inform the Court of the long-term social, cultural, physical and psychological meanings and consequences of forced marriage.

(ii) Relevance and materiality of expert testimony

23. Zainab Hawa Bangura is the Executive Director (2004-present) of the *National Accountability Group (NAG) – Sierra Leone*, a coalition of civil society and individuals dedicated to ensuring the proper accountability of the government and also of curbing corruption in both private and public spheres. Prior to this Mrs. Bangura was the co-founder and coordinator (1996-2000) of the *Campaign for Good Governance* promoting democratic participation, new civil society organisations,

⁸ African Union – Civil Society Pre-Summit Conference in Abuja, Nigeria, in January 2005; OECD / NEPAD Investment Initiative – “Alliance for Integrity – Government and Business Roles in Enhancing African Standard of Living” – co-sponsored by Global Compact and Transparency International and hosted by the Economic Commission for Africa – Addis Ababa, Ethiopia, in February 2005; Launching of the Interim General Assembly of the African Union Economic, Social and Cultural Council – Addis Ababa, Ethiopia, in March 2005.

human rights, the rule of law, and political and economic empowerment of women.

24. In addition to these activities, during the past ten years Mrs. Bangura has also acted as an Inclusion and Participation Consultant for the *United Nations Development Programme - Sierra Leone* (2004 & 2003), as a Women's Empowerment Consultant to the *Mano River Union* (2003), as a Community Empowerment Consultant to the *United Nations High Commission for Refugees - Sierra Leone* (2002-2003) and as a Social Development Specialist to the *World Bank* (1997-2000). Mrs. Bangura founded and chaired *W.O.M.E.N. – Women Organized for a Morally Enlightened Nation* (1996-1996) as a centre for democracy, good governance and women's development.⁹

25. Finally, Mrs. Bangura chairs and is the co-founder (2002) of a new political party; the *Movement for Progress (MOP) Party*. The MOP is devoted to positive change, particularly through good governance, integrity and the empowerment of marginal groups, particularly women, youth and the disabled. In 2002, Mrs. Bangura contested the Presidential election in Sierra Leone as the MOP candidate.

26. The particular issues to which Mrs. Bangura will testify include:

- a) The context within which forced marriage occurred during the conflict.
- b) The socio-cultural meaning of forced marriage during the conflict.
- c) The long-term social, cultural, physical and psychological consequences of forced marriage during the conflict for its victims.

(iii) No unfair prejudice to the Defence

27. The Prosecution submits that the addition of Mrs. Bangura as an expert witness will cause minimal prejudice to the Defence as her report will be disclosed to the Defence in full accordance with the provisions of Rules 66 and 94 *bis*, thus giving the Defence sufficient time with which to investigate and prepare rebuttal evidence for Mrs. Bangura's testimony.

⁹ More details of these positions can be found in Mrs. Bangura's complete annexed curriculum vitae.

28. The Prosecution notes that this witness is not expected to testify until a later stage of proceedings, once key evidence is presented before the Court, giving the Defence adequate time to prepare.

IV. CONCLUSION

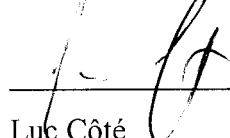
29. The Prosecution respectfully submits that the strong relevance and materiality of this expert witness' testimony to the presentation of the Prosecution's case demonstrates good cause and that her addition to the Witness List is in the interests of justice – particularly in light of the due diligence which the Prosecution has undertaken to secure her testimony.

30. The Prosecution further requests permission to disclose to the Defence the report of Mrs Bangura pursuant to Rules 66(A)(ii) and 94 *bis*.


Filed in Freetown,

4 May 2005

For the Prosecution,



Luc Côté
Chief of Prosecutions



Lesley Taylor
Senior Trial Counsel

Prosecution Index of Authorities

Prosecutor v. Nahimana et al, Case No.ICTR-99-52-I, Decision on the Prosecutor's Oral Motion for Leave to amend the list of selected witnesses, 26 June 2001.

Available on ICTR website at <http://www.ictr.org/default.htm>

Annexes

Annex A – Curriculum Vitae of Zainab Hawa Bangura

Annex B – Expert Report on the phenomenon of “forced marriage” in the context of the conflict in Sierra Leone and, more specifically, in the context of the trials against the RUF and AFRC Accused only – May 2005

Zainab Hawa Bangura (Nee Sesay)
 15 Old Railway Line
 The Maze, Wilberforce
 Freetown, Sierra Leone
 Telephone: 232 76 602088/232 22 230700
Zbangura@sierratel.sl /zbangura@accountability-sl.org/yonibana59@yahoo.com

EDUCATION AND CERTIFICATIONS

- Chartered Insurance Institute**, United Kingdom
 Associate and Fellow of the Chartered Insurance Institute (FCII) (1991)
- City University Business School**, United Kingdom
 Diploma in Insurance Management (1989)
- Nottingham University**, United Kingdom
 Diploma in Insurance Studies (1988)
- Willis Faber and Dumas Limited**, United Kingdom
 Overseas Training Seminar (1991)
- West Africa Insurance Institute**, Liberia.
 Group Life and Pensions Insurance – Sierra Leone (May 1988)
- Fourah Bay College, University of Sierra Leone**, Sierra Leone
 Bachelor of Arts Degree (1979-83)

EMPLOYMENT EXPERIENCE

1. **Executive Director - National Accountability Group – Sierra Leone.**
 (1st July 2004 - Present)

A civil society membership organization dedicated to achieving greater accountability and transparency in private and public affairs, curbing corruption, and holding government, civil society and the private sector to account for resources managed by them. The organization is also committed to providing support to developing similar initiatives in neighboring countries of Guinea and Liberia.

The National Accountability Group has been created as a vertical mechanism of accountability dedicated to ensuring accountability, and transparency in both private and public spheres and to curb corruption in collaboration with the horizontal and external mechanisms of accountability created by government.

2. **Senior Adviser – Inclusion and Participation. Part-Time, Consultant.**
 (April - August 2004)

United Nations Development Programme – Sierra Leone.

In addition to earlier responsibility (see below) worked with United Nations country team, the government of Sierra Leone, bilateral and multi lateral partners, civil society and UN agencies. Assisted the UNDP country team in developing appropriate orientation and training activities in support of the initiatives (below) Travelled to various parts of the country to visit on-going or planned activities.

3. **Reagan – Fascell Democracy Fellow** (October 2003 – February 2004)
International Forum for Democratic Studies, National Endowment for Democracy.

4. **Senior Advisor – Inclusion and Participation. Part-Time, Consultant.**
(June – September 2003)
United Nations Development Programme – Sierra Leone.

Advised the management of UNDP Sierra Leone on how the issue of inclusion and participation can be effectively integrated into the focus of UNDP work in Sierra Leone. Reviewed and advised on how these dimensions can be mainstreamed into UNDP's operational programs.

Formulated advocacy positions on the issues in its dialogue with government and other development partners as part of UNDP contribution to the poverty reduction strategy paper process, the decentralization and local government initiative, the reform of the public service and the launching of the micro finance program.

Assisted in the development of appropriate orientation and training activities in support of the various initiatives of the UNDP Sierra Leone.

5. **Women's Empowerment Consultant for the Mano River Union (MRU) countries of Guinea, Liberia and Sierra Leone.**
Open Society Initiative – West Africa (OSIWA).
(March – July 2003).

Identified appropriate grassroots women's groups working in the promotion and protection of women's rights for their inclusion and participation in peacebuilding within the MRU countries in an initiative to be funded by Open Society Initiative – West Africa.

6. **Community Empowerment Consultant.**
United Nations High Commission for Refugees. - Sierra Leone.
(November 2002 – February 2003)

Hired by UNHCR – Sierra Leone as a consultant to formulate an appropriate strategy for ensuring that community empowerment was carried out in a well-coordinated and sustainable way for communities with a high concentration of refugees and internally displaced women.

7. **Chair and Co-Founder** (2002 – Present)
Movement for Progress (MOP) Party

Founded a new political party in January 2002 and contested the 2002 Sierra Leone election as a Presidential candidate under the MOP symbol. MOP is devoted to positive change, particularly through good governance and integrity, and to empowerment of marginal groups, particularly women, youth and the disabled.

