Chapter 1

Sexual Violence as an Element of War Strategies:
The Scale and Forms of These Crimes in Modern Armed Conflicts

ABSTRACT

This chapter presents an analysis of the scale and various forms of sexual violence in modern warfare, including the context in which they are committed, in order to understand the extent of the challenge posed by the systematic use of sexual violence in modern warfare. It highlights how the use of sexual violence as a weapon of war is distinctively destructive, as these crimes are often intended to tear apart the fabric of families and affected communities. For instance, in some contexts, the systematic use of rape and other forms of sexual violence was characterised by an explicit ethnic targeting as a weapon of genocide. In other conflicts, cruel acts of sexual violence are often indiscriminately used as part of military strategies aimed at civilian population to spread terror and inflict public humiliation. This destroys the social fabric of affected communities and adds a new component to the social disruption with devastating impact on victims even after the conflict has ended.

INTRODUCTION

The systematic and widespread nature of sexual violence in conflict situations is by no means a recent phenomenon. History offers too many examples of rape and other acts of sexual violence as an element of broader war strategies (R. Branche et al., 2012, E. D. Heineman, 2011). During armed conflicts, the body of civilians, mainly females, are often treated as an extension of the battleground, where acts of sexual violence are perpetrated in various brutal forms (S. Randi, 2009, C. Enloe, 2000).¹

Several empirical accounts indicate that the prime purpose of the perpetrators is to inflict trauma on victims and destroy the social fabric and cohesion of affected communities (L. Peltora, 2018, B. Diken and C. Bagge-Laustsen, 2005).² This can be evidenced by the forms of these crimes in armed conflicts such as instances of collective rapes in public settings in order to spread terror and public humiliation. While horrific data on the systematic use of rape have been reported in almost every conflict over the history, such violence gained prominence in recent conflicts as a systematic tool of war, ethnic cleansing and even genocide.

The last two decades witnessed important progress in addressing these crimes at the United Nations institutional level³ coupled with landmark strides on the part of the international criminal tribunals and, even more crucially, with the inclusion of a whole range of sexual crimes in the Statute of the International Criminal Court (ICC).⁴ Rape allegations are included in various cases before the Court,⁵ and these can be dealt with as potentially amounting to war crimes⁶ or crimes against humanity⁷. Although remarkable development in this regard has been made by the ad hoc and mixed international criminal tribunals, the inclusion of sexual crimes in the ICC’s legal framework, as a permanent court, represents a milestone in the international prosecution of these crimes.

Despite the many advances made in cases involving sexual violence through the work of the International Criminal Tribunal for the former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR), the Special Court for Sierra Leone (SCSL) and even the ICC, such crimes continue to be inflicted on a massive scale in modern warfare. This is supported by evidence as highlighted in different United Nations Secretary-General Reports on Conflict-Related Sexual Violence⁸ and the 2013 UN Security Council Resolution 2106 on sexual violence in armed conflict.⁹ This Security Council Resolution follows well documented crimes of sexual nature in the
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