



**Fracturing the Collective Conscience: Sexual Violence
in the Presence of Others in Conflict**

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Abstract:

Why do police, state militaries, paramilitaries and non-state armed actors across the globe instrumentalize sexual violence in the presence of others in conflict(SVPO)? This paper examines the use of sexual violence intentionally committed in the presence of others or in the close proximity of an involuntary audience as a tactical weapon in conflict. Through an examination of conflicts in dissimilar regions and with varying racial and ethnic contexts, this paper explores sexual violence committed in the presence of family members and community associates in conflict zones. Drawing on a collection of interviews from victims in Indonesia, Ukraine, Colombia, and the Democratic Republic of the Congo, I explore the connection between the desire to fragment collective consciousnesses and the dissuasion of dissent through sexual assault-based public shaming.

Introduction to Sexual Violence in Conflict

Sexual violence is endemic in conflict and women and girls are the most common victims of these heinous crimes against humanity. While scholars have started to acknowledge its frightening prevalence during conflict in recent years (Bernard 1994), analyzing sexual violence in conflict is still in its infant stage of exploration. There is a dire need to understand the underlying causes in order to mitigate outcomes that are detrimental to post-conflict reconciliation and women and girls' security. Greater insight will also assist in quelling the displacement of families and communities that have fallen victim to sexual terrorism and in quelling the ostracization of victims from communities. Concentrating on specific types of sexual violence and the implications of each type will provide better insight into how we can better address sexual violence in conflict. Sexual violence is intrinsically multiplex and its tactical uses in conflict cannot be examined without peering into the gendered and economic contexts in which it occurs.

The weaponization of sexual violence has been documented in numerous conflicts across the globe and has been used to terrorize communities. In Syria, rape has been reported to be 'a significant and disturbing feature of the Syrian civil war (IRC 2013)' and the International Commission of Inquiry described sexual violence in Syria as a 'persistent feature of the conflict and that the fear of rape has served as a driving motivation for families fleeing the violence (Human Rights Council 2013.)' The Democratic Republic of the Congo (DRC), has infamously

been a particularly dangerous nation to be a woman or a girl, as the use of rape and sexual mutilation have been notoriously used as a ‘deliberate strategy’ in conflict (Harvard Humanitarian Initiative 2010). In the former Yugoslavia many genocidal rape survivors spoke of what they referred to as “rape on the front line” and “third party rape”, which were publicized rapes perpetrated by Serbian forces in front of family members and opposition forces (Fitzpatrick 1992). In Egypt, women and girls are subjected to sexual violence in the public sphere by being encased in what many survivors colloquially refer to as ‘Circles of Hell (Amnesty International 2015).’ In the ‘Circles of Hell’ mobs of men from opposing political or religious backgrounds sexually assault women and girls that attend public protests-most notably at Tahrir Square.

Various explanations have been rendered for the possible causes for the fluctuations of severity of rape in conflict, but their explanations have been heterogeneous in scope. Some scholars posit that rape during conflict is a byproduct of men’s latent desire to commit rape (Goldstein 2001). Others have argued that “rape is not an aggressive manifestation of sexuality”, but rather a sexual manifestation of aggression. They proposed that in the perpetrators’ psyches it serves no sexual purpose but is an expression of rage, violence, and dominance over a woman(Ruth Seifart 1994). While others have asserted that socialization amongst combatants is at the core of rape in conflict through their research(Zurbriggen 2010; Cohen 2013). There is also the understanding by some that sexual violence is a part of the wartime cycle of “lootpillagelandrape” and that “the male militarized rapist in some ways imposes his understandings of enemy, soldiering, victory, and defeat on both the woman to be raped and on the act of sexual assault (Enloe 2000).”