8. **Coordinator and Co-Founder (1996 – 2002)**
Campaign for Good Governance (CGG)

Founded and coordinated the largest indigenous non-governmental organization in Sierra Leone, promoting democratic participation, new civil society organizations, human rights, the rule of law, and political and economic empowerment of women for over 6 years. CGG became the only human rights organization with human rights monitors across the country including police stations, rebel-controlled areas, returning refugee women, and in internally displaced camps. CGG documented human rights violations across the country for over 5 years. All the human rights monitors were provided with audiotapes, digital video cameras and still cameras to facilitate their work. CGG also provided free legal aid and medical care to victims of domestic and sexual violence. Ledgers were provided within all police stations in the capital city to document cases of domestic and sexual violence.

Various consultations, focus group meetings, seminars and conferences were organized on corruption, local government and decentralization, demobilization, on the Lome Peace agreement and a series of other themes.

As Coordinator of CGG, and as a civil society campaigner against the civil war in Sierra Leone, and a pro democracy activist, gave evidence on several occasions at the US Congress, US State Department, British Foreign Office and the Department of International Development.

9. **Consultant (1997-2000)**
World Bank

Social Development Specialist. Worked on Liberia and Sierra Leone.

10. **Chair and Founder (1995-96)**
Women Organized for a Morally Enlightened Nation

W.O.M.E.N was a center for democracy, good governance and women's development. The organization led the campaign against the Military Junta in 1996 and that, in turn, led to the first democratic elections in Sierra Leone in three decades.

11. **Part time Lecturer (1994-95)**
Fourah Bay College – University of Sierra Leone
Department of Economics and Social Services.

Lecturer - Final Year Honors Accounting Students on Insurance Studies as an optional subject.

12. **Manager of Technical Support Services (1994-96)**
Life & Pension Manager (1991-94)
Reliance Insurance Trust Corporation

Attained second highest-ranking position in the Corporation. Managed all aspects of Brokers, Marketing, Administration and Claims.

13. **Assistant Reinsurance Manager (1983-91)**
National Insurance Company

Began as a Class Officer before being promoted to final position.

AWARDS AND RECOGNITIONS

1. The Democracy Courage Tributes Award – The World Movement for Democracy (Durban, South Africa, 2004).
2. Life of Achievement Award – The Sierra Leone Women of Excellence Awards (Sierra Leone, 2003).
3. Alliance for Female Journalists Award (Sierra Leone, 2002).
4. Bayard Rustin Humanitarian Award (USA, 2001).
5. Human Rights Award, Lawyers Committee for Human Rights (USA, 2000).
6. Africa International Award of Merit for Leadership (Nigeria, 1999).
7. Woman of the Year, Expo Times (Sierra Leone, 1997).
8. Most Democratic Woman of the Year (Sierra Leone, 1997).

PROFESSIONAL AFFILIATIONS AND MEMBERSHIPS (PAST AND CURRENT)

1. **INSURANCE:**

- Fellow - Chartered Insurance Institute (London, United Kingdom).
- Secretary General, Sierra Leone Insurance Association (1993-95).
- Assistant Secretary General, West Africa Insurance Companies Assoc. (1994).

2. **INTERNATIONAL NON GOVERNMENTAL ORGANISATIONS:**

- Board Member - International Crisis Group (Brussels, Belgium).
- Board Member - Open Society Institute for West Africa - Dakar, Senegal (2000 – 2002).
- Trustee and Member – Governing Council – Centre for Democracy and Development - United Kingdom and Nigeria (2002 – Present).
- Member of the Governing Council – War-torn Societies Project – Geneva, Switzerland (2004 – Present).

3. **GOVERNANCE – Human Rights, Elections Observation, Peacebuilding and Corruption:**

- Advisory Board Member – Governance Assessment Project. Florida University, USA (2003 – Present).
- Sierra Leone Government Steering Committee for Good Governance Public-Service Reform (Member, 1996 – 1998).
- Member - Sierra Leone Government Democratic Reform Sub Committee (1997 – 1998).
- Member – UNDP - Sierra Leone Task Force on Special Initiative for Governance in Africa (1997 - 1998).
- Member - Steering Committee on Commonwealth Safety and Security Project in Sierra Leone (2001 – 2002).

- National Coordinator – Sierra Leone Civil Society Domestic Election Observation Group – 1996 election.
- Member - Commonwealth Election Monitoring Team for Nigeria (1999).
- Member - National Democratic Institute for International Affairs Nigeria Election Monitoring Mission – 2003.
- Chairman, Advisory Board, Network for Collaborative Peacebuilding in Sierra Leone. (2001 – Present).
- Founding member – West Africa Network for Peacebuilding (WANEP), Accra, Ghana, 1999.
- Member – Board of Directors – West Africa Network for Peacebuilding – Accra, Ghana. (2000 – 2004).
- Chair _ Advisory Board. Network for Collaborative Peacebuilding – Sierra Leone (2002 – 2004).
- Member – Women Waging Peace – USA (2003 – Present).
- Member – Expert Group of the Peacebuilding Forum - WSP International organization of Geneva, Switzerland, and the International Peace Academy of New York, USA (2004 – Present).
- Founding member – National Accountability Group – Sierra Leone (2001- Present).
- Contact Person for Transparency International in Sierra Leone (1997- 2001).
- Member – Editorial Advisory Panel - Global Corruption Report – Transparency International – Berlin, Germany (2004 – Present).
- Member - International Advisory Board – TIRI (the governance – access – learning network) – London, U.K. (2004 - Present).
- Member – Steering Committee - World Movement for Democracy – Washington DC – USA (2004 – Present).
- Member - Governing Board – War Torn Societies Projects International - Switzerland (2004 – 2008).
- Team Leader – West Africa civil society forum election observation team for the Ghanaian Presidential and Parliamentary Election – December 2004.
- Member – International Board of Editors - Centre for the Study of Violence and Reconciliation (2005 – Present).
- Member – Interim General Assembly of the African Union Economic, Social and Cultural Council.
- Team Leader – West Africa Civil Society Forum Election Observation Team for the Togolese Presidential Elections – April 2005.

4. EDUCATIONAL AND HUMANITARIAN:

- Member – Sierra Leone Red Cross Finance Committee (1996-1998).
- Member – Governing Council – Port Loko Teachers College, Port Loko, Sierra Leone (2001 – Present).
- Member – Board of Trustees - Prison Watch (1996-1998).

5. WOMEN'S EMPOWERMENT:

- Member – Sierra Leone Women's Forum (1995 – 1998).
- Founding Patron - Sierra Leone Market Women's Association.

- Founding Patron and member – Yonibana, Malal, Mabang Women’s Development Association (2001- Present).
- Board member – Afro-meric Beauty Saloon (2001 – Present).
- Advisor to the African Port Folio – Global Fund for Women - San Francisco- USA (2004 – Present).
- Founding Signatory of the National Democratic Institute for International Affairs “Win with Women Initiatives”, December 2003, Washington DC, USA.

