

## In Africa, justice for 'bush wives'

Sierra Leone's special court rules that forced marriages are a crime against humanity. Soldiers who take women by force in Uganda and Congo may also face prosecution.

Freetown, Sierra Leone —

Fatmata Jalloh was just a kid selling pancakes on a rural road in Sierra Leone when a rebel soldier snatched her and made her his wife.

"I was a child. I didn't know anything about love at that time ... but he said, 'If you don't take me [as your husband], I'll kill you,' " she remembers.

For two years, until Sierra Leone's decade-long civil war finally ended, Ms. Jalloh was the domestic and sexual slave of her "husband." She cooked and cleaned for him; he fed and sheltered her.

"There was no way not to do it," she says. "If I would leave, I would have no food. He would kill me."

Jalloh is one of thousands of African "bush wives," women taken against their will and forced to be spouses of soldiers. Public health and human rights groups estimate that over 60,000 women were victims of sexual violence in Sierra Leone, and that thousands suffer similar fates in ongoing conflicts in northern Uganda and the Democratic Republic of Congo.

Now, an international criminal tribunal says forced marriage is a crime against humanity, in a ruling experts say may change the way future war criminals in Africa and elsewhere are prosecuted.

"What had occurred here with forced marriage was something very serious and very specific, and wasn't fully recognized," says Stephen Rapp, the chief prosecutor at the Special Court for Sierra Leone, which is trying nine military leaders thought to be the most responsible for crimes committed during the struggle over political power and control of the country's diamonds. "It was part of a widespread attack against civilians. Women were being taken as wives without consent, either consent by them ... or by family members."

The court's first rulings on the charges, brought against three members of the notorious Revolutionary United Front, are expected in July.

Forced marriage had long been considered a variation on sexual violence. The Special Court's trial chamber had considered it a "redundant" charge already covered by charges of rape and sexual slavery. But Mr. Rapp insists, and the court's upper chamber agreed, that forced marriage is a discrete crime.

"Of course it [forced marriage] almost always involved sex, but it involved other things – an exclusive, essentially lifetime relationship under the control of a man, a demand that this individual [the wife] provide ... household services, travel with the man, care for his needs, and everything else," Rapp says.

The decision paves the way for similar charges in northern Uganda and the Democratic Republic of Congo, where rights groups have documented the use of bush wives in ongoing conflicts. Brigid Inder, executive director of the Women's Initiatives for Gender Justice at The Hague, says the practice is a common way of rewarding commanders and organizing battalions in the Lord's Resistance Army, which has terrorized Uganda's Acholi population for nearly 20 years. Her group has also documented the "rewarding" of bush wives to soldiers in three separate militias in Congo.

But Ms. Inder doesn't expect officials at the International Criminal Court (ICC), the world tribunal with jurisdiction over war crimes, to add indictments for forced marriage to its cases in Uganda or Congo any time soon."

"We hope they bring these charges where there is evidence of these crimes ... in the future," says Inder, who has pressed the ICC to investigate gender-based violence in Congo. "But I doubt that ... the prosecutor will amend any of his current charges."

Donald Steinberg, deputy president for policy at the International Crisis Group and former ambassador to Angola, says even if the new crime isn't prosecuted on a large scale, the Sierra Leone court's precedent may help deter forced marriage in the future.

"There's no way I believe that you're going to prosecute a large number of individuals in any of these situations, because the practice is so common in a civil war," Mr. Steinberg says. "If you can do a few very notable prosecutions almost as examples, then there is the possibility ... that this is going to have a deterrent effect ... to be very honest, that's going to be minimal."

More influential, he says, may be the role this precedent plays outside the courtroom. Because the ruling puts forced marriage on the map as a specific crime, he says, negotiators brokering peace deals might think twice about offering amnesty to its perpetrators.

"Amnesty in these situations means men with guns forgive other men with guns for crimes committed against women," Steinberg says. "It's viewed too many times by negotiators as a very easy step to take.... If more negotiators were to hear of this development and walk into negotiations and say simply, 'No amnesties for this type of activity,' I think it would make a difference."

Sierra Leone's own conflict ended in a peace deal that promised blanket amnesty to the foot soldiers of the war – which, ironically, limits the utility of the Special Court's decision for the very victims it has recognized.

"It's not, from a practical standpoint, very useful," Rapp says. The structure of the court means women can't bring charges there, and because the precedent hasn't been procedurally adopted as part of domestic law, they can't yet pursue civil claims in national courts either, he says. Besides, he adds, "most of the people convicted in these crimes don't have assets."

It's not money that someone like Siaoh Farroh is after. Taken as a forced wife after her husband and her newborn were killed, she wants the kind of justice that comes with punishment. She wants to put her "husband" in front of the Special Court. She would say: " 'This is the one who did that to me. Make them suffer for what they've done. If you're jailing others, jail him. If you're killing others, kill him.' "

Others, like Fatmata Jalloh, have moved on. She beams when she recounts how she met her new husband, the same way she met her ex-soldier: selling goods on the side of the road. When she hears of the ruling, she says it makes her happy.

"Now they can try to abolish the thing. Not even for me," she says. "For other women coming, so they don't have the same story."