

Forced Wives as Victims and Perpetrators of War Violence in Transitional Justice Processes

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1. The Dilemma

Recent conflicts in Sierra Leone in the 1990s and in Uganda since the late 1980s brought attention to a crime systematically perpetrated against women on a large scale that has been and still is widely unrecognised; forced marriage. Women are taken by male fighters from the side of the road or during brutal attacks on their villages where gruesome atrocities are committed against the local population. They are forcefully taken to the fighters' camp, labelled a fighter's wife and subsequently subjected to various acts of sexualised violence¹ and forced labour. However, forced wives are not only victims and witnesses of war violence, but also perpetrators who exercise merciless authority over subordinate abductees, participate in looting campaigns and in direct combat. Being aware of their multiple roles, they often do not want to get involved in post-conflict legal proceedings. They remain silent in fear of recalling their experiences, being misunderstood, stigmatised or prosecuted.

This agitates an issue often ignored in the field of law. How well do transitional justice processes suit those seeking justice? What issues does participation in international criminal proceedings raise for ex-forced wives² and vice versa? Are methods of restorative justice more suitable to address the women in their multiple roles? Do traditional justice mechanisms or other methods of restorative justice offer alternatives to international courts and Truth Commissions (TCs)?

To answer these questions, the article first discusses the victim-perpetrator dichotomy and the concept of agency in relation to forced marriage. In these first two sections, the day-to-day realities of forced wives as victims, witnesses and perpetrators of war violence in Sierra Leone and Uganda will be outlined. It will be argued that not only their victimisation and passivity, but also their free choice have to be questioned. Based on this, it will be examined what issues international court proceedings and TCs as mechanisms, of retributive and restorative justice, raise for ex-forced wives. A point will be made for both methods seeing women primarily as victims and witnesses. By

¹ Even though the terminology of 'sexual violence' is more common, the use of the term 'sexualised violence' is intentional. 'Sexual violence' emphasises sexuality in the context of violence while the term 'sexualised violence' highlights the act of violence itself. Therefore, it is broader than 'sexual violence', encompassing not only rape, but also violent acts falling short of forced penetration (Mischkowski 2006). Moreover, 'sexualised violence' also includes acts of gender based violence.

² For the purpose of this article, the term 'ex-forced wife' is defined as a woman who had previously been subjected to forced marriage. The prefix 'ex' indicates the termination of the forced marriage either through separation, or through transformation into a consensual marriage or marriage of convenience.

neglecting their perpetrator role, both effectively silences these women. In the context of Sierra Leone and Uganda, traditional justice mechanisms are praised as alternatives that overcome the weaknesses of retributive and restorative justice methods. In a sixth step, it will be discussed if they could indeed offer an opportunity of giving a voice to ex-forced wives in their different roles. It will be argued that traditional justice mechanisms are alternatives with drawbacks, especially in addressing sexualised crimes. Therefore, restorative justice methods other than TCs will be explored as to whether or not their key features should be incorporated into other transitional justice processes. In conclusion, the findings will be summarised and linked back into the central question this article set out to address.

The aim of this article is to raise awareness of the widely neglected crime of forced marriage in times of violent conflict. It draws attention to how the offense is approached legally and to the impact these processes have on survivors and vice versa. Based on this, it considers alternative approaches to ex-forced wives' reintegration, reconciliation and justice. This article is intended to be open-ended and to raise questions and suggestions, rather than to provide conclusive answers.

2. Victim-Perpetrator Dichotomy

The current international discourse in post-conflict societies encourages women to portray themselves as war victims to receive support (Coulter 2009, p. 147; Silva Santisteban, 2013). The category of victim is constructed in a dichotomous relationship with the category of perpetrator. In the reality of a conflict situation, however, victims and perpetrators of criminal acts are not readily distinguishable. People participate voluntarily or are drawn into the conflict by force or coercion (Gog 2008, p. 61-62; Mani 2007, p. 124). Nevertheless, they participate in various ways.

