

# Sexual violence in wartime

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VÉRONIQUE NAHOUM-GRAPPE

## SEXUAL VIOLENCE IN WARTIME

The concept of an “office crime” has at its heart a culture which makes it into a political rationale; it is semiological in nature, and its horror is erased and made to seem reasonable by the persuasive logic that there must have been rational thinking well before the measure was finally signed. The rhetoric of a murderous programme is often invested with a vibrant intensity, and the call for hatred rebranded as a sacred mission is always more invigorating than sober calls for restraint.

A historian can, after the event, seize on the piece of paper and proclaim the signatory as the main person responsible for the policy, or the one who wielded the first blow, the simple signature demonstrating what led to a historical crime being carried out. The historian’s explanatory account will forget the atrocities, which in some cases were perpetrated against victim populations and used sexual activity as an instrument. This leads to both the trite dismissal of rape as a constant risk in wartime and the fact that it escapes serious treatment by economic and political history. Rape is only a horrible and regrettable instance of things getting out of hand, to be erased or simply added to a long list of loathsome but predictable deeds. Many books and articles devoted to rape and other wartime atrocities have now been written, and they tend to attribute wartime rapes to a barbarous streak in or encompassing men. In the late 20<sup>th</sup> century, we saw the crime increasingly recognised in law and – strangely – at the same time its being observed, which does not necessarily imply that its real incidence increased, reliable figures being difficult to establish.

And yet, any state of war is characterised by a rise in violence of all types, including outside the theatre of military activity. Even on the home front, countries engaged in a war experience fears, rumours and hatreds borne of propaganda that has become accepted as necessarily true. Thresholds for transgression shift, and criteria for the exercise of law undergo imperceptible change. The very fact of war changes how crime is seen, even by the perpetrators. Peacetime contexts are a major political fact that are simply taken for granted, enabling social links to flourish and everyone – both civilians and uniformed personnel – to come closer, within their own ethical systems. However, the simple fact of war blurs all perceptions and can reduce the visibility of some practices that in peacetime would clearly be seen as criminal. Rapes and other forms of sexual violence, which as a general rule would be unambiguously condemned both by the country’s laws and ordinary

thinking, may then come to appear as not quite as serious, being so foreseeable where there are armed conscripts and soldiers, not all from the regular army, facing men and women of all ages, unarmed but belonging to a population described as “the enemy”. Hatred for the enemy extends to the women, and this – coupled with sexual sadistic tendencies, the frustrations of military life and the impact of sexual frustration rising to the extreme violence of erotic images easily found on screen in contemporary societies – explains why these crimes, devoid of all nobility in terms of political rationale, are more prevalent in times of war and anomie than in times of peace with civilised moral standards. At the same time, the *anomie* implies some tendency for crime to go unpunished because of the disorder unleashed. There is also a blurring of collective standards of judgement, and a soldier who rapes “enemy” women knows that he is much less likely to have problems as a result than in peacetime. At the same time, he does not really know, or doesn’t want to know, whether he is simply going a bit too far in his war duties or committing an appalling crime.

In fact, the assertion that “there have always been rapes in wartime”, which goes against the known historical facts and suggests that an increase during conflicts is more or less natural, conceals great diversity in the situations. The question of “rape as a weapon of war” seems incomprehensible. In which war or wars was use of such a tactic demanded? What is the culture of political or military organisations that makes such regression thinkable? How is it possible that at the beginning of the 21st century such practices occur both in the shadows of unmentioned but acceptable violence during war, and also as instructed by some degree of authority, possibly even being ordered by those waging war<sup>1</sup>?

