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## Sexual violence in armed conflicts: convergence with torture

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Armed conflicts are scenes of cruelty in which both sexual violence and torture are exacerbated. Although a frequent phenomenon, this association continues to raise questions about the links between wartime sexual violence and acts of torture. Do attacks that are sexual in nature reflect planned political strategies? What forms does this violence take and what particular meanings could it have? Do such attacks always constitute acts of torture? And for the victims, are the destructive consequences of actual torture comparable to those of sexual violence? Before we assess wartime sexual violence and identify possible convergences with torture, it would be useful to reflect on the values associated with sexuality and the taboos that govern it in certain cultures.

### Sexuality, values and taboos

Sexuality cannot be reduced to the physiological satisfaction of sexual urges; it is the source of several values and taboos – both social and personal – and takes on specific meanings according to the social purpose it serves: pacification, reconciliation, social regulation, punishment, exchanges, transactions, provocation, domination, humiliation, control, etc.

At an individual level, most of us are reluctant to contemplate sexuality outside of a particular context. For example, sexual relations outside of a loving or marital context, where one party has not given consent, or with a partner of the same sex will lead to distress and humiliation, although this may depend on the specific individual

or culture. At the level of society, the sexual and reproductive capacities of women afford them a primary role in the construction and preservation of the clan, ethnic and cultural identities of a given population. Marriage allows groups to form alliances that are then reinforced by the progeny born of this union. It is not therefore surprising that sexuality should be the subject of a social contract<sup>2</sup>, or that all societies regulate, codify, determine and even legislate for access to this contract. In most traditional cultures, for example, sexual relations are only permitted as part of a relationship that has been approved by the families and legitimised by marriage. And the marriage vows themselves can in most cases only be taken with someone from a particular ethnic group, tribe, caste or religion. An intimate relationship or marriage in any other context would be forbidden. Acts of sexual violence contravene all of the rules that govern the sexual conditions of sexuality. They usually expose victims to stigmatisation and even discrimination, and seriously undermine their social well-being. In many societies, people's beliefs and prejudices designate victims as being responsible for the abuse they have suffered and justify their disgrace within the community. Rape and other forceful sexual acts are compared to adultery; they are attributed to an evil curse that serves to punish inappropriate behaviour – for example towards a family member – or divine retribution for sins thought to have been committed by the unfortunate victims, or may even be seen as the deserved outcome of sexual urges they provoked in their attacker through their clothing or attitude.

Sexual violence committed against women and girls has a detrimental effect on their individual and social well-being, and the same is true of their male peers. Virility not only distinguishes men from women, but also ranks individual men along a vertical axis, with those "worthy of this title" at the top and "sub-standard men" relegated to the bottom. In times of war, men must show valour, which means they must accentuate those criteria and values associated with masculine identity. They must be able to assert their virility and show how tough they are, or run the risk of being considered a "faggot", a "weed" or a "pansy" and of losing their honour. Sexual attacks on men are a means of gaining power and an instrument of control and humiliation. They allow the offender to assert his force and display his dominance; they are used to dishonour the defeated victim, show him to be incapable of defending his honour, and to prove that the offender is a real man. Sexual attacks distort the sexual identity of men and rob them of their virility.

They bring about a radical shift in the way in which the victim sees himself and lead to a change in social relations within the community. In most societies, men who have been raped are viewed with scorn; they are likely to be labelled a homosexual and therefore rejected by their spouse and banished by their community.

Given the importance of sexuality for individuals and communities alike, it is not

surprising that violence of a sexual nature surfaces in times of armed conflict, or that torture is frequently accompanied by sexual abuse.

## Forms of sexual violence in times of armed conflict

The forms of sexual violence perpetrated during armed conflict are numerous and diverse.