In the case of forced wives, the term itself reveals that, in most cases, women are forced to participate in a conflict (PRIDE 2002, p. 13). They are abducted, forced into marriage with fighters and subjected to forced labour and sexualised violence. In Sierra Leone and Uganda, this horrendous conduct was facilitated by a range of socio-cultural conditions. In traditional Sierra Leonean culture, women are viewed as wild and dangerous. In a stark contrast to this, a good woman is expected to be a humble wife and mother who respects and obeys her elders and husband (Coulter 2009, p. 53-54, 135-144). To model women after this gendered ideal, it is understood that they have to be controlled by the highly patriarchal society. Marriage is one way to achieve this. In times of violent conflict, forced marriage guarantees a higher and more far reaching degree of control over women than rape or sexual slavery. The unique effect triggered by the imposition of a conjugal status results in the mental and emotional manipulation of the women that forces their loyalty towards their forced

husband³ (Coulter 2009, p. 110-117; AFRC Case 2005, p. 15; RUF Case 2009, para. 1466). For the forced husband, forced wives are a status symbol, demonstrating his position within the ranks of the fighting group. Corresponding with peacetime customs, the number of forced wives represents the forced husband's power position more generally and reinforces his self-perception as a potent man capable of providing for his big family (Coulter 2009, p. 79-80; Kramer 2012, p. 11-49; AFRC Case, para. 16). Moreover, women and their work are needed to sustain the fighting group and to enable the continuance of warfare. They are needed to fill up the fighters' ranks. Against this background, forced marriage is directly linked to the group's economic situation. It is an inherent part of a fighting group's organisational structure.

It becomes clear that forced wives are at the same time victims, witnesses and perpetrators of war violence. However, in none of these roles they can be viewed as being free agents fully in command of their own life.

3. Agency

In addition to being established in a dichotomous relationship with perpetrators, victims are often understood to lack agency; the ability to devise ways of coping and to make independent decisions. Since this category is also often feminised, it portrays women as unable of harming others and as free from responsibility for their acts. However, in the day-to-day life in the fighting group, forced wives devise ways of coping and make choiceless decisions; decisions which are circumscribed by structural constraints (Coulter 2009, p. 146; Mani 2007, p. 121).

Forced wives in Sierra Leone and Uganda use patriarchal ideas and images as a means of strategic survival (Coulter 2009, p. 147). They reconstruct existing notions of gender relations and gender roles – being wives, housewives and mothers – during and after the conflicts (Annan et al. 2011, p. 877-908; Baines & Stewart 2011; Gog 2008, p. 23; Turshen 1998). A Ugandan ex-forced wife reports of a clear distinction between young female abductees and forced wives created and upheld in a fighting group. Young women are considered a shame to the household to which they were given. However, when they get married and especially after they give birth, their status within the group and their access to resources increases. Then they are considered, and consider themselves, good and honest women (Baines & Stewart 2011). It becomes clear that forced wives reconstruct their normal social world – they withdraw from school, get married early, bear children – and perform day-to-day tasks similar to their peace time roles. After the conflict, ex-forced wives pursue new marriages as their reintegration strategy to satisfy the culturally accepted life cycle of a woman

³ For the purpose for this article, the term 'forced husband' refers to a husband who is forced upon a woman. Moreover, it indicates that men can be and are forced into marriage as well.

which includes marriage and motherhood (Annan et al. 2011; Baines & Stewart 2011; Gog 2008, p. 23; Turshen 1998).

In addition to reconstructing existing notions of gender relations and gender roles in a different space – the fighting group – forced wives also change them by participating directly in combat. They are taught to fight primarily to be able to protect themselves and the camp in case of attack. Some women use their new skills to end continuous sexualised abuse and domestic slavery as well as to support their forced husband in combat. Some are forced to use them when they are sent to the front line as a means of punishment. Forced wives also see their participation in direct combat as an escape from being a victim by becoming a perpetrator. By being in control of violence, they feel more secure, in control and empowered. In addition, through better access to food and looted items, participating in combat can improve the circumstances of their lives within the fighting group. It can also give women greater chances of escaping (Allen & Schomerus 2006, p. 22; Baines & Stewart 2011; Shikola 1998; Turshen 1998, p. 13).

