

Violence against women: The unacknowledged casualties of war

By Irene Khan

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LONDON Fifteen-year-old Z. sat with her back to me, too ashamed and embarrassed to face me, as she told her story. She and three other girls had been collecting firewood outside their village in western Darfur when they were attacked by armed men belonging to the government-supported militia. She was gang-raped and became pregnant. Recently married, she is terrified that she will be abandoned by her husband and ostracized by her community when they find out.

Z. is just one of many thousands of women and girls who have been raped and sexually abused in the embattled Darfur region of Sudan. And Darfur is by no means unique. Hundreds of thousands of women have suffered the same fate in conflicts around the world. From Congo to Colombia, from Sierra Leone to the Solomon Islands, rape and sexual violence have become weapons of modern warfare.

Throughout history, women's bodies have been considered the legitimate booty of victorious armies. Custom, culture and religion built an image of women as bearing the "honor" of their communities, so that destroying a woman's physical integrity became a means by which to terrorize, demean and "defeat" entire populations, as well as to punish, intimidate and humiliate women.

In the former Yugoslavia, mass rape was used to drive entire communities from their homes. In Rwanda, rape and sexual violence became tools for genocide. In Afghanistan, abductions, forced marriages and violence against women and girls are used daily by warring sides. The fact that South Korean "comfort women" are still awaiting an apology from the Japanese government for being forced to provide sexual services to Japanese troops during World War II is just one example of the ease with which the world turns a blind eye to female victims of war.

Patterns of violence against women in conflict do not arise "naturally" and are not collateral damage of war. They are ordered, condoned or tolerated by those in power. They persist because those who commit them know they can get away unpunished.

Although prohibited under international law, rape and other gender-based violence during armed conflict are rarely prosecuted because securing justice for women through national criminal justice systems is extremely difficult.

The international tribunals for the former Yugoslavia and Rwanda took some bold steps to prosecute perpetrators of rape. The 1998 Rome Statute of the International Criminal Court (ICC) defines a broad spectrum of sexualized violence as crimes against humanity and war crimes. These include rape, sexual slavery, forced pregnancy and sterilization, and gender-based persecution.

International justice is the key to ending impunity. Even though the ICC will only be able to try a limited number of cases, high profile international prosecution could deal a strong blow to the prevailing culture of impunity.

By trying prominent leaders who either encouraged or ignored sexual violence, the ICC will send a message that there is no longer a carte blanche to commit these heinous acts. It will shame states into acknowledging the problem and promoting action through their national courts. Most important, it will give hope to thousands of women.

The ICC prosecutor, Luis Moreno Ocampo, has made a welcome commitment to investigate cases of sexual violence in the Democratic Republic of Congo and Uganda. Next year when prosecutions are expected to begin, many women's groups and human rights organizations will be watching.

To make the international justice system work, governments must take concrete steps to support the ICC, for instance by enacting necessary legislation, assisting the ICC prosecutor in his investigations, sharing evidence with him and providing protection to witnesses.

Sudan is not a party to the Rome Statute of the ICC. However, under the Rome Statute it is possible for the UN Security Council to refer situations to the ICC to investigate and prosecute anywhere in the world, even if the country in which the crimes occurred has not ratified the Rome Statute.

The United States has been vociferous in condemning killings and rape in Sudan, but it has been even more active in undermining the authority and jurisdiction of the ICC, for instance through impunity agreements for its own troops. Enabling the ICC to prosecute the crimes in Darfur could be an opportunity for the U.S. administration to recognize the ICC not as some international conspiracy against its troops and leaders, but as a real tool to promote justice for women who have been the victims of the worst forms of brutality.

Obviously, prosecution by the ICC will not be enough. It must be accompanied by vigorous actions by governments to introduce or strengthen national laws that would allow their domestic courts to exercise universal jurisdiction over rape and sexual violence committed in times of war, so that perpetrators cannot escape justice no matter where and when they committed their crimes.

The mechanisms to tackle violence against women in times of war are there - they must now be used to give justice, hope and protection to young girls like Z.

(Irene Khan is secretary general of Amnesty International.)