Rape is referred to as a weapon of war when it is planned by a political and military authority and used strategically by one of the parties in the conflict to humiliate, weaken, subjugate, drive away or destroy the other. The most common forms are mass rape (perpetrated against many victims), multiple rape (where a single victim is attacked several times) and collective rape (where the victim is attacked by several individuals); these are often committed in public and are usually accompanied by brutality and beatings.

Rape as a weapon of war constitutes a form of attack against the enemy. It marks the conquest and defilement of the women who embody the cultural identity of the enemy, the humiliation of the men responsible for protecting them but unable to do so, and the dishonour of the combatants who were captured. It is carried out with the deliberate intention of wreaking terror and disgrace and sowing the seeds of social rejection; it is a weapon used to inflict psychological damage and destroy communities. It is not only intended to spread fear and shame, but is also used to contaminate rivals and spread the HIV virus.

The description by the International Committee of the Red Cross of rape as a "method of warfare" is more appropriate as it is broader than the term "weapon of war". Weapons are used with the intention of inflicting injury or killing. In armed conflicts, rape can be used for this purpose but can also be exploited for more perfidious purposes, such as to pollute the ethnicity of a given community. For example, during the conflict in former Yugoslavia, Serbian combatants used rape and forced pregnancy to corrupt the "race" of their enemy and destroy the future of the Bosnian community. In the Eastern part of the Democratic Republic of the Congo (DRC), Hutu fighters from Rwanda<sup>3</sup> have used this strategy to force Congolese women to give birth to children that carry their cultural identity with the deliberate aim of establishing a civilian presence in a region that they occupy militarily. These examples show that sexual violence, a veritable method of warfare, can form an integral part of a strategy of ethnic, cultural and political domination.

However, not all of the offences committed during armed conflict constitute weapons of war. Those responsible are not necessarily implementing a strategic and

tactical plan that is dictated to them by their superiors; in many cases they act on their own initiative. Throughout history, sexual attacks have been part of warfare. This remains true despite the ratification of international laws and military codes that prohibit and sanction such attacks. Some acts of rape are considered to be a display of virility and constitute a sort of reward granted to soldiers by the military authorities. Senior officers sometimes authorise and even encourage their troops to rape civilians in recognition for their work, to exhort their bravery and boost morale. Similarly, following a victory, it is not unusual for the victors to rape the women and girls from the enemy camp, seen as the spoils of war, or even to sexually assault the men in order to humiliate them.

Combatants are generally young and sexually active men who are single or away from their family. Most are poorly educated and find themselves removed from the social constraints of their home community, in some cases part of combat units with little structure or authority. What is more, they enjoy almost certain impunity and regularly consume psychoactive substances that dull any inhibitions they might have. All of these factors contribute to the sharp rise in rape during armed conflicts. It is also common for prison officers to sexually attack their detainees (both male and female prisoners of war) in order to humiliate their victims but also to satisfy their own sexual impulses. In some cases, sexual slavery is organised and planned by the military authorities. Women and girls are kidnapped by combatants, confined to the military camp or even forced into prostitution in military barracks or brothels under military control. As well as sexual favours, they may also be given domestic, agricultural and military tasks. During the Second World War, women forced into prostitution by the imperial Japanese marines and armed forces were known as "comfort women". More recently, during the conflict in former Yugoslavia, women and girls were traded to meet the demand for prostitutes among the inter-national peacekeeping forces stationed in the region.

The sight of family members being raped by militants or by members of the victim's community, forced to commit the act, is another form of sexual violence perpetrated in conflict situations. Families are compelled to watch as their loved ones are raped, usually their spouses, mothers, sisters or children. They are sometimes forced to dance, applaud or sing as the rape takes place, and in some cases to facilitate the attack, for example by holding the victim down to prevent them from struggling or by providing oil to lubricate a child's genitals for the purposes of penetration. Apart from the damage inflicted on the victim, this type of rape targets self-esteem and the honour of the victim's male family members who were unable to come to their defence.