Cohen proposed that sexual violence--and more specifically rape and gang rape--during conflict is used as a means of building social cohesion/df within both state and non-state combatant groups through a practice she refers to as *combatant socialization*¹ (Cohen 2013). She analyzed a dataset spanning three decades in the Democratic Republic of Congo to test three arguments for wartime rape and found that greater incidences of wartime rape is not more likely in ethnic wars, genocides, or in countries with greater gender inequality. Her evidence suggests that the tactical use of rape in conflict is not dependent upon which category a conflict falls into, but the tactical usage can be mapped onto conflicts that may diverge in breadth yet produce a similar desired outcome. She has also explored the role of female combatants in perpetrating rape against both male and female victims--often through the insertion of foreign objects into the victims (Cohen 2017). Her findings challenge the notion of sexual violence in conflict as being solely a male-on-female phenomenon and highlights the active participation of female combatants in wartime rape. Combatant socialization may be strengthened through combatants gaining joint gratification by publicly sexually shaming their enemies. Cohen mentions the use of photography by U.S. soldiers in Abu Ghraib in one of the most notable instances of women and men jointly sexually abusing men in conflict. The element of photography was a way to intensify the shame inflicted upon the prisoners. One of the photos from the prison displayed both male and female U.S. soldiers smiling for a photo with the naked bodies of male prisoners stacked on top of one another. The soldiers appeared immensely gratified by the act itself and the element of shaming amplified by photography.

¹ Cohen, Dara Kay

Sexual violence in conflict zones targets both men and women within those communities through their shared values, gender dynamics, and shared communal identities which ultimately form their collective consciousness. Durkheim stated, “The totality of beliefs and sentiments common to average citizens of the same society forms a determinate system which has its own life; one may call it the *collective or common conscience* (Durkheim 1966). He goes on to explain that a punishment may not only impact the individual that is subjected to punishment but it may also impact:

“the innocent, his wife, his children, and his neighbors. This is because the passion which is the soul of punishment ceases only when exhausted. If, therefore, after it has destroyed the one who has immediately called it forth, there still remains force within it, it expands in quite mechanical fashion.”

Punishment not only punishes the targeted individual, but extensions of them. As social beings our experiences are not isolated. We function as part of a whole; and when one of us is broken—depending on the severity—it can result in fragmentation of the whole. The publicity of punishment and the method of punishment can add a heavier influence on the extent of the fracture. Fracturing the collective conscience of a community can mean fracturing the heart of a people. Research indicates that children witnessing intimate partner violence are more prone to developing post-traumatic stress disorder (Levendosky AA, 2013). This is indicative of the trauma that can be experienced as a witness to a “punishment.” While the family is a microcosm of the whole, it makes it evident that trauma can be felt by extension and fragment the familial

unit through the punishment of one. The UN Security Council maintained that sexual violence has been deliberately used by terrorist groups to to increase their power through the “destruction of communities (Security Council 2015)..”

Sexual violence is a deeply engendered act that seeks to alter and destroy the collective consciousness of a society, most often through desecration of the female body. In most societies around the globe men are viewed as protectors of women, which includes the duty of protecting the female body. Whenever a woman’s body is desecrated at the hands of an invasive force, men in that social context are left with feelings of failure and the social contract between the women and men in that society is essentially shattered. Kirksey posited that men in West Papua were culturally accustomed to giving up women for economic means, so military personnel taking the women for coerced sexual servitude did not produce despondence from men within West Papuan society² (Kirksey 2012). “Giving up a woman” for customary reasons to other members of one’s community may be incomparable to having a woman violently taken for sexual acts by external combatants that play a role in occupying and colonizing one’s lands. It is imperative to differentiate intra-sexual violence during or sans conflict and inter-sexual violence during conflict. While both forms of violence have proven to be detrimental to the victims and societies, caution should be taken when looking at sexual violence being perpetuated by external forces as the rationale that follows these assaults may vastly differ. Examining sexual violence in conflict from a dismissive colonial gaze removes the severity of the perpetrators’ acts and feeds into false narratives that place Black and/or Indigenous women as being incapable of being victimized.

² Kirksey, Eben. He provides an ethnographically-rich account of a woman’s experiences as a sexual slave to an Indonesian military unit.