CONFERENCES, SEMINARS AND WORKSHOPS ATTENDED

Has attended many conferences in Europe, Africa, the Caribbean, the Middle East, Asia, North and South America on Gender, Human rights, Corruption, Governance, Small Arms and Light Weapons including:

1. Governance; Democracy, Conflict management, Corruption and Human Rights

- Pluralism and Grass root Democracy for Young Africa Leaders - USA, August – September, 1995.
- African Democracy Network conference – Kenya, March 1995.
- Civil Society and Conflict Management in Africa - South Africa, May 1996.
- Sustainable Disarmament for Sustainable Development – Belgium, October 1998.
- World Movement for Democracy, Second Assembly – Brazil, 2000
- 10th Annual Anti Corruption Conference and Global Forum - Czech Republic, 2000.
- African Democracy Forum preparatory meeting for the World Movement for Democracy Third Assembly, Ghana – February 2003.
- Presenter on “Post War Reconstruction and Corruption” at the 11th Anti Corruption Conference South Korea, 2003.
- Presenter at the International Conference on Peace and Security “Governance and Insecurity in West Africa”- Program of the African Studies Northwestern University – USA, November 2003.
- Guest Speaker “Enhancing Public – Private Peace Operations Evaluations and Opportunities” organized by The International Peace Operations Association and the Conflict Management Program of the Paul H. Nitze School of Advanced International Studies of the John Hopkins University. Washington DC, November 29th – 30th 2003.
- Guest Speaker at the “Children as Instruments of War – Prevention and Reintegration of Child Soldiers” Peace and Security Committee of the United Nations Association (National Chapter Area). Washington DC, USA, December 11th 2003.
- Key note Speaker – World Movement for Democracy – Third Assembly – Durban, South Africa, 1st – 4th February 2004 “ Building Democracy for Peace, Development, and Human Rights”.
- Organizer and moderator “After Breakthrough - Avoiding democratic backsliding and stagnation” workshop – World Movement for Democracy, Third Assembly, Durban, South Africa, February 2004.
- Keynote Speaker: Achieving Sustainable Political Change in Emerging Democracies: The Political Party Challenge - The Political Party Perspectives. Wilton Park Special Conference. Winston House, West Sussex, England, March 15 -17 2004.
- Guest Speaker - 3rd Conflict Prevention and Post Conflict Reconciliation Network meeting – Ministry of Foreign Affairs – Paris, France, 25th – 26th March 2004.

- African Union – Civil Society Pre – Summit conference in Abuja, Nigeria, January 2005.
- African Governance and Monitoring and Advocacy Project expert meeting in Johannesburg, South Africa on “ Public Sector Reform and Corruption”.
- OECD/NEPAD Investment initiative “Alliance for Integrity - Government and Business roles in enhancing African Standard of Living.” Co – sponsored by Global Compact and Transparency International and hosted by the Economic Commission for Africa – Addis Ababa, Ethiopia, February 2005.
- Launching of the Interim General Assembly of the African Union Economic, Social and Cultural Council. Addis Ababa, Ethiopia, March 2005.

2. **Educational:**

- Presenter at the African Studies Association Annual meeting “Youthful Africa in the 21st Century” Boston, Massachusetts, USA, October 2003.

3. **Women Empowerments:**

- Presenter at the “Global Women in Politics Workshop”, June 1996, Lusaka, Zambia.
- Presenter at the “Empowering Women for the 21st Century: The challenges on Politics, Business, Development and Leadership, January 1997, Accra, Ghana.
- Presenter “The Women’s Learning Partnership Conference on “Clash or Consensus: Gender and Human Security in a Globalized World” Washington, D.C, USA, October 2003.
- John F Kennedy School of Government, Harvard University Women and Public Program “Women and Security Training Executive Program” USA, November 2003.
- Guest Speaker at the Harvard University Institute of Politics – John F. Kennedy Forum “Stopping the war: The Pivotal Role of Women”. USA. A Panel discussion. November 2003.
- A Global Forum Conference “Win with Women – Strengthening Political Parties”. National Democratic Institute. December 9 – 10th, Washington DC, USA. Facilitated the Goals of the working group sessions.
- Presenter on “Women in the political process in a post conflict environment international experience from Sierra Leone” at the workshop on “Increasing the effectiveness of women in the political process”, 28th – 29th January 2004, Limuru, Kenya.
- Presenter “ Networking Activists for Women’s Rights” functioning workshop – World Movement for Democracy, Third Assembly, Durban, South Africa, February 2004.

**Expert Report on the phenomenon of “forced marriage” in
the context of the conflict in Sierra Leone and, more
specifically, in the context of the trials against the RUF and
AFRC Accused only
May 2005**

**Submitted to:
The Special Court for Sierra Leone
Office of the Prosecutor
128 Jomo Kenyatta Road
New England
Freetown
Sierra Leone**

**Mrs Zainab H. Bangura
Christiana T. Solomon**

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1. Qualifications

My name is Mrs Zainab Hawa Bangura. I am a graduate of Fourah Bay College, University of Sierra Leone, Nottingham University and City University Business School – both of the United Kingdom. I became a Fellow of the Chartered Insurance Institute of the United Kingdom in 1990.

I am a professional Insurer by background. In 1995, after a six weeks participation at a United States International Visitors Program on “Pluralism and Grassroots Democracy”, I became a pro democracy activist in Sierra Leone and led the pro democracy movement against the National Provisional Ruling Council (NPRC) junta in Sierra Leone of 1995, leading to the first multi party democratic election in Sierra Leone in three decades. I co-founded the Campaign for Good Governance in 1996 and led it for 6 years as the National Coordinator. The organisation became the biggest indigenous non-governmental organization in Sierra Leone, with about 46 staff across the country in every administrative district, promoting democratic participation, human rights, the rule of law, and political and economic empowerment of women with representation. We specifically worked on the promotion and protection of women’s rights. We arranged women’s rights education across the country, and we provided free medical and legal services for women victims of sexual and domestic violence. We, at CGG, first became involved with providing services for ‘bush wives’ after the January 6 1999 invasion of Freetown. One of my greatest contributions in Sierra Leone is helping in the institutionalization of the concept of civil society participation in governance in Sierra Leone.

I spent 10 months in exile between 1997-1998 and supported the campaign and mobilization of international support to reinstate the democratically elected government of President Ahmed Tejan Kabba when it was overthrown in May 1997 by Major Johnny Paul Koroma.

I have served and continue to serve as adviser for numerous international organizations working overseas, for example, the Global Fund for Women, Global Fund for Human Rights and the New Field Foundation. I have a long standing relationship with Transparency International having served as a contact person for a number of years, and presently serving as a member of The Editorial Board for 2005 Global Corruption Report. I have been a Consultant and Senior Adviser for the World Bank, UNHCR and UNDP in Sierra Leone. I have also served as an International Election Observer for both the Commonwealth and the National Democratic Institute.

On women’s rights issues in Sierra Leone, in particular, I have worked for the Open Society Initiative as a Women’s Empowerment Consultant for the Mano River Union countries of Guinea, Liberia and Sierra Leone and as a Community Empowerment Consultant for the UNHCR Sierra Leone. In the latter project I was hired to formulate an appropriate strategy for ensuring that community empowerment is carried out in a well-coordinated and sustainable way for communities with a high concentration of refugees and internally displaced women. The UNHCR project involved my interviewing internally displaced women and women returnees from Liberia and Guinea, in Kailahun. This was when I personally interviewed ‘bush wives’ for the first time, and when I first became personally aware of the scale of the phenomenon. I was a member of the Sierra Leone Women’s Forum between 1995 and 1998, am a founding patron of the Sierra Leone Market Women’s Association, and a founding

patron and member of the Yonibana, Malal, Mabang Women's Development Association. I am an Advisor to the African Port Folio – Global Fund for Women and a member of the International Board of Editors of the Centre for the Study of Violence and Reconciliation.

In recognition of my expertise on women's rights issues in Sierra Leone, I have lectured and presented on numerous programmes including, recently, as a presenter on a "Networking Activists for Women's Rights" workshop for the World Movement for Democracy, at their Third Assembly, in Durban, South Africa, and as a presenter on a workshop entitled "Women in the political process in a post conflict environment - international experience from Sierra Leone", at a conference entitled "Increasing the effectiveness of women in the political process", in Limuru, Kenya.

I have been the recipient of several awards at home and abroad, amongst which are: Democratic Woman of the Year, The Sierra Leonean Women of Excellence Award, Woman of the Year from Sierra Leone, Africa International Award of Merit and Leadership from Nigeria, the Human Rights Award from the Lawyers Committee of New York, and the Bayard Rustic Humanitarian award from the USA.

I have also served on numerous national and international boards working on conflict resolution, peacebuilding, democratic governance and corruption, including the International Crisis Group Board (ICG) in Belgium, War Torn Societies Project International in Switzerland, World Movement for Democracy in the USA, the Open Society Initiative of West Africa (OSIWA) in Senegal, West Africa Network for Peace Building (WANEP) in Ghana, Centre for Democracy and Development in Nigeria, and as Chairman of the Network for Collaborative Peacebuilding in Sierra Leone (NCP-SL), the Sierra Leone Red Cross and the Sierra Leone State Lottery Company (Ltd).

I am a member of various networks around the world including the World Movement for Democracy, Africa Democracy Network, Women Waging Peace, Win with Women Global Initiative and many more.