This brief discussion of forced wives' position in the victim-perpetrator dichotomy and linked to this their agency shows that not only their passivity and victimisation, but also their free choice have to be questioned (Coulter 2009, p. 147-151). What does that mean for legal proceedings?

4. The Special Court for Sierra Leone (SCSL)

In Sierra Leone, the Special Court was set up to 'try those who bear the greatest responsibility for serious violations of international humanitarian law and Sierra Leonean law' (SCSL 2011). Therefore, forced wives in their role of perpetrators, who occupy positions of foot soldiers rather than commanders, are clearly outside its mandate. In the context of trials against the 'big fish', however, the testimony of ex-forced wives as victims and witnesses is needed to reach convictions. However, due to feelings of fear and shame, information deficits and rumours, most survivors are reluctant to participate in court proceedings (AFJN a; Allen & Schomerus 2006, p. 11-12, 44-54; PRIDE 2002). Their unusual position as abductees and forced recruits as well as survivors of sexualised violence, forced marriage, forced motherhood and forced labour aggravates the feelings of fear and shame of most survivors who have to give evidence before a court. They are afraid of being held responsible, stigmatised as rebels and socially ostracised. The mental and emotional manipulation of ex-forced wives is crucial in regards to their feelings of shame. The imposition of a conjugal status forced their loyalty towards their forced husband. However, it cannot be forgotten that they were abducted and violently forced into this situation. Moreover, even though they lived in a conjugal union, they had not been officially married and had children out of wedlock. For their own protection as well as to prevent shame being brought upon the family openly, family members often discourage the women from talking about their experiences and participating in legal

proceedings. Due to information deficits, they believe that breaking the silence would lead to the arrest and prosecution of ex-forced wives. The socially encouraged silence of ex-forced wives in post-conflict situations additionally has to be placed in context of the Ugandan Lord's Resistance Army's violent enforcement of silence, literally the violent denial of speech (Baines & Stewart 2011). Women lived under constant tension and fear of the enemy, the leaders of the group, their forced husband and co-wives. No one trusted anyone and friendly relationships were killed off right away. Disobedience or revealing emotions were punished by death (Association of Female Lawyers of Liberia et al. 1998; Coulter 2009, p. 143-144). During the conflict, silence became a means of strategic survival for forced wives. The fear of the potentially fatal consequences of being overheard by the wrong person makes most women reluctant to break the code of silence that was forced upon them even after the war (Coulter 2009, p. 159-162; Baines & Stewart 2011). In post-conflict Sierra Leone, the majority of ex-forced wives continue to live with their forced husbands. Often the women are economically dependent and fearful of disobeying them. Nervous about their protection as witnesses, they believe in rumours that they themselves and their forced husbands could be arrested after giving testimony before the SCSL. Women also worry about having grievances turned against them. This reflects a more general misinformation that the Court would try all perpetrators. In addition to the lack of clarity on the SCSL's jurisdiction, confusion about possible penalties exists. Ex-forced wives are concerned the Court would be entitled to impose the death penalty (Coulter 2009, p. 172; PRIDE 2002; Twagiramariya & Turshen 1998).

It becomes obvious that international court proceedings fall short as an informed approach to deal with ex-forced wives as victims, witnesses and perpetrators. Feelings of fear and shame, further aggravated by information deficits and rumours, silence the women as victims and witnesses. Consequently, they do not give testimony. This complicates the collection of evidence needed for convictions of 'those who bear the greatest responsibility' (SCSL 2011) for serious acts of war violence. Because the SCSL mandate only targets 'big fish', ex-forced wives' participation as perpetrators of war violence is ignored. This silences a part of their identities and distorts the picture drawn of their realities. It establishes a legal truth that is based on incomplete facts. This in turn creates a risk of developing a false public understanding of the crime of forced marriage. Therefore, other legal approaches are needed that go beyond the limited reach of the SCSL.