We therefore need to distinguish between at least two situations, though of course they can merge into each other on the ground. There are “conventional” wartime rapes, if we can call them that, associated with situations of anomie, freedom from punishment, and decline in social bonds; these have no political significance in the history of the conflict. There are also rapes “commanded” (either tacitly or explicitly), which are a war tactic that uses sexual activity as a means. Is it thinkable, however, that a present-day army would force its soldiers to commit rape, as if the practice was a “weapon of war”? The use of rape as a weapon (resulting in suffering and “destruction” of the enemy) supposes an unusual use of human sexual activity, whose function is in principle, the exact opposite. Such cases of rape, which these

1. For this, the dossiers of inquiry compiled by NGOs need to be reread, through a visit to the multidisciplinary website initiated by the *Secours Catholique* organisation and established by the *Observatoire International de l’Usage des Viols Comme Tactique De Guerre*: [www.viol-tactique-de-guerre.org/index.php](http://www.viol-tactique-de-guerre.org/index.php)

days are mentioned so often in contemporary conflicts, are apparently associated with tactical thought itself, with its destructive potential being considered intrinsic. We have to describe what is involved before we can differentiate the two ways in which sexual violence is used in wartime.

## Destructive potential of rape

For a start, we need to see rape as a sullyng crime rather than a crime of violence; it is just as destructive, with the means of execution being the main purpose. In other words, it is directed towards an explicit aim quite separate from the violence (stealing coveted possessions or gaining a victory on a very specific battleground being examples of such a tactic). A knife wound incurred in a brawl may cause a lot of pain, but the injured person's honour is not affected. Not all violence is cruel even though, on the ground, the two types can merge into each other. Violence can kill, exterminate or annihilate in order to achieve its economic or political aim; victory comes after the suffering caused by the violence. It can be destructive, exterminating and drastic, but carrying it out does not necessarily suppose an escalation of cruelty inflicted on the bodies of the enemy. A defeated military enemy should be treated correctly, as should the defeated civil population; there are many rules of armed forces and fighting customs that testify to that, and not just in the contemporary Western world. Unfortunately, history also testifies to the recurrence – not universal, it is true – of war atrocities where what is sought, more than victory over the enemy, is destruction of the enemy's image of itself; its acquiescence in its own defeat, together with its humiliation and its debasement. Simply killing the enemy would be too kind; he must regret having been born.

These different instruments for destroying the enemy appeared to me very real when, as part of an ethnological survey on "Alcohol and War", carried out in former-Yugoslavia in 1992-95, I visited camps for war refugees, to collect witness statements.

The desecration or sullyng crimes, which began by mockery in "initiation" sessions and could extend to torture and rape, had one specific feature: they precipitated shame in the victim, who felt sullied, whatever the person's sex. They therefore affected the person physically but also his or her persona and social being. The person's whole identity was thus hit. While there is no material advantage in violating a grave or destroying an enemy-nation's cemetery, the symbolic impact is immense when the desecration is directed against places

of worship and cultural shrines thought of as sacred by those whose collective identity you want to destroy. Spitting on a flag, desecrating a cemetery, torturing and inflicting sexual violence on a defeated civilian population demonstrate the same intention to sully and defile. No longer is it just an act of war, it is also an act of cruelty. The current history of war is made up of strategic aims, technical performance by weapons, and choices made between a variety of tactical actions, with escalation to extreme forms being well described in academic studies of war from the classic investigations by Clausewitz onwards. Historical changes in a balance of political strength – sometimes involving a choice to engage in armed violence, with the aim *external to the actions taken* – have no need for war atrocities, meaning crimes of desecration and escalation in cruelty, in order to achieve their ends.

In sullyng crimes, torture and rape – with any torture being a bodily violation and any rape being a torture that strips bare, humiliates and kills the persona and the social being before the physical person – it is the victim's pain that seems to be the whole purpose of the cruel act. The person's survival is necessary for the act to be effective, as is a controlled demonstration of his or her suffering. The primary political purpose of threatening torture – well known since Machiavelli – is to produce terror, the first lever in the relationship of non-consensual domination. In the theatres of "dirty" wars, where massacres, torture and predatory acts come together, one can observe armed groups using this extreme cruelty as a means of domination and of reducing civilian populations to slavery. In some cases, we no longer know to which flag the groups belong; this was the case in Colombia in the late 20<sup>th</sup> century and, from 1995 to 2011, in the Kivu region of Africa's Democratic Republic of Congo, as described in a recent book by Louis Guinamard<sup>2</sup>.