In the 2002 elections in Sierra Leone, I became a Presidential Candidate of the newly formed political party Movement for Progress Party. I was a Reagan – Fascell Democracy Fellow of the National Endowment for Democracy of the USA for 5 months from October 2003 to February 2004.

I have recently - 1st July 2004 - taken over and re-established the National Accountability Group in Sierra Leone, the only membership civil society group working on issues of achieving greater accountability in both public and private sectors, and civil society, and ensuring transparency and integrity in all business transaction and service delivery in Sierra Leone. The Group is partnered with Transparency International and the Anti Corruption Commission in Sierra Leone.

My name is Christiana Solomon. I am a final year doctoral candidate student at the Department of Peace Studies, University of Bradford. I have an MA in Political Science from the University of Cologne, Germany, and a second MA in Conflict Resolution from the University of Bradford.

I have prepared expert reports for the UK Immigration Advisory Services and Community Law Clinic Solicitors, UK. Clients I have worked with have come from Sierra Leone, Liberia, The Democratic Republic of Congo, and Cameroon.

I have had years of direct work experience in human rights, in particular in women's rights. From 1999-2000, I was the Human Rights Officer/Head of Department for the Campaign for Good Governance in Sierra Leone. As head of department, I coordinated and supervised all activities of the department. This included rehabilitating and reintegrating female children associated with fighting forces (CAFF), released female abductees, 'bush wives' and female refugee returnees from Guinea. I was also responsible for producing and presenting a weekly radio and television programme on violence against women and children, popularizing the Truth and Reconciliation Commission (TRC) and the Special Court. Achievements during tenure included:

- Designed the national 'Human Rights Education Programme' that delivered human rights awareness programmes nationwide, focussing on women's and children's rights
- Established and supervised 12 monitoring officers in each district in Sierra Leone and collated monthly human rights reports
- Created and supervised a *pro bono* legal services programme for deprived women and children to access the justice system.

In addition, from 1998-2000, I was the Director/Co-founder of SOS-Women, Sierra Leone, a local civil society organisation working to eliminate all forms of violence against women. I supervised extensive policy-relevant research on the incidence and prevalence of violence against women and children in Sierra Leone and conducted human rights education programmes popularising the Convention of the Rights of the Child (CRC), the Convention on the Elimination of all Forms of Violence against Women (CEDAW) and advocated against the recruitment and use of child soldiers in Sierra Leone. My work as Director was in parallel to my work as Human Rights Officer at Campaign for Good Governance. Achievements during tenure included initiating the 'Zero Tolerance Programme' that encouraged women to say no to all forms of violence against them.

I have also served as a consultant to government and international institutions such as the UK-Department for International Development (DfID), the World Bank and the Commonwealth Secretariat. For example, in 2004 I was a member of the team that undertook extensive field research to assess the impacts of armed violence on livelihoods in Sierra Leone for DfID's Armed Violence and Poverty Initiative Programme. The case study analysis and results are to be disseminated internationally to donors and organisations to inform policy and programming and to link armed violence and development programming.

I am an experienced governance, conflict, security and institutional development expert with substantial experience in Africa. I have recognised competence in designing, leading and managing development programmes and developing close working relationships with partner organisations, particularly at senior and top management, in politically sensitive sectors and post conflict societies. I have a sound background in designing and delivering organisation development and

change management programmes within public sector and civil society organisations in African countries.

Finally, I have experience as Undergraduate Seminar Tutor at the Department of Peace Studies, University of Bradford, UK from 2002-2004.

1.1 Purpose

I, Zainab H. Bangura, have been hired by the Special Court for Sierra Leone, Office of the Prosecutor, to provide expert testimony on the phenomenon of “forced marriage” in the context of the conflict in Sierra Leone, and more specifically, in the context of the trials against the Revolutionary United Front (RUF) and Armed Forces Revolutionary Council (AFRC) Accused only. I was also asked to clearly identify the factual assumptions I make, and the sources for any factual conclusions I draw during the course of my report. To assist me with the preparation of this report, I was provided with three broad headings:

1. Context in which forced marriage during the conflict occurred
2. The meaning of forced marriage during the conflict
3. The consequence of forced marriage during the conflict for its victims.

My testimony is based on my expertise as a campaigner for women’s and civil rights in Sierra Leone, upon personal experience in dealing with women victims of forced marriages and also upon extensive secondary and primary data.

I would like to express my sincere gratitude to Campaign for Good Governance’s governance and human rights field monitors in Kono, Kabala, Bo and Makeni and any others who made this report possible.

This report has been compiled with the support of Christiana Solomon.

1.2 Summary

The conflicts in Sierra Leone affected women directly in diverse ways. In addition to being displaced, raped, or used as secondary combatants, women and girls were also used as spies, sex slaves, carriers of looted goods and smuggled weapons. Women suffered multiple traumas during the war. They were physically and psychologically abused. However, the most devastating effect on women of the war was the phenomenon called ‘bush wife’, ‘rebel’s wife’ or ‘jungle wife’. This was a phenomenon adopted by rebels whereby young girls or women were captured or abducted and forcibly taken as ‘wives’.

The analysis which will follow has led me to conclude that successful reintegration of women and girls, in particular ‘bush wives’, is a challenging concern and a critical development and humanitarian crisis for policy makers in Sierra Leone today. It is true that a variety of official programmes have been provided by the donor community and UN institutions, designed to aid the socio-economic and psychological recovery of women and girls affected by armed conflict. These, however, have been short-term. Currently, there are thousands of ‘bush wives’ who have not been reintegrated and who do not have any source of livelihood, especially in Kailahun. Many of the ‘bush wives’ who have children and are still living with their ‘bush husbands’ have chosen to remain in Kailahun district, as have many of those who are unable to go back to their home communities.

Kailahun has become a safe haven for both categories of women. Unfortunately, the district is agricultural based and has not attracted private investments, as in Kono, Kenema or Bo. Kailahun has little economic activity, with few opportunities for livelihood development. The district lacks almost all basic infrastructures: the roads are so poor that during the rainy season the main road to the district is completely cut off; there is no available vocational institution for school children who drop out of the formal educational curriculum system in the last Junior Secondary School (JSS) year. As a result the district has one of the highest rates of JSS drop-out in Sierra Leone.

'Bush wives' who have been successfully reintegrated in other parts of the country are still struggling to deal with the psychological trauma they suffered. Because they did not receive psycho-social counselling, they have been forced to deal with their trauma on their own by, simply, blocking out all memories of their traumatic experiences and going through a period of denial in an attempt to start a new life. The same applies to their families.

A few of the children born to 'bush wives' have been left with their grandmothers, to enable the mothers to start a new life. However, these old women are poor, and this has condemned the children to a life of poverty and neglect.

Most importantly, I have also been led to conclude that little emphasis is being placed on access to specific services and facilities, such as medical care, which remain extremely expensive for most 'bush wives'.

In addition, stigma and discrimination remains an enormous barrier to effectively reintegrating these women and their children in Sierra Leone. Fear of discrimination often prevents 'bush wives' from returning to their home communities or from admitting their status publicly.

1.3 Methodology

Initial desk research was followed by field research. Secondary data was collected from archived monthly human rights reports from Campaign for Good Governance (CGG), reports from Human Rights Watch, reports from Forum of Conscience, research reports, working papers, as well as internet sources.

Primary sources included in-depth semi-structured interviews with 28 'bush wives' from villages outside of Kailahun Town. Of the 28 women interviewed, half of them have children. They live mostly outside of Kailahun town, in villages such as Kangama, Ngiema, Baiwala and Bandajuma Sinneh. In Kailahun Town, over 50 'bush wives' were interviewed. There were also in-depth semi-structured interviews of 15 'bush wives' in Makeni district, personal interviews in Freetown with 4 former 'bush wives', interviews with ex-combatants in Kailahun, and interviews with traditional and religious leaders in all the districts in which we carried out interviews. We also interviewed parents of 'bush wives' in Kono, Makeni and Freetown.

Personal interviews were conducted by CGG field staff with 5 'bush wives' in Makeni, 5 in Kenema, 6 in Kono and 7 in Kabala districts, at the same as personal

interviews in their respective districts of religious leaders, traditional leaders and parents of 'bush wives'.