5. Truth Commissions

Following the conflicts in Sierra Leone⁴ and Uganda⁵ Truth Commissions (TC) were set up in both countries. Their purpose is to address impunity and break the cycle of violence by investigating

⁴ In Sierra Leone, the elite of local nongovernmental organisations and local and international human rights advocates pressed for the establishment of a TC which eventually was included as Article 16 into the peace agreement between the government of Sierra Leone

all aspects of human rights abuses. By providing a forum to all survivors, it is expected to get a clear picture of the past to facilitate genuine healing and reconciliation (Coulter 2009, p. 167; Millar 2011b, p. 515-535; Track Impunity Always; USIP b).

Perpetrators of war violence generally are willing to participate and harbour great hopes in the TC's potential to facilitate reintegration and reconciliation. They perceive the institution as a forum to confess. For them, taking part in it is an opportunity to ask for forgiveness and to explain themselves (PRIDE 2002, p. 6-12). For ex-forced wives as a specific group of perpetrators, however, feelings of fear and shame make them reluctant to participate not only in court proceedings, but also in Truth Commissions. Rumours that the Sierra Leonean TC could be the investigating arm of the SCSL silence the women. They worry that the TC might pass on information, leading to their arrest and prosecution after giving a statement (Anyeko et al. 2012; Goldblatt & Meintjes 1998, p. 53; PRIDE 2002, p. 5-14; Shaw 2007; Shaw 2005). As forced ex-combatants, the women might find it challenging to admit their gender role transgressions, fearing patriarchal methods of correction.

As victims and witnesses of war violence, ex-forced wives are concerned about their protection from acts of retaliation and revenge after giving a statement before courts as well as before TCs. Some women regard Truth Commissions to be a political space from which they are removed. They consider the process to be initiated too soon after the conflict and fear testifying might disrupt their reintegration into their communities (Anyeko et al. 2012; Goldblatt & Meintjes 1998, p. 53; Millar 2010; Shaw 2007). Especially if they still live with their forced husbands, the women might find it challenging to speak about their experiences of forced marriage. To them, it might seem like an act of admission that their relationship and children born into the union are illegitimate. Given the public nature of TC hearings, this adds to the silencing of ex-forced wives. This has to be placed in the context of gendered cultural understandings that emphasise the inappropriateness of women being in such places. Therefore, ex-forced wives and their families might prefer undisclosed procedures (Anyeko et al. 2012; Coulter 2009, p. 154-174; Gog 2008, p. 42-44; Millar 2010, p. 477-496; Turshen 1998, p. 16). Of those women who gave statements, many complain about patronising commissioners claiming to know their feelings and intentions (Shaw 2007).

and the Revolutionary United Front. However, there was little popular support for this endeavour (Shaw 2005). The Commission was comprised of seven commissioners: three women and four men, four Sierra Leoneans and three internationals. It was chaired by Bishop Joseph Humper (USIP a). Coordinated by the United Nation's Office for the High Commissioner for Human Rights which was assisted by consultants from the International Center for Transitional Justice, the TC started to collect statements in late 2002 and held public hearings in Freetown and in the twelve districts of Sierra Leone from April to August 2003 (Shaw 2005, p. 39).

⁵ Initially enjoying a great degree public support, a TC was set up in Uganda under the sponsorship of the national government's Justice Ministry by means of a Legal Notice. The Ugandan TC was comprised of six male commissioners, chaired by Ugandan Supreme Court Justice Arthur Oder (Track Impunity Always; USIP b).