Rape is the most drastic sullyng crime. As a torture, it is an invasion that is the ultimate exercise of power over another person, involving sex. The use of sexual activity as a possible theatre for destruction redirects the whole meaning of the violence; through the women's bodies, it targets not only a hypothetical son but also the founding ancestor of the woman's line. We can understand that language can be consistent in using the same verb, "violate" to refer to desecration of a grave or rape of a human being. They are both crimes of defilement. In addition, there is the very hard reality that the forced invasion of a woman's body is also an intrusion into her immediate future, with the threat of pregnancy and also, in our present-day societies, of

2. Louis Guinamard, *Survivantes. Les femmes violées dans la guerre en République démocratique du Congo*, Paris, Éditions de l'Atelier, 2010.

extremely serious sexually transmitted diseases, such as Aids. We can thus describe rape as a *continuing crime*, with its destructive power possibly increasing over time, unlike murder. It is an *extensive and total crime*, with its physical cruelty equalled only by the symbolic violence inflicted against the whole community with cultural attachments to a family tree whose members have a single family name and ancestral land. The fact that the victim may survive has very often prevented the crime's specific features being considered, thereby concealing its seriousness.

Lastly, we can describe sexual violence in wartime as a "gender" crime, with women and men being affected differently. In a male victim, it destroys his masculinity, and in a female victim, it destroys the value of her ability to provide a reproductive link between father and son. If a male victim survives, he sees his dishonour limited to his own life history, whereas a female victim of rape sees the whole reproductive capacity of the community trampled on through her body. In wartime, rape most often involves women belonging to the defeated populations. It is as if the unequal sex difference makes a woman's womb, with its unique role, an obvious target for extermination of her community. By immediately massacring male representatives of the enemy, their bloodline is aborted, and by raping the women, you take over their role into the future.

The crime of rape is therefore not only a painful invasion of the body, possession and physical – followed by political – domination, but also a major factor in identity destruction, in cultures where women's honour is defined by their rejection of unlawful sexual activity and thus, for example by their virginity up to the time of marriage. Cultures with traditional religious affiliations in the Mediterranean Basin have seen this evidence of rape as destroying the woman's value both in her own eyes and in the eyes of others, and not as a source of dishonour for the male rapist. By attacking the woman, you were destroying her family links, just as fire destroys her place, the home. Not only does the crime destroy human sexual activity, which is converted into an arena of suffering, and not only does it hit the nurturing role of women's wombs, but, by interrupting the continuity of the father-to-son line, it displaces all the men in the family: father, husband (of course), sons and brothers.

Now having, to some extent, pinned down the destructive effectiveness of the crime of rape, we must return to our question: What is the difference between wartime rape, a sign of the enemy community's collective identity being appropriated through the bodies of its womenfolk, and rape as a "weapon of war"?

## Rape in wartime

In *A Woman in Berlin*, an anonymous publication of a diary kept from 20 April to 22 June 1945, a young woman from that city described the frenzied and repeated rapes suffered by German women at the hands of the Russian soldiers occupying the German capital at the end of the Second World War<sup>3</sup>. Whatever the disagreements about the surprising publication, the rapes described there were certainly war rapes. The fighting had ended, but the occupation of part of Germany occurred before any organised administration; the soldiers entered premises everywhere, carrying out rapes the whole time and often killing. The victorious soldiers' sexual frustrations combined with the awareness of victory and the fact that they were obviously on the stronger side. At the same time, there was the idea of legitimate revenge backed up by all the symbolism of war propaganda and the macho culture, which saw the sexual possession of the enemy's womenfolk – like possession of the land, its towns and villages, and its goods – as a sign of victory. Rapists succeed in destroying the enemy's masculine identity by replacing their menfolk in the "bloodline", or father-son sequence. The rapes occurred everywhere, could clearly be associated with the war and were associated with awareness that they would go unpunished. At the same time, they were seen as legitimate by the Russian soldiers who, over time, got to know where to go for the women they most favoured. The unpunished and repeated criminal activity paved the way for casual prostitution, where what mattered for the victim was first not to be killed, and then to survive. They therefore were war rapes while being committed after the war itself, and not rapes as a weapon of war still being fought, where sexual activity is used in much the same way as shelling.

