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Rape and post-conflict justice

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The lengthy prison terms for war crimes and crimes against humanity handed down by the Special Court for Sierra Leone last month have been greeted with widespread praise. Two senior members of the Armed Forces Revolutionary Council were sentenced to 50 years' imprisonment and another to 45 years for atrocities, including rape, committed during the country's civil war.

Indeed, calling senior military leaders to account for sexual crimes against women is a historic achievement. The July 19 sentencing reaffirms that rape is among the gravest violations of international law, on par with acts of mass murder and terrorism.

The precedent set by the International Criminal Tribunals for the former Yugoslavia and Rwanda, as well as the investigations into Central African Republic and Darfur being conducted by the International Criminal Court, suggests that post-conflict justice for sexual violence may at last be becoming the rule rather than the exception.

Yet during the 11 years of brutal civil war in Sierra Leone, more than 50 per cent of the country's women and girls suffered sexual violence. Five years later, only 11 suspects have been indicted.

This means that thousands of women will never see their rapists brought to justice. They will, instead, continue to see them in the streets, parks and marketplaces of their communities. For these women, there is no closure to the trauma of wartime rape. Peace brings no peace of mind. And there is no equality before the law.

The women of Sierra Leone look to the Special Court as an emblem of hope for ending impunity. But beyond the high-profile cases that the Court is mandated to take on, it is also hoped that it will help bolster the capacity of local courts to convict the thousands of lower-ranking rapists who walk free. This is indeed the best hope for resurrecting the rule of law in a war-ravaged nation.

Regrettably, international support for the rehabilitation of justice systems and the rule of law has not prioritized women's access to justice. This has generally been sidelined in favour of market-oriented reform, such as revising corporate laws to improve the investment climate.

Such an approach overlooks the fact that age-old social and economic inequalities – including those between women and men – are often the root causes of conflict, instability or economic stagnation.

So while provisions for prosecuting rape are firmly established in international law, a lack

of political will and financial support leads to foot-dragging. For women living in the midst of their tormentors, justice delayed is more than justice denied – it is terror continued.

We must urgently ensure that laws on paper are matched by action. Appalled by reports from clinics in war-torn countries of genital injuries caused by rape, and aware of the need for global action, 12 UN organizations, including UNIFEM, have come together in the UN Action against Sexual Violence in Conflict.

Alongside women's groups and NGOs worldwide we are working to break the silence surrounding sexual abuse, build communities that say no to violence against women and enhance women's access to justice.

For centuries, women have borne the guilt and taint of rape in the absence of any formal attribution of liability. Now, the prospect of consistent, expedient justice according to law places this burden squarely where it belongs – with the perpetrators.

The sentences in Sierra Leone remind us that by calling for the effective prosecution of every perpetrator regardless of rank, we can all contribute to making rape a rule of law priority in national and international courts, in times of war and peace.

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