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**SEXUAL VIOLENCE AS A WEAPON IN
CONFLICT**

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SEXUAL VIOLENCE AS A WEAPON IN CONFLICT

Abstract:

In recent times, the opportunistic and unpremeditated rape as personal revenge in the chaos that is an armed conflict has given way to sexual violence, organized and orchestrated for tactical purposes, particularly for ethnic cleansing. It is after the atrocities of the conflicts in Bosnia and Rwanda, when the international community can no longer ignore this fact and describes it as a weapon of war.

Keywords:

Sexual violence, armed conflict, rape, Bosnia, Rwanda, weapon of war, impunity.

"Eradicating sexual violence in conflict not a mission impossible"¹

Zinab Bangura.

*Special Representative of the
Secretary General of the United Nations for
Sexual Violence in Conflict*

SEXUAL VIOLENCE

The practice of sexual violence during armed conflicts is a phenomenon that dates back to antiquity. However, being a problem traditionally silenced, and even justified as an unfortunate collateral damage or based on some alleged physical needs of combatants², it wasn't until the wars in Bosnia and Rwanda in the mid-90s, when this type of atrocities awaken a prominent media interest. This attention of the international public opinion, however, has failed to stop the practice of these crimes, and the implementation of actions to prevent the impunity with which they are usually perpetrated. Sad examples of this failure are the conflict of Colombia, Democratic Republic of Congo and Sudan.

Sexual violence has as a main target, although not exclusive³, women and girls⁴. Women are perceived not just as breeders, but as community caretakers. Harassing a woman is humiliating a whole village. Hurting her is hurting two generations. It is for this reason that rape is often used as a systematic way of redrawing ethnic borders in conflicts. This phenomenon has been favored by the almost disappearance of traditional war (confrontation between armies) and the generalization of irregular conflicts, starring militia or paramilitary. In the case of the Bosnian war, the calculated objective of the rapes was for Muslim women to give birth to Serbian children. For this reason, they were often not released of their captivity until the seventh month of the pregnancy. In this case, the rape was a tactic used to tip the balance of the population.

¹ <http://www.un.org/apps/news/story.asp?NewsID=43325#.UQezXXmTUVg>

² This argument falls flat: there are conflicts that do not have sexual violence, such as the Arab-Israeli conflict. About the different patterns of sexual violence in war and conflict consult the work of Elisabeth Wood.

Wood, Elisabeth, "Variation in Sexual Violence during War". *POLITICS & SOCIETY*, Vol. 34 No. 3, September 2006 307-341. DOI: 10.1177/0032329206290426

Wood, Elisabeth, "Variation in sexual violence in wartime: rape in war is not inevitable", *Revista Estudios Socio-Jurídicos*, 2012, 14, (1), pp. 19-57.

³ It is widely believed that more and more men and children are raped and abused but there are barely any figures due to the fear of being reported for the fear of stigmatization.

⁴ UN agencies estimate data of 60.000 women raped during the civil war of Sierra Leone (1991-2002), more than 40.000 in Liberia (1989-2003), 60.000 in the wars of former Yugoslavia (1992-1995) and at least 200.000 in the last 12 years of war in the Democratic Republic of Congo. <http://www.un.org/en/preventgenocide/rwanda/about/bgsexualviolence.shtml>

BOSNIAN WAR

In Bosnia, during the war, there were many concentration/rape camps. The *Association of Women Victims of War*⁵ tells that there were 67 camps of this type installed in schools or hotels (some of which have returned to their previous function, with no plaque or memories from the past horror⁶). There are many testimonies of rape of women, men and children over 10 years old by the Serbian police and military, of men that were forced to rape daughters, sisters or fellow prisoners and a creepy etcetera⁷. In light of the evidence, we can say that there was a deliberate campaign by the Serbian forces, to destroy the Bosnian Muslim community. There is evidence and stories of rape of Serbian women by Bosnian combatants, although the International Criminal Court for the former Yugoslavia (ICTY) considered them isolated incidents.