The stereotypical view of "war rapes" is that they have always taken place, and that in the wake of all wars there are atrocities that are pointless from a strategic perspective. They need to be analysed on a case-by-case basis. Accounts of the incidents provide a mixed bag of scenarios. The argument is often advanced that when theft is impossible, because there is no longer anything to steal, rape is seen as a sanction. Here, it is pathological sadism that seems to be at work. In other cases, the aim is abduction. Massacres of defeated civilian populations, together with tortures and sexual violence, often associated with ransacking of their possessions when the territory is invaded and after victory, were not automatically features of armed conflict

3. Diary originally published in 1954 in the United States. French version with an introduction by Hans Magnus Enzensberger, and translated by Françoise Wuilmar, Paris, Gallimard, 2006.

throughout history. In fact, war situations create conditions where all criminal activity that would be condemned in peacetime can go unpunished, partly because it is less visible to the community. The crimes committed remain outside the historical record of tactics and of studies of the armed conflict itself, in most cases being condemned by military regulations. In addition, the historical circumstances of various wars – national, with armies fighting each other; colonial, with an army against an indigenous population; exterminating, defensive or imperial – provide specific circumstances that militate for or against such non-battlefield crimes. In the end, the culture of a wartime soldier and the status he accords to the person representing his collective enemy is crucial. Contempt for people of certain races, for example, leads to a reduced awareness of crimes perpetrated against the bodies of an enemy denied the status of an equal human being, in confrontations and when eyeing each other up. Historically, wars can be seen as far from uniform, and there is nothing that makes soldiers commit rape when off the battlefield.

Starting in the 1990s, there have been many conferences and published works studying the conditions needed for war crimes to occur. Following Roy Gutman's path-breaking article devoted to the systematic rapes committed in former-Yugoslavia<sup>4</sup>, many studies have shown that Europe, which was becoming politically unified in the 1990s, was not immune to such practices. In that particular case, however, the adjective "systematic" implied something more than just being inescapable. The events at Foca, a city where concentration camps were established and women raped systematically in 1993, were dealt with by the international Criminal Tribunal, in The Hague. The purpose of such practices seems to have been enslavement of the victims; but was that a comprehensible aim? The second investigation, referred to as "Bassiouni", from the name of the lawyer who chaired the UN human rights commission (1994) that was specifically concerned with rapes, gave reports of doctors who were responsible for the gynaecological examination of women raped systematically in Bosnia during the conflict, who removed intra-uterine devices that would have prevented the women from becoming pregnant; forced pregnancies seem to have been used as one of the practices called "ethnic cleansing". We can note the hate-propaganda technique that was able to make use of ancient and historic beliefs in *agnatic descent* (communication of collective identity from father to son through women's bodies) in a present-day war. The words of one torturer,

4. Article published in *Newsday* on 2 August 1992; French translation in *Bosnie Témoin d'un génocide* (Paris, Desclée de Brouwer, 1994).

quoted from victims' testimony were: "You will bear a child who will hate you as he will inherit his father's hates." War rapes committed against defeated women, whether in Berlin or in Bosnia, are still rapes of sexual domination, which act through collective beliefs common to the cultures of the torturer and the victim, relating to father-to-son descent.

An emphasis on rapes has often been used in European wartime political speeches to enhance the image constructed of a hate-worthy enemy. In *L'Enfant de l'ennemi*, Stéphane Audouin-Rouzeau showed how, during the First World War, propaganda exploited rape accusations to strengthen the image of the enemy as savages<sup>5</sup>. Since then, this French historian's new approach has constantly harked back to the question of the separation between battleground and criminal activity.