Andrea Smith drew from Kimberle Crenshaw's *intersectional* approach and applied it to sexual violence under the American Indian genocide³. Smith posited that the “issues of colonial, race, and gender oppression cannot be separated.” She used this conceptual framework to explore the *project of colonial sexual violence*, which she asserts, establishes an ideology that frames native bodies as inherently violable--thus making native lands violable as well. She uses the history of the entanglement between sexual violence, genocide, and native women in the United States, to demonstrate how gender violence is strategically used as a tool for racism and colonialism. Her research also indicates that violating women's bodies are profoundly connected to violating a people and their lands by extension.

Publicly committing sexual acts of barbarity has been a tactic used across the globe to assert one group's “superiority” over another. In the United States, African Americans were routinely lynched. Lynchings would often involve the genitalia of African American victims being severed from their bodies, displayed in shops and museums, lauded as souvenirs, and sold (Young 2005). Their bodies were put on display for the enjoyment of Caucasian Americans, but they were also put on display to incite fear, dissuade dissent, shame African Americans, and to demonstrate the “worthlessness” of African American lives and African American bodies. Although White Americans gained a perverted sense of gratification by engaging in violent sexual acts and commodifying African American bodies, their motivation was multifold. They sexually violated African American bodies and left many of their lynched, sexually-mutilated, and charred bodies on public display to send messages to the African American community as a whole. This form of desecration was not only gratifying but profoundly symbolic.

³ Smith, Andrea

This paper examines the role of *sexual violence in the presence of others in conflict* (SVPO), which I define as sexual violence that occurs in the presence of others in conflict, and I will explore *dissuading dissent by fragmenting the collective conscience* as an alternative explanation for sexual violence in conflict. There have been few scholarly works that explicitly focus on the execution of sexual violence in the presence of others during conflict. Using historical records, interviews from non-governmental agencies, and reports, this paper argues that SVPO is committed with the intent to incite fear within communities and ultimately, dissuade dissent. SVPO takes on many shapes and occurs in the presence of family members, community members, protest participants, or other members of society that may stand in opposition to the perpetrators. As with all forms of sexual violence in conflict, performative sexual violence is disproportionately carried out on women and girls, but its impact extends to men and boys as well.

Sexual violence includes rape, sexual mutilation, unwanted fondling, forced marriage, and sexual slavery--with rape and sexual mutilation being the most common forms of sexual violence during conflict. Its usage spans the width of this earth, as it has been instrumentalized in conflicts around the globe. Sexual violence in conflict is not exclusive to any particular continent, state, system of government, culture, race, ethnic group, or religion. The term 'sexual violence' encompasses a wide range of forms of unwanted sexual acts. In this article, I will isolate SVPO and hone in on its use as a tactical weapon during conflict. For the purpose of this paper, I will include rape, sexual mutilation, unwanted fondling, forced marriage, and sexual slavery that is done in the presence of onlookers from the victim's perspective. *What is sexual*

violence in the presence of others' instrumentality in conflict and how is it weaponized in conflict zones?

Publicized Discipline

Foucault's work, *Discipline and Punishment*, examined the 18th century's common usage of the theater of terror through public capital and corporal punishment as a means of asserting the State's power and legitimizing the State's authority and the transition to State's legitimizing power through "invisible" means of punishment (Foucault 1979). Foucault believed that punishment by the State as a public spectacle would become a thing of the past as new "technologies of power" emerged. While those "technologies of power" were put into play, remnants of the "old" social control mechanisms continue to exist in conjunction

with the new ones. Several nations--Western nations included--still routinely use capital punishment on its civilian and foreign populations.