Until the international community had access to these testimonies of the conflicts in Bosnia and Rwanda, acts of sexual violence were considered by international humanitarian law⁸ as an affront to the honor and modesty of women and therefore, were not included in the categories of genocide, war crimes, crimes against humanity and torture. It was not until 2008 that the Security Council of the United Nations, through Resolution 1820, declared rape and other forms of sexual violence as war crimes, crimes against humanity and genocide. It is in this resolution when it is referred as "sexual violence, including it as a tactic of war". The recognition of rape by the international community, understood in the broadest sense, as a weapon of war, is the legacy that the Bosnian-Serbian conflict left. This means that they are not accidental but respond to a strategic objective (not actually military) that can spread terror and cause migration, destroy whole communities or delete a particular race or ethnicity⁹.

⁵ Association Website: <http://www.zena-zrtva-rata.ba/mcd/>

⁶ For example Vilina Vlas, one of the most important concentration camps: <http://www.vilinavlas.com>

⁷ The movie "I came to testify" produced by the channel PBS and UN Women, reflects the testimony of 16 Bosnian women that testified at The Hague. Available at: <http://www.pbs.org/wnet/women-war-and-peace/full-episodes/i-came-to-testify/>

To read testimonials of abuses against men : <http://iwpr.net/report-news/bosnia-struggle-overcome-male-rape-taboo>

⁸ IV Geneva Convention of 1944

⁹ Frieyro de Lara, B. The integration of a gender perspective in the analysis of armed conflicts and security. In *The role of women and gender in conflict*. -- [Madrid]: Ministry of Defense, General Secretary Technical, 2012. -- (Strategy Notebook; 157). -- P. 58

http://www.ieeee.es/Galerias/fichero/cuadernos/CE_157_PapelMujeryGeneroConflictos.pdf

IMPUNITY

Regarding the conflicts between Bosnia and Rwanda, the Security Council of the United Nations establishes, in 1993m the creation of special international criminal courts for both cases, with the aim of fighting which what was until then, the prevailing impunity. In these courts¹⁰, rape is mentioned as a crime against humanity. The International Criminal Court for the former Yugoslavia was the first international court in Europe to condemn rape as a crime against humanity. According to its own website¹¹ it was also the first to establish convictions for rape as torture and sexual slavery as a crime against humanity.

In 1998 the International Criminal Court was created, its statute lists the crimes of sexual nature, among which prostitution and forced pregnancy are included.

Although for many years Serbia refused to cooperate with international justice, finally, the pressures of the European Union to consider its candidacy to be and EU member state had convinced it to hand over to The Hague criminals prosecuted for their actions during the wars of the former Yugoslavia, like Ratko Mladic, accused of genocide, crimes against humanity and war crimes. Radovan Karadzic, leader of the Bosnian Serbs, was also accused of these same charges, beginning his trials in October of 2009. The Serbian President, Slobodan Milosevic, who was also imprisoned, died in 2006 without having been sentenced. The last fugitive of the Special Tribunal for the Former Yugoslavia, Goran Hadzic, was arrested in July 2011.

The achievements of these tribunals and the International Criminal Court are important tools but are very slow as well, designed to judge great abuses and, therefore, thousands of crimes that are not prosecuted. There is an added huge difficulty: most cases are not reported, especially abuses to men. Also, in many conflict peace agreements result in amnesties which usually include this type of crime.

"The commander of the paramilitaries raped me [...] but you have to be quiet, because if you talk, people say you were looking for it. It's a nightmare that never ends," explained a

¹⁰ Art. 5 of the Statute of the del ICC for the former Yugoslavia and 3 of Rwanda's.

¹¹ <http://www.icty.org/sid/10312>

Colombian woman in the report of 2004 *Scarred bodies, hidden crimes*¹² from Amnesty International.

Even after the armed conflict is over, the traces of sexual violence persist in the form of psychological and physical trauma¹³, of broken families and communities, of unwanted pregnancies, of deceived children and sometimes rejected, of sexual diseases and stigmatization and rejection of the own victims. For its impact on several generations, on the victim, on her family and her community; as an instrument that is used to spread terror in individuals and groups, it doesn't seem folly to consider rape as a weapon of mass destruction¹⁴.

For a true reconciliation and peace building, it is necessary that the offense does not prescribe with the signing of the peace agreement, but that the perpetrators of any war crime are prosecuted and punished. Women, children and men who have suffered sexual assault have to recover both physically and emotionally. The recovery is needed and it will not take place while the victims themselves are just victims and do not become active agents of the peace processes, the special courts, post-conflict institutions, etc..