In our Western culture, the community's condemnation of wartime rapes, as one of the possible atrocities perpetrated against defeated civilians, and in particular against those who are most defenceless and least threatening – old people, women and children – goes back a long way. Even in late-20<sup>th</sup> century war films with no hang-ups, rapists are not seen as heroes, and sadistic war criminals are no longer seen as soldiers worthy of the name, nor as "ordinary men". Or rather, they are seen as ordinary men who have become – in the circumstances of an unjust war – sick, depraved and frenzied, as in Francis Ford Coppola's *Apocalypse Now* (1979). In *The City of God*, Saint Augustine, referring to the sacking of Rome in 410, considered the rape of "married women and virgins" as symbolic of the rapists' barbarian nature, and not a sin of the women (so long as the latter had retained their internal chastity). While rape is played down in cultures that despise women victims, it is rare for the practice to be prescribed as a heroic act, even in ancient documents that supposedly describe periods that were more barbaric than ours; and cruelty is not given a favourable image either in tales or in adventure stories, with the exception of libertarian works inspired by the Marquis de Sade.

## Rape as a weapon of war

Rape as a "weapon of war" indicates a victory achieved also in the bodies of enemy women. Also, however, it is a practice that, when invading a coveted territory, is used as a weapon to destroy the enemy community. The ethnic cleansing in Bosnia provides numerous

5. Stéphane Audouin-Rouzeau, *L'Enfant de l'ennemi*, Paris, Aubier, 1995.

examples of this use, as does the genocide in Rwanda and, starting in 1995, the acts of violence committed in the Congolese region of Kivu. The use of this form of rape presupposes that frontal confrontations on the battlefield are dramatically unequal in terms of strength: on the one side there is a group that is armed and male, consisting of professional soldiers, while on the other there is an unarmed civilian population of all ages and both sexes. Massacres, tortures and rapes result in terror and fleeing, freeing up land, houses and goods. The history of Western peasant farmers shows they were long at the mercy of armed bands. That type of war seemed to have disappeared in the 19<sup>th</sup> century, battles henceforth being conducted by regular armies, governed by international codes regulating, in particular, how enemies should be treated.

The use of rape as a weapon accordingly presupposes a special type of war, where the concept of an enemy encompasses all members of a community with a distinct identity (a nation, ethnic group, village, or social class, etc.): men, women and children. Anthropology has shown that in many cultures, and not just Western ones, what matters about women's sexual activity is control over the father-to-son line by men. This is not the place to return to that crucial point, but rejection of a raped woman by her own community is an observed reality. Louis Guinamard's book quotes accounts that illustrate this. Rape is thus a useful weapon to destroy the links between men and women in a single family; the raped women are rejected by those close to them. We can, for example, refer to a husband who initially throws out his wife, the victim, but then, through intervention by a third party, "forgives" her. One of the book's great strengths, while being expressed very discreetly, is that it shows the effectiveness of such a third party's words, and the importance of treating situations on a case-by-case basis. Here, we can see the effectiveness of rape as a weapon to destroy the family unit.

We should note that, in the case of a territory being dominated by terror, and whether the domination is economic (such as by the mafia in Mexico) or political (as with a totalitarian regime of any ideology), massacres, tortures and rapes are used as tactics to control the population. Sexual activity is a way of subjecting the social body to the heart of its most elementary structure, where the kinship system is organised, if we can use the title of Claude Lévi-Strauss's classic work.

As a weapon of war, rape is nevertheless faced with a difficulty. On the battlefield, the leader cannot instruct "Rape!" as he would instruct "Fire!" Then there is the fact that the ordinary and rather pathetic soldiers in the making, who have to do the "dirty work" – racked by thoughts of losing their very souls and humanity, but obliged to

simply obey orders “from above” – become front-line executors of the policy when they commit the act. We can consider a forced rapist to be another victim: one who has seen his sexual function assigned as an instrument of hate, inflicting suffering on another human being. At the same time, he is not as passive an actor as a soldier lost among the many of his battalion: he has to put himself into it, lower his pants and give others the sight of his frenzied naked activity. It needs all the work of the ideology and his masculinity to convert the order into performance of such an act which is devoid of elegance. Rape cannot be a weapon of war just like any other.