This superior attitude is further reflected in the assumption of a need of survivors to give voice to their pain to set the record straight, to reclaim their dignity and to empower themselves (Gog 2008, p. 9, 49; Mani 2007, p. 97-118; PRIDE 2002, p. 12; Shaw 2005). For some, however, participation is highly traumatic and exposes aspects of social shame communities tried to suppress. In Sierra Leonean culture, speaking about violence, especially in public, is viewed as encouraging its return. This practice of social forgetting is reflected in survivors' understanding of counselling as advice given by relatives or neighbours on how to socialise to forget their past, to clip away memories that are of no use. Social forgetting might enable ex-forced wives to remarry and to satisfy the culturally accepted life cycle of a woman which includes marriage and motherhood. Forgetting past experiences of war violence, however, is dependent on people's ability to build a future (Allen & Schomerus 2006, p. 44-54; Coulter 2009, p. 167-177; Gog 2008, p. 9, 49; Mani 2007, p. 97-118; Millar 2010; Shaw 2007; Shaw 2005).

The desire to build a future is reflected in the perception of many ex-forced wives that talking about their experiences without receiving material compensation is shaming and insulting. They view the TCs as patrons, as sites of resources and opportunities. Therefore, the women expect something in return for giving their statement. The reconstruction of houses and infrastructure, social services, medical support, employment, education and food were regularly named to be urgently needed. This expectation of a reciprocal relationship between the majority of Sierra Leoneans and the TC leads to the assumption that – contrary to what western understandings emphasise – healing, reconciliation and justice happen on a material, rather than psychological level (Eragu Bichetero 2013; Millar 2012, p. 717-729; Millar 2011a, p. 177-199; Shaw 2007; Shaw 2005). Material support can for example empower ex-forced wives who stayed with their forced husbands for reasons of economic security to leave and live a more self-determined life in which they can choose their partner. Living free from immediate fear of survival, the women have the opportunity to devise ways of healing and reconciliation for themselves to integrate their past experiences.

This brief discussion of Truth Commissions and their potential to address ex-forced wives in their different roles and to contribute to their healing, reconciliation and justice shows that this mechanism of restorative justice faces weaknesses in this respect. If at all, TCs approach the women in their roles as witnesses, but silence the victim and perpetrator (PRIDE 2002, p. 2, 15). Keeping in mind that in Uganda and Sierra Leone, members of the community fear ex-forced wives because of their active participation in the wars, it is surprising that the women are seemingly not addressed as perpetrators within the framework of TCs. A possible explanation could be the commissioners' focus on reconciliation rather than truth (Schabas 2010). They would not want to open more wounds. Another possible reason links back to social forgetting: Keeping silent about violent acts because

they are understood to create more violence furthers silence about ex-forced wives as perpetrators. In contrast to this explanation however, Truth Commissions fail to recognise conventions of social forgetting as well as material understandings of reconciliation, healing and justice. Therefore, they miss the opportunity to empower women and to support ex-forced wives in integrating their experiences to live a self-determined life. Like courts, TCs trigger feelings of fear and shame in survivors of forced marriage, heightened again by information deficits and rumours about the institutions' mandates. Additionally, gendered understandings of appropriate spaces for women and gender insensitive behaviour of officials involved silence the women. Consequently, ex-forced wives are reluctant to give a statement and, like with courts, complicate the TCs' fact-finding missions. Therefore other approaches are needed that address ex-forced wives in a more informed way as victims, witnesses and perpetrators of war violence. The shortfalls of TCs especially demand a greater awareness of local methods of dealing with experiences of violence and achieving healing, reconciliation and justice.