Four focus group meetings were also held in Kailahun district with 32 'bush wives' and 10 other women as well.

The majority of 'bush wives' interviewed were found in Kailahun. Kailahun was the only district that the RUF had control of during the entire period of the war. They had used it as their biggest training camp and for years as the main RUF HQ. It therefore became a fortified and secure fortress for all RUF activities. It was explained that as the disarmament progressed and each district and combatants were disarmed and demobilised, most of the hardcore RUF rebels, and their 'bush wives' and families automatically gravitated towards Kailahun. Kailahun was the last district to be disarmed. By the time it was, 'bush wives' had become 'comfortable' with living there and felt safe amongst their colleagues. Many therefore decided to remain in Kailahun, rather than return to their home communities.

1.4 Background

The twelve-year war in Sierra Leone that officially ended in January 2002 has been characterized by gruesome acts of violence against the civilian population, human rights violations, and blatant disregard for international norms and laws pertaining to the conduct of war. Atrocities were committed by all parties during the conflict. They included the amputation of different parts of the body such as eyes, limbs, arms, or even breasts. Amputation became the trade mark of the rebels. Today, the country is left with the legacy of dealing with whole communities of people, whose livelihoods have been limited to begging for the rest of their lives. Sierra Leoneans are yet to recover from the trauma of such barbaric behaviour.

Women and girls in particular were targeted as thousands of them were abducted, gang raped and used as sex slaves or made 'bush wives', that is, captured and forcibly made the 'wives' of rebel commanders or other rebels. Many of these 'bush wives' later had babies and, after the war, could not go back home to their parents because of the stigmatization associated with being a 'bush wife'. Hundreds have relocated to other communities especially around the Kailahun area. A few have attempted to return home, but found their communities unwelcoming and were forced to go back to their 'husbands'. A large number of these girls were abducted school girls.

2. Context in which forced marriage during the conflict occurred
i. Describe the practice of early or arranged marriages in Sierra Leone in times of peace

Traditionally in Sierra Leone, young girls have been forced into early marriages by their parents. They have had no say in accepting or rejecting such marriages which were mostly arranged. Various reasons have underlain this practice:

- Marriage was arranged to link two strong and wealthy families or solidify relationships between two families.
- A girl could be forced to marry the husband of a deceased elder sister in order to help raise the children of her elder sister rather than allow the husband to bring a 'stranger into the house'. This was common among the Konos where the tradition specified that the husband of the eldest daughter was symbolically married to all the other daughters in a family. To a lesser extent it was practised amongst the Mendes.
- Arranged marriages were insisted upon if parents disagreed with the choice of their daughter. This was common in situations where the family background of the suitor was undesirable. The parents would break up the relationship and marry off their daughter to someone else they considered more suitable.
- Traditionally, parents would give their daughters to paramount chiefs to seek protection. This was especially common where a family had been involved in long disputes about land ownership. Marriage to a chief also conferred a prestigious status. It meant that the in-laws automatically gained respect and recognition within the community and any children born out of such a union belonged to a ruling house, making them eligible to contest chieftaincy elections in the future¹.
- Some parents who were ardent Muslims preferred to link their families with religious leaders who were identified as pious. Moreover, marriages to Imams were believed to bring additional blessings to the family.
- It was believed that very strong and powerful herbalists/traditional healers could not hand over their skills to anybody other than their children. Traditionally, these skills were desirable, so parents married their daughters off to a herbalist in order to be able to 'inherit' these skills.
- Poverty was one of the main reasons for arranged marriages. Poor parents forced their children to marry a wealthy businessman or a successful farmer to supplement the family income or gain access to his wealth. Wealthy businessmen or farmers who did not have children were given wives to enable their wealth to go to a particular family.
- Parents also forced their girl children to marry early to avoid early pregnancy which caused untold embarrassment for the family. This was particularly humiliating if a girl became pregnant by a young boy, who in turn was frightened of his parents' wrath and eventually denied all responsibility. If parents suspected their daughter was getting 'out of control', they married her off quickly to prevent any future shame. Education of the girl child was never a priority in most rural and poverty

¹ Only men are allowed to be Paramount Chiefs in the North and parts of the East of Sierra Leone. In the South, women are allowed to be Paramount Chiefs.

stricken areas, so marriage and having children were deemed more respectable to early pregnancy.

- Traditionally, it was believed that a girl who had reached puberty must be under the control of a husband and not a father.
- Marriages were arranged to meet unmet debts or as a sign of gratitude for favours received, for example, to keep a promise to a friend who had helped a family on several occasions; a herbalist who had repeatedly provided free medicine for a family when the mother fell ill; or even a wealthy man who had provided seedlings and tools to the head of the family on numerous occasions. The benefactor was promised the young daughter in marriage as soon as she was old enough. It was even quite common for unborn babies to be committed in marriage. If the baby born was a girl she was automatically assigned to the husband.

In all these cases, marriage took place after the girl had reached puberty and been initiated into the female secret society, the Bondo society. But before that, various gifts and money were exchanged. In the Mende and Temne traditions, the suitor put a 'stop' for the girl whereby money was paid to the girl's family. If the family accepted the money, the act became legally binding symbolising that the man now had legal control over the girl and that no other man was allowed to court the girl. Hence the term 'stop', which signified that the girl was no longer available and that the door was now closed. When the girl reached puberty, she went through the initiation process before moving in with her husband.

Early or arranged marriages are no longer common. Increased education of girl children, particularly after the war, has raised their awareness about their options and they are now refusing to accept arranged marriages. In addition, young girls are absconding from their rural homes to urban areas and are engaging in illicit affairs which render them unfit for arranged marriages. Moreover, Islam, the dominant religion amongst the bulk of the illiterate population, preaches against forced marriages. A Moslem marriage can only take place if the bride grants her consent. In all Islamic weddings, whether in the urban or rural setting, the Imam asks the woman in the presence of her godparents and god witnesses whether she consents to the marriage and the ceremony will only proceed if she answers in the positive. Traditionally, she is always asked to take the bride price and calabash with all its contents and hand it over to an uncle or the god father as a sign of her consent.

ii. Describe the legal and/or social and/or religious framework(s) in which early or arranged marriages occurred in times of peace

There is no expressed legal minimum age stipulation for marriage in Sierra Leone. This is one of the critical issues in the debates on women's reproductive rights. The minimum age for marriage is rather ambivalent, and depends on whether a woman is married under the general and civil laws, customary law or Islamic law.² For example, if the requisite consensus is obtained, under Customary Law, a girl can marry at any age, so long as she has reached puberty and been initiated into the Bondo society.

² "Situation Analysis of women and Children in Sierra Leone": The Government of Sierra Leone in collaboration with UNICEF, UNIFEM, Christian Children's Fund and Plan International. April 1999. Marriages under the general law are governed, *inter alia*, by the Christian Marriage Act, (Cap. 95), the Civil Marriage Act (Cap. 97), and the Matrimonial Causes Act (Cap. 102).

On the issue of marriage in Sierra Leone, three different legal mechanisms co-exist, namely, civil, customary and Islamic laws. The status of the woman depends on the law that is applied.

General Law consists of the statutory law (codified) and common law (based on case law) mainly inherited from the United Kingdom. General Law is administered through the formal court system, which follows the usual commonwealth structure.³

Customary Law is defined by the 1991 constitution as “the rules of law by which customs are applicable to particular communities in Sierra Leone”. There are fundamental similarities and differences between the different ethnic groups in their treatment of customary law. Customary Law is not codified and is only applied by local courts and traditional leaders. Customary Law governs more than 70% of the population of Sierra Leone.

Mohammedan or Islamic Law is recognized by statute in Sierra Leone especially in relation to marriage, divorce and inheritance amongst Muslims.⁴

Marriage under General Law

In practice, most Christian and civil marriages are celebrated after the age of 18. This is a marked contrast to the situation under Customary Law whereby girls are often married at an early age, as young as 10 or 12 years. Marriage at this age is, under the general statutory law, contrary to sections 6 and 7 of the Prevention of Cruelty to Children Act, Cap 31 of the Laws of Sierra Leone, whereby sexual intercourse with a girl under 14 years, with or without her consent, is a criminal offence.