"Shock punishment", which describes both capital and corporal punishment, is typically exercised in states that lack full political legitimacy from its population. It is used by states grappling with political insecurity to garner political legitimacy and bolster their power. The same conceptual framework can be applied to non-state actors working to gain power, economic security, or political security. Using punishment in a performative format as a tactic that elicits shock from an "audience" may be done with the same motives in conflict settings. "Shock punishment" takes on more forms than capital and corporal punishment and includes rape and

other forms of sexual violence that shocks, traumatizes, and incites fear and obedience from the audience.

In *Professional Ethics and Civic Morals*, Durkheim asserted that "the State does not execute anything... The State gives the orders for action to be taken. They coordinate ideas and sentiments, from these they frame these decisions to other agencies that carry them out" (Durkheim 1958). It is often difficult to attribute public violence by non-state actors working in collusion with the State--which may include paramilitaries, corporations, and other armed combatants--to the State itself. Both states and corporations have the ability to circumvent scrutiny by passing along the baton of violence to others to carry out acts that may be damaging to their reputation, but that ultimately serve as a means to achieving their desired aims (Avant 2005).

Nanjing, China

During the Second Sino-Japanese War, the Chinese capital of Nanjing fell under attack by the Japanese military. Japan began to seize Nanjing on December 13th in 1937 and the duration of Japan's bestial assault on Nanjing lasted for 6 weeks. This significant period marked by mass killings, the rape and sexual imprisonment of thousands of girls and women, and widespread looting is known as the Nanjing Massacre.

While there is substantial evidence from rape survivors, foreign workers within the Safety Zone, and accounts from Chinese civilians that witnessed rape assaults, the Japanese government vehemently denies that any of their soldiers were ever involved in these documented

attacks. In Iris Chang's book, *The Rape of Nanking: the Forgotten Holocaust of World War II*, she documents the savagery of the Japanese Army's massacre in Nanjing, China (Chang 1997). Chang obtained data from interviews and thorough reports from former foreign workers in the Nanjing Safety Zone. She notes that it is impossible to know the true scale of mass rapes in Nanjing, as many of the women were impregnated and opted to either never speak of the incidence of rape or killed their babies at birth.

Chinese women and girls were raped indiscriminately and often publicly. Chinese women were burdened by the risk of "staying home and being raped in front of their families" or fleeing for the Safety Zone and risking "being captured by the Japanese in the streets." Rape and sexual mutilation became key features of the genocide in Nanjing. Many survivors recalled "soldiers prying open the legs of victims to rape them in broad daylight, in the middle of the street and in front of crowds of witnesses." Much like in West Papua, there are similar accounts of public disembowelment and mutilation of pregnant women post-rape. Japanese soldiers were frequently seen slicing open the bellies of pregnant women and removing fetuses for enjoyment and as an added element of shock value to the public spectacle. It was common to see women and girls with their vaginas impaled by foreign objects and left on display in the streets. These displays were dual-purposed as they were both tactical and gratifying for the Japanese perpetrators.

Pogroms in Ukraine

Irina Astasgkevich sheds light on how destructive the mass rapes of Jewish women in the pogroms of Ukraine in 1919 were. She points to Jewish men as being the designated audience in

the mass rape of Jewish women. One of the male witnesses of mass rape was Lifshitz, who later served as an inspector for the Kiev Commission of the Jewish Public Committee for Relief to Pogrom Victims(EVOBSCHESCOM). He recounted the prevalence of SVOP in a report to the Commission:

Almost all women from thirteen years old and up had been raped by the bandits. Children were raped in front of their parents' eyes, some were killed afterwards. [Bandits] raped in the streets in front of giggling onlookers(Miljakova).

He also included the mental repercussions of rape for both immediate victims and onlookers. He provided in depth accounts of witnesses of the public rapes and how several went mad and/or committed suicide.