6. Traditional Justice Mechanisms

When thinking about alternatives to international courts and TCs, it is important to keep in mind that understandings of justice vary. Traditionally, the aims and objectives of criminal justice are understood as detecting crime and bringing it to justice; as convicting and punishing the guilty and helping them to stop offending (AFJN b; The National Archives Criminal Justice System). Survivors of forced marriage in Sierra Leone and Uganda, however, often understand justice as a flowing and fluid concept. Providing compensation and assistance to survivors are central to it. Furthermore, an emphasis is placed on aiming for truth, fairness and reconciliation (Aapengnuo 2009; Allen & Schomerus 2006, p. 19; Eragu Bichetero 2013; Silva Santisteban 2013). Again, this points towards a material rather than psychological way of healing and reconciliation. Additionally, it points to an understanding of justice as being restorative rather than retributive. However, as discussed above, in the case of Sierra Leone and Uganda, TCs are an uninformed method of restorative justice. They focus on ex-forced wives in their role of witnesses, fan their feelings of fear and shame and work contrary to cultural conventions of social forgetting.

The healing aspect of TCs is often contrasted with various traditional cleansing ceremonies and rites of forgiveness, portrayed as more trusted than imposed top-down transitional justice proceedings (UNODC 2006, p. 5-11, 29-30). In Sierra Leone, various rituals aimed at 'cool[ing] hearts' (Shaw 2005) are practiced to re-integrate ex-combatants into the community and to restore their relationship with God and their ancestors. Including the whole community, they consist of church ceremonies, prayers, confessions, application of consecrated water, exorcism, funerals and small offerings. This indicates that people believe in the everyday power of God, limiting the

perceived importance of personal forgiveness and human justice. Long before the international community began its efforts to address acts of war violence within the framework of transitional justice processes, churches and religious leaders voiced the significance of forgiving and forgetting, reflecting customs of social forgetting (Millar 2011a; Millar 2010; Park 2007; Shaw 2007). In this aspect, ceremonies to ‘cool hearts’ (Shaw 205) are closer to ex-forced wives’ understandings of healing, reconciliation and justice than TCs, rendering the latter redundant in the eyes of some. However, since they do not provide any material compensation, such an approach would need to be incorporated effectively to be considered a true alternative to international courts and TCs. It also has to be taken into account that ceremonies to ‘cool hearts’ (Shaw 2005) primarily address ex-combatants. Ex-forced wives in their role as perpetrators cannot and are not readily categorised as such. Therefore, these ceremonies might not be available for them, let alone for ex-forced wives in their roles of victims and witnesses of war violence.

Truth telling processes, in contrast, are comparable to Truth Commissions. They were called for in post-conflict Uganda to generate an understanding of the root causes of the conflict and to educate future generations. This way, they aimed at preventing history from being repeated. Through truth telling, people hoped to obtain symbolic and material compensations for harms suffered. It was imagined as a process where people who were involved in the war in different ways engage in a discussion mediated by community elders about what happened, why it happened, and eventually agreeing on compensation (Anyeko et al. 2012). Truth telling processes still assume a need for ex-forced wives in their different roles to speak about their past experience in order to integrate them. They disregard the women’s fear and shame as well as conventions of social forgetting. However, they balance the TCs neglect of material approaches to healing, reconciliation and justice and offer a more private space for conflict resolution. Furthermore, truth telling processes can serve as a framework to reinterpret ex-forced wives’ experiences to defend their innocence and moral character, and therefore, their social worth. Ex-forced wives might see the process as an opportunity to have their voices heard and to re-negotiate their social exclusion (Baines & Stewart 2011).

An example of a traditional justice mechanism from different African countries including Uganda is *mato oput*. This ceremony seeks to cleanse a problem and to right relationships through the payment of compensation that is sealed by drinking a bitter drink (Jacques & Tuckey). The ritual is advocated to facilitate forgiveness between people through formal amnesty, turning the other cheek, or having a formerly abducted person living in the home. Traditionally however, *mato oput* occurred only rarely. Its increased use in post-conflict Uganda is presumably connected to the availability of external support. The establishment of many of the ‘traditional’ male chiefs leading *mato oput* ceremonies for example was funded by aid agencies. Considering this patriarchal

environment, these ceremonies might be detrimental for ex-forced wives as victims and witnesses. As in truth telling processes, they might be treated insensitively, shamed and held responsible for what happened to them. Against this background, *mato oput* ceremonies might not even be available to the women in these roles. And even if they are, the ceremonies do not necessarily involve any commitment on the side of the wrongdoer to actually pay compensation and therefore they do not effectively address ex-forced wives' material needs. Ex-forced wives who participate as perpetrators in *mato oput* ceremonies have to face male community members who might find different solutions to their problems than what they themselves would see fit (Allen 2008, p. 47-49).