Marriage under Customary Law

According to Professor Joko-Smart (1983), the male spouse must give his consent to a marriage under Customary Law. The consent of the female spouse to her marriage, as a rule, is subordinate to that of her father’s. In cases of conflict, the will of the father prevails.

Under Customary Law there is no minimum age for marriage. A girl is considered of marriageable age once her breasts have developed, her menstruation has started and she has been initiated into the Bondo society, which could mean as young as 10 or 12 years. Marriages are usually arranged, and the consent of the bride to be is not considered essential in most ethnic groups, although the consent of the girl’s/woman’s family is required. ‘Consent’ used to be a relative term, as girls generally found it difficult to disobey their parents as this could result in severe punishment, including ostracism from the immediate and extended family. The fact that a girl is considered ‘ready’ for marriage at such a young age and her consent is not sought contributed to the common practice of early arranged marriages in the past, especially before the war.

³ “We will kill you if you cry”, Sexual violence in Sierra Leone, by Human Rights Watch, page 15.
⁴ “We will kill you if you cry”, Sexual violence in Sierra Leone, by Human Rights Watch, page 16.

Marriage under Mohammedan/Islamic law

There is no legal minimum age for marriage under Islamic law. Girls must however have reached what is called a 'proper age' before they can marry. This is considered to be between the ages of 17 and 18. At this age they are considered capable of granting consent and deciding what is right or wrong, and are therefore deemed responsible for their actions. Unlike under Customary Law, consent of the woman is always required.

iii. What is the difference between forced marriage as it occurred during the war, and early/arranged marriage of girls in times of peace?

During the whole process of early/arranged marriage in times of peace, the consent and participation of both parents and families is paramount. Several witnesses are also required for religious or traditional ceremonies. In case of a divorce, there is also a due process to follow.

Arranging a marriage

Traditionally in all ethnic groups in Sierra Leone, someone from the man's family meets the family of the girl to inform them about their son's desire to marry their daughter. Depending on the ethnic group, the representative would be a male family member, preferably an uncle or even a good friend of the father who has been entrusted with the task. For the Limbas however, a female member of the family is chosen. Before the final bride price is paid several symbolic gifts are sent to the mother, aunts and uncles for their role in taking care of the girl and also as a sign that the suitor is willing to take over future responsibility of the girl.

All the ceremonies and activities relating to the marriage as well as the negotiation is between the two families, who through this process get to know, understand and appreciate one another. During the wedding ceremony, the woman is not handed over to her husband directly, but to each of the godparents who must be very close relatives of the husband's family or an uncle. The godparents in turn, or an uncle, and not the father, hands the woman over to her husband.

The godparents are intermediaries and are expected to play a mediating role during marital disputes. Godparents are also expected to be impartial and honest with their godchildren. In the case of an arranged marriage, a small amount of money, the dowry, is given to the parents through the same process. This is a legally binding act, but the girl continues to stay with her parents until puberty when she is initiated into the Bondo society. The husband pays all the bills and takes care of all expenses.

Consent for the marriage must be granted by the father or the eldest male member of the family. They must accept the 'Calabash' containing the money and cola nuts or else the marriage will not take place.

Early/arranged marriage among the Korankos occurs along similar lines. The suitor takes 14 cola nuts to the girl's parents to enquire whether the girl in question is available or is already engaged to another man. If the cola nuts are accepted, it means that she is not engaged. When the initial enquiry is made, the girl is generally 5 years

old. Once the cola nuts have been accepted, the man assumes responsibility for the girl and pays all her bills. For example, if she is a school girl, the man pays her fees, buys her uniforms and clothes and sends money for everything she might need. In addition, the man also works the farms of his in-laws. When the girl approaches the age of 13 (or 15) years, the man requests for his wife to move to his house. Before the girl is formally taken to her husband, the man must take 24 cola nuts to the girl's parents. This he must do irrespective of all the money he has spent on the girl. Failure to do so will result in the annulment of the marriage.

Among the Korankos, a married woman is allowed to divorce her husband in order to marry another man. 'Sumburie', as this is known, takes place in the local court and also allows the husband, in turn, to demand his dowry from his father-in-law. The dowry comprises all monies the man spent before and during the marriage on the girl, including the bride price and other monies spent on his wife's relatives before the marriage.

All respondents claimed that domestic violence, and physical and psychological abuses are not accepted, and the godparents and parents of the husband are warned against this behaviour during the ceremony as it constitutes a basis for divorce.

Forced marriage during the war

The fundamental difference between an early and arranged marriage in times of peace and that of a forced 'marriage' during the war is that family members were not involved in the arrangement of the latter so-called 'marriage', no official ceremony of any form took place and nor was the consent of the parents sought. Instead, girls were forcefully abducted from their homes, schools or hiding places and taken to the bush where they were informed that they had become 'wives'. Moreover, rebel 'husbands' did not show their 'bush wives' respect. They were constantly flogged, physically and psychologically abused and their husbands always had the final say. Because it was a marriage without any consent and no intermediaries were present, the 'wives' had no protection or family support they could count on. Some of these 'bush wives' actually lost their parents who were trying to prevent their abduction. Forced marriage during the conflict had no security. The 'husband' could abandon his 'wife' whenever he wanted to and get a new one whenever he felt like it. The 'wives' were led to believe that their 'husbands' had the right to kill them without fear of any repercussions. There were no formal or informal institutions available to address the brutality of the 'husbands'. The 'bush wife' was at the mercy of her rebel husband and had no access to justice neither could she seek redress. Most of their children did not go to school.

Consent is important in the traditional setting. Some 'bush wives' who took their 'husbands' to meet their families after the conflict complained that their families were very cold towards them and their 'husbands', and were happy to see them leave. They rejected their 'husbands' because initial family consent was not given, nor was a bride price paid. Some parents did not even request a legitimisation of the marriage. Knowing that their children were alive was all that they cared to know. Some of these girls felt that psychologically, they were dead to their parents and that their parents had adjusted to that.

2.1 The meaning of forced marriage during the conflict

i. During the conflict, what did it mean to be a bush or rebel wife?

A 'bush' or 'rebel wife' is a young girl or woman who was abducted by a rebel and, in most cases, coerced and terrorised into living with that rebel as a wife. Being a 'bush wife' meant that the girl 'belonged' to one person and was not required to have sex with different rebels.

'Forced marriage' became a means of survival for most girls in the bush. 'Bush wives' were spared gang rapes, were ensured regular meals and were protected by their 'husbands'. However, when the 'husband' decided to take a second 'bush wife', the first one was thrown out and she no longer enjoyed his protection. 'Bush wives' were constantly on edge dreading the day this would happen. And sometimes when it did happen, the 'husband' would still demand sex from his 'ex-wife' when he felt like it. There were situations where rebels would keep more than one wife, but only commanders could maintain them, as they lived in big houses and lived a better life.

A 'bush wife' carried her 'husband's' possessions as they moved from place to place. She also cooked for him, washed his clothes and satisfied him sexually whenever and however he wanted. She endured his insults and assaults, repeatedly, and bore the brunt of his anger, especially after they suffered a defeat or an ambush failed. She could be used, and then disposed of as and when her 'husband' wanted.

SKA was abducted in 1997 from Kono. At that time she was 14 years old. She became the wife of her RUF abductor and is still with him because she has a child with him and has nowhere else to go.

FY-90 was captured in August 1998 by Sgt Yayah, an AFRC junta rebel, in Kabala and forced to be his 'wife'. Sgt Yayah was under the command of Capt Rahino Lt. Keletee, otherwise known as Alhaji and Capt Gold Teeth. FY-90 was 13 years old at the time and she was married to Sgt Yayah for a year and a half. He was the first man to have sex with her, forcefully. FY-90 was forced to move cross the countryside with her 'husband', to places like Yeamandugu, Tumania, Yirriah, Kombili and Bafodia. Another rebel helped her to escape. He was called Ibrahim Tamu-Tambu. FY-90 feels so ashamed and stigmatized that she was a 'bush wife'.