This is the idea behind the Council Resolution 1325¹⁵ of the Security Council of the United Nations: to protect women and girls, but also to strengthen its presence as actors in peace building. A lot remains to be done, especially regarding this last point. As recognized by

¹² Colombia: Scarred bodies, hidden crimes. Sexual violence against women in the context of armed conflict. AI: AMR 23/040/2004

<http://www.amnesty.org/es/library/asset/AMR23/040/2004/es/f7f1ff1d-d598-11dd-bb24-1fb85fe8fa05/amr230402004es.html>

¹³ More about psychological damage:

Josse, E. "They came with two guns: the consequences of sexual violence on the mental health of female victims in the context of armed conflicts". International Review of the Red Cross March of 2010, n.º 877.

<http://www.icrc.org/spa/resources/documents/article/review/review-877-p177.htm>

¹⁴ In the literal sense of the concept, not the meaning assumed by the international community to refer to the use of nuclear weapons, or containing biological, chemical or radioactive material for the purpose of causing mass casualties, material damage or situations of widespread panic. For more information in this regard:

Hidalgo García, María del Mar. Initiatives to fight the proliferation of weapons of mass destruction. In Proliferation of WMD and advanced technology. -- [Madrid]: Ministry of Defense, Directorate of Institutional Relations of Defense, 2011. -- (Strategy handbooks ; 153). -- P. [17]-45

http://www.ieeee.es/Galerias/fichero/cuadernos/CE_153_Proliferacion_de_ADM_y_Tecnologia_Avanzada.pdf

¹⁵ For more information on the scope and implications of this resolution:

Robles Carrillo, M. The integration of a gender perspective in the analysis of armed conflicts and security. *Op. Cit.* P. 74-78

http://www.ieeee.es/Galerias/fichero/cuadernos/CE_157_PapelMujeryGeneroConflictos.pdf

For the 1325 Resolution: http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1325%282000%29

Michelle Bachelet¹⁶, head of UN Women, in the work for peace is where fewer successes are being harvested:

“Frankly, when it comes to promoting women's engagement in peace and security, the international community has performed poorly. Too many doors have remained closed. Lately, the main institutional actors have admitted these failings. But we still lack initiatives that would make a major change in the size and impact of women's presence in peace and recovery processes.”

In Colombia, from 2001 to 2009, there was an average of one woman raped every 44 minutes¹⁷ due to armed conflict. As a result of these crimes, in those years, 26,453 women became pregnant. Despite such frightening data in the dialogue tables of those years there was no female presence. In the current peace process there is known to be only one woman among the representatives of the State and another by the *Revolutionary Armed Forces of Colombia* (FARC), according to the *National Network of Women* none of them at the forefront of negotiations, although the government had announced that the presence of women would be a key issue.

UN Women's study¹⁸ of 585 peace agreements between 1990 and 2010 indicated that only 16 percent even mention women and only 3% of them included a reference to sexual violence.

CONCLUSION

While there have been some sentences of the International Criminal Court for the Former Yugoslavia for crimes of rape and sexual slavery, most criminals are still free which, among other things, impede many women from daring to return to their former homes to the horror of walking by their torturers daily.

¹⁶ Women, war and peace. *Speech delivered by the UN Women Executive Director Michelle Bachelet, at the Phyllis Kossoss Policy Conference held at the Roosevelt House of the Hunter College, New York, 3rd March 2011.*

¹⁷ Data from the campaign Rape and other Violence: *Get my body out of war*, promoted by Intermon Oxfam in Colombia, 2009.

¹⁸ Women's Participation in Peace Negotiations: Connections between Presence and Influence: <http://www.unwomen.org/wp-content/uploads/2012/10/03A-Women-Peace-Neg.pdf>

The conflict in Bosnia opened the door to the declaration of rape as a war weapon and set, briefly, the interest of the public opinion on this horror. However there have been no reparations to the victims many years later, when the children of that war, the seeds of Serbian hate in Bosnian bodies are now teenagers. The tools exist but there is a lack of the political will to educate and prosecute this crime and this will not be possible until women are removed from the exclusive and unseen passive role of the victim. As Michelle Bachelet stated *"the hard fact is that the work of peace, as Eleanor Roosevelt put it, is still overwhelmingly carried out by men."*¹⁹

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¹⁹ See note 16