The effectiveness and usefulness of traditional justice mechanisms in general is contested (Allen & Schomerus 2006, p. vi, 17-18; Coulter 2009, p. 177; Jacques & Tuckey). Like restorative justice processes, traditional justice mechanisms can result in impunity for ex-combatants (Allen 2008, p. 47). Ex-forced wives consider traditional justice mechanisms important for their communities as a means of sensitisation and to reduce fear. For themselves, some find healing and reconciliation ceremonies reassuring and effective, others find them useless and consider them to make things worse by concentrating bad spirits. Some women are upset by the violence used in sacrificial rites and others are reminded of rites practised in fighting groups (Allen & Schomerus 2006, p. 17-18; PRIDE 2002, p. 14).

7. Other methods of restorative justice

As this article demonstrated, international courts, TCs and traditional justice mechanisms show considerable drawbacks in their potential to facilitate healing, reconciliation and justice for ex-forced wives. Could other methods of restorative justice like victim-perpetrator mediation, family or community group conferencing and peace-making or sentencing circles be an alternative?

Restorative justice generally is based on values of voluntariness, mutual respect and collaboration. Its focus on empowerment (Clute 2011; RJO a; UNODC 2006, p. 5-11; Wright 2000) would be of particular relevance for ex-forced wives as victims. Although the process is a means to an end in restorative justice, the payment of mutually agreed compensation would be a solution that recognises ex-forced wives' need for material healing and facilitates forgetting (Clute 2011; PRIDE 2002, p. 8-14; RJO a; Wright 2000). It has the potential to empower ex-forced wives who stayed with their forced husbands for reasons of economic security to leave and live a more self-determined life. However, it has to be kept in mind that even though the payment of compensation is more likely when it is mutually agreed upon rather than imposed, it often is insufficient to be a concrete form of assistance and only offers short term relief (Wright & Masters 2002). Nonetheless, it can be understood as a tangible sign of apology (Wright 2000). Additionally, sincere verbal apologies are an acknowledgement of responsibility for a crime and its consequences. Since an ex-forced wife could

reject the apology, a shift in the power relations between her and the perpetrator would occur (RJO a; Wright 2000). She would be empowered by being in control.

In addition to stressing empowerment, restorative justice approaches address the relational dimension of crime and justice (RJO a). This again would be particularly important for ex-forced wives in their role as victims. The crime committed against them has to be placed in context with the overall situation of a violent conflict. Forced marriage has to be seen in relation to the crimes it is comprised of; abduction, acts of sexualised violence, forced motherhood, forced labour and forced recruitment into a fighting group. It has to be seen in relation to the highly patriarchal societies of which the women are part. And lastly, any attempt of addressing it must acknowledge the way the attachment of the label 'wife' mentally and emotionally manipulates a woman and forces her loyalty towards her forced husband. The victims and the perpetrator have to be seen in relation to each other.