ZJK was 16 years old when she was captured in her home town of Bilimaia, Kabala by RUF rebels in 1999 and was 'married' to Emmanuel Komba for two years. "The first day I was captured, five of them raped me. We were in Makeni during the fighting and I was able to escape and returned to Kabala. I did not meet any of my family in Kabala".

HRS was captured in 1998 in Koinadugu village (Kabala) with her husband and 6 children. "My husband was killed in front of me, the houses were burnt down and two of my eldest girl children were taken from me. Up to this date, I have not seen them. We were with Savage's group. I was 'married' to Saidu Dumbuya, a junta, and he would have sex with me any hour of the day. He said we were married so I should be willing otherwise he would kill me. We were taken to Punkin ground, eight miles from Koinadugu village, returned to Koinadugu where we spent three months,

thereafter we went to Lenkekoro and from there to Makeni where we stayed for six months. One night another junta helped me to escape to Kabala where I stayed with my uncle GTY. I was with my 'junta husband' for one year and six months".

YYY was abducted in 1998 from her father's house when the rebels entered Makeni. "You accept to be a wife because you have to survive in the jungle. Sometimes you see your family, friends and relatives being killed in front of your eyes. You need food and somebody to protect you. At least as a wife you only sleep with one person, you only take care of him and only he is allowed to beat you up and you are not sent to the front to fight. It is a matter of trying to survive at all cost and in the most difficult circumstances. As a wife you have no alternative but follow your husband wherever he goes and do whatever he says. I tried to go back to my relatives but there was no way I could escape. We had SBUs (Small Boys Units) watching us, so we dared not do anything wrong. I was with him until the disarmament when Caritas registered me as a child combatant."

BAK from Kono was abducted by the RUF at age 14 in 1997. She is still married to her abductor and they have one child. "Girls without husbands do the slave work, become house maids to the wives of commanders, are used as reconnaissance spies – which can get them killed, are sexually abused by the commanders and other soldiers, sent to the front lines and could be killed at the slightest provocation". BAK is still with her 'husband' because she is psychologically tied to him. She explained that he protected her during the war and that, moreover, she has his child whom no other man will accept.

JSM was abducted in Makeni town in 2000. She was 17 years old at the time and was 'married' to her abductor for about one year and nine months. Her 'husband' gave her marijuana to smoke to make her feel more relaxed and comfortable with him. "He was always smoking and having sex with me and calling me his 'wife'. I hated it when he called me his 'wife' but there was nothing I could do". JSM was released during the disarmament process in Makeni and was registered as a child combatant by Caritas.

ABA, who was abducted at the age of 14 years by the RUF in Kono in 1997, said that she was 'married' to a rebel for 5 years. Her 'husband' was the first man she had sex with and she later fell pregnant and gave birth to a baby boy in the bush. She is still 'married' to the same man because he protected her in the bush and treated her well.

- i. **What part did language play in the expectations that flowed from the phenomenon known as "forced marriage"? Why did the perpetrators choose the words "wife" and "husband" to describe the state of affairs known as "forced marriage" during the conflict?**

Use of the words 'wife' by the perpetrators was deliberate and strategic. The word 'wife' demonstrated a rebel's control over a woman, his psychological manipulations of her feelings rendered her unable to deny him his wishes. 'Wife' showed that the woman belonged to a man and could not be touched by another. By calling a woman 'wife', the man or 'husband' openly staked his claim and she was not allowed to have sex with any other person. If she did, she would be deemed unfaithful and the penalty

was severe beating or death. Similarly, if the 'wife' were raped by another rebel, his act was punishable by death. Therefore, the 'wife's' means of survival was to be protected by the 'husband' at all costs.

ii. What was a bush or rebel wife expected to do?

Some of the 'bush wives' accepted their status for several reasons based on what non 'bush wives' were expected to do. Non 'bush wives':

- carried the camp's heavy loads and food supplies as the group moved across the countryside
- were regularly sexually abused by any rebel in the camp because they did not 'belong' to a particular rebel. They were at the disposal of any man who felt like having sex and they dared not refuse. At night these women would go to bed scared and not knowing who would demand sex from them
- were not provided with food, instead they were expected to find food for others as well as for themselves
- were expected to do most of the hard work in the camps. They also did the general laundry and worked for the 'bush wives'
- were expected and could be sent to the war front to fight if the unit needed additional fighters
- were sometimes sent as spies on reconnaissance missions to the enemy camp to gather information about troop movements. They were threatened with death if they failed to carry out their assignments or did not return.

'Bush wives' were expected to carry out all the functions of a wife and more:

- A 'bush wife' carried her 'husband's' possessions on her head and trekked across the countryside with him
- She was expected to gratify her 'husband's' sexual wishes whenever he so desired without question
- A 'bush wife' cooked for her 'husband' when food was available, did his laundry and generally protected his possessions in his absence
- A 'bush wife' was expected to show undying loyalty to her 'husband' for his protection and reward him with 'love' and affection. She was not expected to attempt to escape as this was deemed disloyal. Punishment for disloyalty was always severe and, so women were led to believe, in most cases would be met by death.

In some instances, some commanders could afford to have more than one wife. They were the ones who could afford to live in big houses. A commander would have his favourite 'wife' he visited regularly for sex but would still demand sex from the other women. If he tired of any one 'wife' he would simply throw her out of his 'house' and leave her at the mercy of the other rebels.

2.2 The consequences of forced marriage during the conflict for its victims

i. What have been the long term effects of forced marriage during the conflict on the women/girls in their communities?

In Kailahun, for example, there are huge numbers of 'rebel wives', most of whom were either too ashamed or too afraid to return to their home communities after the

conflict. A majority of those interviewed said they were schoolchildren or petty traders at the time of their abduction, but have not been able to go back to school or undergo any form of vocational skills training since the end of the conflict. Their lives were disrupted and have been completely ruined by the war. A few were reunited with their families but found it difficult to reintegrate into their communities, so they went back to Kailahun. Kailahun has become a safe haven for them, a home where they are not judged, discriminated against, or stigmatised, but accepted for what they were transformed into. The women we interviewed in Kailahun had come from Koinadugu, Tonkolili, Pujehun, Kono, Bonthe, Bo, Freetown, and Kenema.

Breakdown of family ties

The value of the extended family system which provides social safety networks, protection and the sense of belonging to a family or community is a critical factor in Sierra Leone. Girls as young as 10 years old were abducted and taken away from their families, some for as long as 8 years. They suffered sexual abuse, psychological trauma, and cannot now find viable employment. Others have become parents themselves. The complexities of the role of family and communities, and the cultural and social construction of childhood and adulthood, were destroyed, making reintegration difficult. What we see emerging is that children, traditionally regarded as indicators of family wealth, and a source of future security for older family members, are now transformed into sources of insecurity. The girls lost contact with their families thereby breaking social norms. 'Bush wives' who are rejected by their communities face a bleak future as rejection by the community is one of the worst experiences that an individual can face in Sierra Leone. Those who have resettled in new communities have had to learn a new ethnic language and adjust to a new custom.

All of the interviewees who had not returned to their families would like to go back to their home communities but find it difficult to do so under the prevailing circumstances. Parents have lost their 'old age pension guarantee' and the girls have lost their 'social safety net'.

Physical, psychological and sexual abuse.

'Bush wives' were constantly sexually abused, physically battered during and after pregnancies, and psychologically terrorised by their 'husbands', who thereby demonstrated their control over their 'wives'. The long-term effects vary:

Physically, most of these girls experienced miscarriages, and received no medical attention at the time. They bled excessively and because they lived in some of the most remote parts of the country, they had little or no access to medical services. Some now experience diverse medical problems such as severe stomach pains which they are reluctant to discuss; some have had their uterus removed; menstrual cycles are irregular occurring every two weeks instead of once a month, accompanied by severe pains; some were infected with sexually transmitted diseases, and others tested HIV positive.

'Bush wives' are traumatised and most of them have not received psycho-social counselling. Some were virgins when they were abducted and were deflowered without their consent; others hated their 'husbands' but were forced to live with them

for long periods; some resent the children they have had for their 'husbands'; but most of all they resent the stigma.