Since Roy Gutman’s article appeared, there has been the theory that rapes are committed “systematically” during contemporary wars in Europe, and not just in Africa. Use of the term “systematic” is strange, suggesting that an action that tends to be thought of as impulsive and which requires intimate involvement by the perpetrator (professional soldier or irregular) is part of a “system”. The rapist warrior, in most cases a minor figure in terms of military and political responsibility, is here in the front rank, in the vanguard of action that is theoretically attributable to the violence of supposedly uncontrollable physical desire. It seems here that the military authorities were originally responsible for organising specific locations and for instructions emanating more from obscene propaganda than from written orders to carry out rapes as “weapons” in the particular theatre of war referred to as “ethnic cleansing” (or “ethnic purification”, no distinction being made in the language used in former-Yugoslavia). The frustrated warrior’s sexual fury, and the giddy atmosphere of being immune to punishment provided by the advantage of strength on the ground were then strengthened by permission “from above”, as evidenced by the practical way the action was organised there: separation of the men and women from a village to be “cleansed”, massacre of the men, and rape of the women at all stages of their survival and detention in specific locations.

However, when rapes are used as a weapon, we are no longer talking about war but about politics and a policy of domination that resorts to all possible violent actions, with the most effective against the civilian population being those that are most cruel. Anthropology shows that in most of the known societies, anything affecting the system of father-to-son communication is invested with value and emotional content by the community. The intention is for rape to attack the father-to-son bloodline, by which everyone’s identity is communicated. It therefore is not a simple weapon of war, but a means of destroying the link by which the community is defined; by being aimed not at the physical death of all the community’s members but at the future births of all its members.

## A last contemporary example

Guinamard's book develops the example of a contemporary theatre of violence: the Kivu region, west of the Democratic Republic of Congo, where rapes and other atrocities perpetrated against the bodies of other people became established, and increased dramatically, following on from the genocide in the neighbouring country of Rwanda during April to July 1994. There were two wars and various intervals of supposed "peace" which could never really be relied on in the villages: just two wars, but over 4 million deaths, with the historical account not having been heard in Europe, nor set out in textbooks. General European knowledge of those terrible conflicts is practically not-existent, and we have the unfortunate observation of Western countries' economics and complex foreign policies having murderous repercussions. There is the issue of an escalation in "systematic" rapes which, particularly starting in 2005, struck the humanitarian organisations and associations concerned with defending human rights, leading to many inquiries and international investigations.

It is against this background that Guinamard went out there and started questioning the victims and those who terrorised them. His book forces French people to ask historians: "What actually happened?" How did we arrive at this disastrous human, political and economic situation? The use of rapes and tortures by bands of irregular soldiers living in the forest outside any organisational framework has become inseparable from the whole system by which communities have interacted, in times of both war and peace, over the past 15 years or so, to the extent of becoming a constant danger and a commonplace occurrence for civilian populations, especially in rural areas with their isolated villages. Since 2005, many forms of action have been carried out on the ground to try and assist the victims, whose situation is horrific. They are often disabled by terrible wounds resulting from the rapists' tortures, the only possible treatment being surgery. They cannot escape the sullyng effect of the rape, and are often thrown out by their families. The shame is cumulative with, for instance, an injured body no longer being able to retain waste products or avoid the associated bad smells. In a care institution's courtyard, a young girl in this situation might be glimpsed hiding in a corner. Another aspect is destruction of both one's self-image and one's image in the eyes of others. These factors are additional to the horrors of possibly having been infected by a sexually transmitted disease – Aids or hepatitis C, etc. – and the fear of pregnancy which grows from an uncertain nightmare that cannot be resolved because the implications are too ambiguous.