Not only rape but also torture and sexual mutilation are inflicted upon women and girls from opposing communities: pregnant women have their stomachs cut open, genitals are mutilated, and objects are inserted into the genitals of the victim before, during or after the rape. The sexual organs of men, especially when they are incarcerated, are also regularly subjected to torture, e.g. electric shocks, beatings, torsions, objects inserted into the victim's anus, mutilation and amputation.

Added to these many forms of sexual violence is pregnancy imposed by force. Young girls and women are repeatedly raped until they become pregnant. They are then kept in captivity until an advanced stage of the pregnancy and released when an abortion can no longer be carried out. In some cases this is a strategy designed to undermine community links by forcing women to give birth to a child who carries the cultural identity of their torturers, as happened in former Yugoslavia. In other instances, as for example in the Democratic Republic of the Congo, it is a means for the enemy to establish a presence in the region by creating a mix between the local population and the occupying group.

The last type of attack is sexual degradation. Here, especially when captured by the enemy, men are subjected to many acts of humiliation that target their sexual organs and their masculinity: they are jeered, mocked, insulted, referred to by the feminine form of their name, compelled to wear female underwear, etc. Women are sometimes forced to expose their naked bodies and are also subjected to verbal abuse about their physique and sexual attributes.

### **Sexual violence as an act of torture, genocide or a crime against humanity**

Under international law, rape and sexual violence can constitute other crimes. In the Delalic<sup>4</sup>, Kunarac<sup>5</sup> and Furundzija<sup>6</sup> cases, the International Criminal Tribunal for former Yugoslavia held that rape is a form of torture when it meets the specific criteria that constitute torture: when it is committed or instigated by a public official or takes place with their consent, with the intention to punish, constrain, discriminate against or intimidate the victim, or when it is used to obtain information or a confession. In the Akayesu<sup>7</sup> and Musema<sup>8</sup> cases, the International Criminal Tribunal for Rwanda ruled that rape and sexual violence – sexual mutilation, sterilisation, forced birth control and deliberate insemination – can constitute genocide if committed with the intention to destroy, in whole or in part, a specific group, as such. In the Akayesu case, the same tribunal held that sexual violence can constitute a crime against humanity when it is committed "as part of a widespread or

systematic attack, on the civilian population, on certain catalogued discriminatory grounds, namely: national, ethnic, political, racial or religious grounds".

### Torture and sexual violence: similar effects on victims

Much like torture, sexual violence is an attack on the victim's dignity and physical, psychological and social integrity, and has a devastating effect on their identity in the long term.

At an individual level, torture and sexual violence result in psychological trauma and a range of associated symptoms: post-traumatic stress syndrome, anxiety, depression, behavioural problems, etc. They alter one's cognitive (memory, concentration, thought patterns), emotional (self-esteem, self-depreciation, shame, guilt) and behavioural capacities (aggression towards oneself or others, addictive behaviour). They also alter one's capacity for desire and the ability to plan for the future, and act as a catalyst for personality change which manifests itself as a modification of one's character, self-perception and relationship with others.

At the level of one's family, torture and sexual violence frequently result in domestic dysfunctionality. The affective withdrawal of victims or, on the contrary, an attitude of increasing dependence towards loved ones, combined with their irritability, aggression, apathy towards professional and leisure activities, detachment and a general lack of motivation, upset the smooth running of the household. Indeed, many victims are distanced from their family, either because they move far away from their loved ones in the case of torture or because they are driven away or banned from society in the case of sexual violence.

At a social level, finally, torture and sexual violence result in an overall worsening of psycho-social conditions. Feelings of personal value and human dignity are starkly undermined by the degradation, humiliation, submission and forced transgression of personal values and taboos – such as having to torture one's partner or rape a family member so as to avoid ill-treatment or death – as well as the forced transgression of cultural values and taboos, such as being forced to engage in sexual conduct considered impious<sup>9</sup>. Individuals who have been made to feel subhuman and subjected to various transgressions suffer from a rupture in relation to their world of references and a breakdown in the bonds between family, community, social, political, religious and ethnic groups. Victims are deprived of a clear vision of themselves and their place within their culture and the wider human community. Because the abuse was intentional and perpetrated by fellow humans, the violence undermines the very foundations of interpersonal traits such as trust and respect.