Social aspect

Socially, the lives of the 'bush wives' we spoke to, who have not been able to return to their home communities, have been destroyed. Those who returned to their communities with children have found it difficult to marry and live normal lives. They are tainted and the men in their communities would not want to raise 'rebel children'. Those with no education, skills training or livelihood have become destitute and are forced to do hired work in order to take care of themselves and their children. 'Bush wives' who remained in their unorthodox relationships chose to do so because of the children, or because they were too embarrassed to go back home. Years of psychological abuse have eroded all sense of confidence they once had, and instead they still feel grateful to their 'husbands' for protecting them during the war.

BJ-1 (16 years) and her sister JJ-1 (9 years) were both abducted from Freetown in January 1999. They were taken to Port Loko and BJ-1 was married to AFRC Ibrahim for 7 months. They were both beaten and maltreated. Before their abductions, both were virgins, but they lost their virginity in the bush. Ibrahim desperately wanted BJ-1 to get pregnant and because she did not, he would accuse her of not wanting a baby and beat her. "We were never in one place for long and we kept moving from place to place, running away from ECOMOG soldiers". Both sisters eventually escaped but faced stigmatisation in school later on. They were ridiculed and called "rebel blood", and even at home they were nicknamed "rebel wives" and accused of being infected with HIV. Campaign for Good Governance (CGG) intervened and was able to curtail the name calling.

SCT was 13 years old when she was captured at Mile 91 in 1997 by Abdul and made his wife. She was with him for a year until he was killed in Koya. After his death, SCT no longer had protection and was gang raped by any rebel who felt like it until one of them inserted a foreign object into her vagina. She later returned to her relatives in Freetown where she found that her parents had been killed during an attack. CGG paid SCT's medical bills and she was operated on and the foreign object removed from her uterus. In the process, her uterus had to be removed as it had ruptured.

AMI-09 from Mapapa village in Yele Chiefdom, Tonkolili district was captured in Tongo Field in 1998, where she had gone to sell fish with her elder sister. Her rebel 'husband' Lansana Saidu is from Moyamba. They have 3 children; a boy and 2 girls. "We do not know each other's family". They have not made any attempt to visit each other's family and they do not know if their families are alive. They engage in swamp rice farming as a means to survive.

IKK was abducted in Makeni in 1998 and made a 'bush wife' for five years. She has two children by her 'husband'.

MKS from Kamrranka was abducted in Masingbi in 1997. She was 27 years old and was 'married' for four years. She has four children with her 'rebel husband'.

IK-V from Bumpo was abducted during the January 6th attack on Freetown. She was 28 years old at the time of her abduction. She was 'married' to Col A. B. until "peace came" in Makeni. During her 'marriage' to Col A.B., she accompanied him to Kono and had to cook and do "other things" for him.

ii. What are the stigmas associated with having been a rebel's wife/a bush wife?

Social responses of fear, denial, stigma and discrimination have accompanied 'bush wives' in Sierra Leone. Discrimination spread rapidly, fuelling anxiety and prejudice against the women. Most of the 'bush wives' we spoke to who have not returned to their communities have been rejected by their families and communities. In many areas 'bush wives' are seen as shameful; they are believed to bring shame upon the family or community. In some predominantly Islamic communities 'bush wives' are viewed as immoral and as a punishment from God. Stigma militates against proper reintegration and creation of livelihoods. Relatives and friends who could have helped provide money or jobs are unwilling to associate with 'bush wives', or victims are too ashamed to disclose their status.

A 'bush wife' is commonly regarded as a rebel. Because she lived with a rebel for a long time in the bush, and in some instances had children, she is seen as an extension of the 'husband'. Non-abductees do not understand the challenges 'bush wives' faced and simplistically argue that they could have escaped if they had wanted to. Because 'bush wives' continued to stay with their 'husbands, non-abductees further argue that these women benefited economically from the looting sprees their 'husbands' engaged in.

In Sierra Leone, the impact of the conflict on 'bush wives' is particularly acute. They are often economically, culturally and socially disadvantaged and lack equal access to financial support and education.

iii. Do the women taken into forced marriages suffer any additional stigma in their communities different from those who suffered sexual violence generally e.g. rape?

'Bush wives' suffer additional stigma different from those who suffered sexual violence generally because they lived for long periods, sometimes 10 years, with their 'husbands' in the bush. Generally, it is argued that 'bush wives' could have escaped if they wanted to but had grown to enjoy life in the bush, so they chose to stay with their 'husbands'. It is also believed that 'bush wives' benefited financially from the looting sprees of their husbands and were therefore reluctant to leave the bush. Others, it is alleged, became trained fighters and went on 'missions' with their husbands. Communities believe that any person who lives with a rebel longer than a day becomes tainted and acquires 'rebel behaviour'. So, 'bush wives' are seen as extensions of their husbands and are hated for that reason.

Girls who suffered sexual violence have the sympathy and general support of the local population. They feel pity for the girls because of their ordeal and many witnessed the public rapes that took place. However, no one can testify to 'bush wives' stories of

rapes and beatings because only they and their rebel 'husbands' were in the bush. There were no other witnesses.

iv. What have been the problems associated with reintegrating bush wives back into their communities?

It is difficult to know exactly how many of the 'bush wives' have been successfully reintegrated.

First, there are no statistics to show the number of 'bush wives' nationwide, therefore it is impossible to determine how many have been reintegrated. Second, because of stigmatization, most of the 'bush wives', in particular, those who have been successfully reintegrated, are reluctant to talk about their past.

Most of the 'bush wives' in Kailahun were given very brief skills training that are not usable in the communities they live. In addition, a good number have children, some can no longer trace their families, and again, some are ashamed to return to their home communities. The few that returned to their communities found it difficult to adjust and later went back to Kailahun. They claim that initially their families and friends welcomed them, but that they were later taunted at any opportunity, derisively referred to as rebels and always accused of behaving like rebels. They could not cope with the stigma, so they decided to go back to Kailahun.

In Makeni, those interviewed had been accepted by their families and successfully reintegrated in their communities. Their return was facilitated by national and international NGOs, and they received skills training. They are currently engaged in apprenticeships of different sorts.

It is interesting that most of the 'bush wives' who have not returned to their home communities are those from the South. Fear of reprisals from the Kamajors and rejection by their families are the main reasons most of the 'bush wives' we talked to cited for not returning to their home communities. Their home communities include areas such as Pujehun, Bo and Matru Jong in Bonthe. Some of the women who are still with their 'husbands' have tried to introduce them to their families, but the families have refused to meet with them. They argue that the marriage was not a proper marriage.

v. Why have some bush/rebel wives decided to stay with their 'husbands'?

The most common reason why some 'bush wives' have decided to stay with their 'husbands' is that most of them have had children with their 'husbands'. They are scared that no other man will marry them and accept their 'rebel' children. They also believe that because of the economic situation in the country, most men are reluctant to marry women with children. Most of the 'bush wives' interviewed for the purposes of this report, who have remained with their 'husbands', are mothers. Again, others have stayed because they have become emotionally attached to their 'husbands', and feel that their husbands saved them from being gang raped in the bush.

vi. Were there many children born of forced marriages during the conflict? What has been the long term effect on these children, and upon their mothers or communities?

As yet, research has not been conducted to determine the numbers of children born out of forced marriages during the conflict. It is therefore difficult to estimate.

During their abduction, most of the 'bush wives' were in their teens and were not knowledgeable about preventive mechanisms. Moreover, sexual intercourse in the bush was a frequent occurrence. Pregnancies were frequent and coupled with inadequate or non-existing medical facilities, infant mortality rate was exceedingly high.

According to the data compiled for this report and areas assessed, most of the children were born, but died shortly after birth because of poor diet and lack of basic medical facilities. Those children that survived are mostly living in Kailahun, and do not, mostly, go to school. Their mothers find it difficult to care for them; they run around naked, have very little to eat and are conscious that they are different from the other children. 'Bush wives' are aware of the stigma their children will have to live with in their communities and worry about this. This creates enormous psychological stress.

Statements

'I understand that my duty to the court is to provide an impartial expert opinion and to assist the court in reaching a decision'.

'I believe that the facts that I have stated in this report are true and that the opinion I have expressed is correct'.

Zainab H. Bangura (Mrs)

4 May 2005

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