Unlike murder, rape is an ongoing crime for the victim, with its destructiveness and production of suffering feeding on itself over time. On the ground, it is often associated with systematic theft of goods. Over time, this “war economics” and the freedom from punishment produce a culture of death in the irregular soldiers, and then in the larger environment. This has been seen both in Africa and in Colombia, long after the political imperatives for the soldiers’ actions have ceased to apply. This culture of death – consisting of rituals, singing, bodily embellishment, proverbs and beliefs – was encouraged by the extent of impunity on which the perpetrators could rely, it becoming impossible over time to reveal to everyone – and especially the victims – the criminal nature of the acts of sexual violence.

It is difficult from the outside to imagine the simultaneously insane and everyday nature of the cruelty committed in the course of genocide by a whole population led astray by sophisticated war propaganda that taps into the members’ most intimate cultural and religious beliefs. If there is no revealing of the criminal acts, beginning with consideration of a victim’s account, and not really happening until military victory by that person’s side, no reflection of the events will be communicated to “ordinary men” (to use the title of C. Browning’s major book) caught on the “wrong” side: that of the murderers. In Guinamard’s work, we can see the effects of this revealing not having occurred, and the consequent absence of an account or memory of the events, in enabling extreme criminal activity directed against the civilian population’s most vulnerable members – the women and children – to become commonplace.

The Interahamwe irregulars roaming the Kivu forests after July 1994 were not lucky enough to be able to confront their past criminal acts. They grew older, offered their services to various warring parties, fled, and were also massacred. More seriously, their practices had served as examples to new generations who had only them as models: children who were victims of the great number of abductions or who had been borne by kidnapped women forcibly brought to their camps. The irregulars’ use of raids on the villages, and their involvement in trading weapons and precious materials extracted from mines (very important internationally to the region), demonstrate the establishment of an economy of survival for the predators, itself a murderous institution, necessitating weapons and the use of cruelty to work. Nothing was wholly new; all that was missing were the *Seven Samurai*, and the hero lawmen.

Here, however, we are at the end of the 20<sup>th</sup> century, in a framework of international jurisdiction that has categorised rapes, in certain circumstances, as a crime against humanity. The use of sexual violence

not simply “in wartime” but as a “weapon of war” has not, in fact, been restrained by the progress of international legislation in this area, continuing even outside the Kivu region.

The latter use of rape seems in particular to relate to the end of the 20<sup>th</sup> century and the beginning of the 21<sup>st</sup>, occurring in places where a totalitarian power chooses, even in peacetime, to use sexual tortures against those whom it wants to subjugate and then destroy. Situations where war is being waged against a civilian population that is collectively identified as an enemy, with heavy propaganda being deployed, will be conducive to a dramatic increase in war rapes. Rapes as a weapon of war, however, are used whenever the military apparatus, and behind it the political apparatus, consider it tactically useful to resort to the practice, incorporated into the very movement of troops and associated irregulars who will do the “dirty work”.

Spreading terror and freeing up a coveted territory is the most commonly mentioned rationale. Once the war is over, however, there remains the immense problem of the simultaneous existence of the victims, torturers, former soldiers and irregulars, all of whom seek to invent a new life and escape their personal memories. In the major human catastrophe represented by rape becoming commonplace and escalating, the failure of international involvement at the end of the conflicts is the issue. Interdisciplinary and high-quality action on the ground, with the presence of third parties, is crucial. For this to be deployed, there need to be economic, health and organisational resources, with complete respect for the facts and persons involved. ─

## APPENDIX

### **Relevant international law**

Rape as a war tactic is recognised as a war crime, a crime against humanity and an instrument of genocide in Articles 6, 7 and 8 of the Rome Statute (1998), which established the International Criminal Court.

The use of rape is condemned by the four Geneva Conventions of 1949 and the 1953 Convention on the Political Rights of Women.

### **UN Resolutions**

Resolution 63/155 of the General Assembly of the United Nations, adopted without a vote on 18 December 2008, on the Intensification of Efforts to Eliminate All Forms of Violence Against Women.

Resolution 1820 of the Security Council of the United Nations, adopted on 19 June 2008, describing rape as a weapon of war.

Resolution 1325 of the Security Council of the United Nations, adopted on 31 October 2000, on women, and peace and security. 