Family or community group conferencing and peace-making or sentencing circles have great potential in situations where interpersonal relationships are held in high regard (Aapengnuo 2009; Jacques & Tuckey; RJO a; UNODC 2006, p. 1-31). Conferencing is comparable to Sierra Leonean ceremonies to 'cool hearts' (Shaw 2005). Community involvement can constitute a source of support for ex-forced wives as victims and perpetrators in their reintegration process. Support communities can provide assistance in relation to the practical and emotional effects of the crime as well as supervision for the perpetrator (AFJN a; RJO b; UNODC 2006, p. 20-21). Comparable to storytelling circles in Uganda, peace-making or sentencing circles take the community dimension a step further. Addressing a wider range of issues regarding the crime including the underlying causes of a conflict, norms and expectations, they aim at building a sense of community. Therefore, circles potentially change the social environment of ex-forced wives as victims, witnesses and perpetrators by reviewing community identities (Aapengnuo 2009; Jacques & Tuckey; RJO c; UNODC 2006, p. 5-25). Against this background it seems sensible to involve communities in the process of finding solutions (Turshen 1998, p. 18). However, the challenges community involvement poses to the process and outcomes of restorative justice – the dominance of one party, patronage, corruption, gender biases and hierarchies as well as the public situation itself – have to be kept in mind (Allen & Schomerus 2006, p. 11-12, 44-54; Gog 2008, p. 49; Mani 2007, p. 117-118; UNODC 2006, p. 30-31; Wright 2000, p. 70). Victim-perpetrator mediation as an intimate process excluding the wider public would be an answer to the last criticism. It also responds to ex-forced wives' disapproval of TCs as being too public (Shaw 2005).

This brief exploration of restorative justice methods, other than TCs, indicates that ex-forced wives, as witnesses, would only be given a voice in peace-making or sentencing circles. Even though they might well be included in family or community group conferencing, the focus would lie on the

victim and perpetrator. They would be excluded from victim-perpetrator mediation. Ex-forced wives, as victims and perpetrators, could be heard as such in all the methods mentioned. In both cases, peace-making or sentencing circles hold great potential as they address a wider range of issues regarding the crime and offer ex-forced wives an opportunity to re-negotiate their social exclusion. By bringing the women and the families and communities together on a voluntary, respectful and collaborative basis, circles as well as family or community group conferencing could reduce the fear that communities often hold against ex-forced wives as perpetrators. Furthermore, they could constitute a way of raising awareness. The same could be achieved on a smaller scale and in a more intimate way through victim-perpetrator mediation. These key advantages, together with a relational approach and empowerment through compensation and apology, should be incorporated in other transitional justice processes.

7. Conclusion

Summing up, feelings of fear and shame discourage ex-forced wives from participating in transitional justice processes in Sierra Leone and Uganda. They are aggravated by information deficits and rumours about the institutions' mandates, gendered understandings of appropriate spaces for women and by gender insensitive behaviour of officials involved. Consequently, the collection of evidence and information about what happened during the conflicts is complicated. Participation of ex-forced wives, as perpetrators of war violence, is made impossible by the SCSL's limited mandate to try only 'those who bear the greatest responsibility' (SCSL 2011). Consequently, it can be argued that this international retributive justice process does not suit those seeking justice as it silences these women. Similar to international courts, TCs approach ex-forced wives in their roles as witnesses, but silence the victim and perpetrator (PRIDE 2002, p. 2, 15). Both institutions disregard conventions of social forgetting as well as material understandings of reconciliation, healing and justice. This is partially overcome by traditional justice mechanisms that focus on forgiveness, reintegration and compensation. However, re-integrative processes focus primarily on ex-combatants. Where ex-forced wives are addressed, male officials operating within gendered patriarchal structures could create a barrier for forgiveness. Furthermore, disregarding ex-forced wives' needs for material support, compensation is not always paid. The same challenge arises in regards to other methods of restorative justice. In addition to compensation, they offer apologies as a non-material way of empowerment of ex-forced wives that shifts the power relations between them and the perpetrators (RJO a; Wright 2000). Since other methods of restorative justice also emphasise a relational approach to crime and justice, they would be of particular relevance for ex-forced wives in their multiple roles. Particularly peace-making or sentencing circles hold great potential as they address a wider range of issues regarding the crime and potentially offer an opportunity to re-negotiate the

women's social exclusion. Future transitional justice approaches addressing ex-forced wives, therefore, would benefit from incorporating these key advantages.

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