### Close links between torture and sexual violence

Torture and sexual attacks are closely linked. They are among the most serious forms of violence, yet are rarely denounced. Their impact on the physical health, mental equilibrium and social well-being of victims is particularly acute, devastating and long-lasting.

The term *torture* covers a wide range of acts, including sexual abuse and rape. Women and young girls who are subjected to torture are almost systematically raped by their abusers. Their male peers are often forced to carry out sexual acts with their unfortunate companion, with the sexual organs frequently the target of the brutality inflicted upon them. Inversely, in situations of armed conflict, sexual violence is often accompanied by torture: beatings, electric shocks, mutilation, suffocation, sustained painful positions, prolonged isolation, unpleasant tasks, etc.

Like torture, sexual violence is intentionally inflicted by a malicious third party. It causes physical pain and/or acute mental anguish. It can also be carried out for the purposes of discrimination, punishment, constraint or intimidation or to obtain information, and is often perpetrated or instigated by public officials or carried out with their consent. If it meets these specific criteria, detailed above, international law considers rape to be a form of torture.

### Conclusion

One can conclude that both sexual violence and torture in times of war are perpetrated on a massive and prolific scale. Whether we are interested in the relationship between one and the other in terms of legal definitions, their use as a method to assert hegemony, or the long-term damage inflicted on victims, there are certain convergences that can be identified. Rape and sexual abuse form part of the arsenal habitually used by torturers. Sexual attacks and torture – machines and methods of warfare – are often associated with steps to achieve ethnic and political domination. These weapons of humiliation, subjugation and terror are designed to annihilate the identity of individuals and destroy community links. They leave conflict survivors with a threefold trauma – personal, familial and social – which in many cases is indelible. The many ways in which sexual violence and torture are perpetrated leave behind many and diverse trails of devastation, yet they have this in common: they serve to obscure the shadowy monsters of warfare.

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[1] Eye Movement Desensitisation and Reprocessing: a therapeutic method used to treat trauma.

[2] "Social contract" here refers to the agreement entered into by the human community in an effort to establish a structured and hierarchical society. It represents a range of conventions and laws that ensure society can be perpetuated.

[3] Many Hutus, whether or not they participated in the genocide of Tutsis, fled Rwanda in 1994 for fear of reprisals and sought refuge in the Congo. Among them, the *Interhamwe* (the Rwandan militia responsible for the genocide, whose name in Kinyarwanda means "those who fight together") have significantly contributed to the destabilisation of the region and continue to be held responsible for many acts of pillaging and rape.

[4] International Criminal Tribunal for former Yugoslavia (ICTY), Trial Chamber, *The Prosecutor v. Delalic et al.* (Celebici case), case n° IT-96-21-A, judgement of 16 November 1998.

[5] International Criminal Tribunal for former Yugoslavia (ICTY), Trial Chamber, *The Prosecutor v. Kunarac et al.*, case n° IT-96-23/2, judgement of 22 February 2001.

[6] International Criminal Tribunal for former Yugoslavia (ICTY), Trial Chamber, *The Prosecutor v. Furundzija*, case n° IT-95-17/1-T, judgement of 10 December 1998.

[7] International Criminal Tribunal for Rwanda (ICTR), Chamber 1, *The Prosecutor v. Jean-Paul Akayesu*, case n° ICTR-96-4-T, decision of 2 September 1998.

[8] International Criminal Tribunal for Rwanda (ICTR), Chamber 1, *The Prosecutor v. Alfred Musema*, case n° ICTR-96-13-A, decision of 27 February 2000.

[9] Sodomy, for example, is considered in Islamic societies to constitute an affront against religious values.