It is necessary to include victims' personal accounts of sexual violence in the analysis as well as the accounts of witnesses, as government and corporate entities may attempt to evade criticism and criminalization through admission. It would be impossible to encapsulate the underpinnings of the cultural, gendered, social, racial, economic, and political forces at play without victim and witness accounts. Their personal stories often delve into the intangible layers of their victimization that lie beneath statistical data. Data on SVPO victims is difficult to obtain from organizations and governments for a plethora of reasons. Data collection that does not isolate performative sexual violence, the murder of many SVPO victims, fear of reprisal, underreporting, cultural beliefs and shame around sexual violence are all reasons why accurate performative sexual violence data is difficult to assess (Waller 2012). Women often deny their victimhood out of fear of being deemed a victim. For the purposes of examining the use of SVPO in conflict, I selected four cases from different regions of the world where performative

sexual violence is employed as a tactical weapon. Each case also features a range of different racial and ethnic backgrounds of armed perpetrators and sexual violence victims. This is essential in demonstrating the extent of this phenomenon and in demonstrating that it has no racial, ethnic, or regional boundaries around its usage as a weapon of conflict. This multinational examination will include examinations of the use of SVPO in Indonesia, Colombia, and the Democratic Republic of the Congo.

Sexual violence perpetuated in the presence of onlookers or what perpetrators perceive to be an “audience” is a tactical act. Creating a public display of sexual brutalization is symbolic and sends messages to its onlookers. The messages are manufactured with the intent to elicit behavioral responses from the onlookers in hopes that it will contribute to the overall strategic success of those committing the violence. SVOP victimizes both the assaulted and the involuntary onlookers. The overall tactical aim is to *dissuade dissent and fragment the collective conscience* from both the assaulted and the onlookers through the display of sexuality barbarity. Women and girls are often raped in the presence of children, which is traumatic and impactful for the next generation of their community. Children witnessing their own mothers, grandmothers, aunts, and/or sisters being sexually brutalized in front of them will incite fear and compliance with the attackers in many cases. Husbands that have witnessed their wives being raped, often leave their wife and family. They cannot remove the imagery of multiple men violently raping their wives and in some cases, their wives bearing a rapist’s child.

West Papua

Dispossessing people of their land has historically been tied to genocide and land grabs⁴. The people that fall victim to dispossession are often the most devalued members of society. Laura Pulido asserted that capital accumulation occurs “by producing and moving through relations of severe inequality among human groups.”⁵ The victims of sexual violence within conflicts aimed at transforming or creating an economic hierarchy are typically the devalued subset of the population based on ethnic, political, or racial classifications. Their othering and victimization is in juxtaposition to the group they ascribe as inferior and themselves, which they self-declare as superior and deserving of a favorable side of new economic configurations.

Racial capitalism is based on the false commodification of human beings, which has often been done through “othering” and through processes of racialization. By commodifying human labor, one places a value on human lives. This valuation of labor produces a stratified system where some human lives are viewed as being worth more than others. In other words, racial capitalism essentially places a price tag on each human life and the designation of these price tags are based on socially-constructed racial groupings. The lower the price tag is on a life the more dispensable that life is. Many of the conflicts that have involved sexual violence have centered on land and resources or political disputes that have been inextricably tied to capitalism.

In West Papua, both state-sanctioned violence and corporate-sanctioned violence have manifested as torture, murder, forced removal from ancestral lands, and rape. The Indonesian military and police has been identified as the perpetrator of Indigenous dispossession and genocide in West Papua, but multinational corporations have played a major role in these atrocities as well. Multinational corporations have colluded with the Indonesian government to

⁴ Hage, Ghassan.

⁵ Pulido, Laura. p 5

dispossess Black Indigenous peoples of their lives and land to gain profit from the abundance of natural resources on the Western portion of the island of New Guinea. Scholars have noted that extractive industries in West Papua “provide an excuse for the presence of military forces on the territory leaving them free to use sexual violence to terrorise the indigenous population, affecting primarily indigenous women, and forcing communities to leave their lands. (Christine Tremblay and Szilvia Csevar).”

While Dutch colonizers were preparing to cede control back over to West Papuans and assist them in gaining independence as a state after their bout of exploitative ventures in the region, Indonesia and Freeport McMoRan were conspiring to take the territory by force for gold and copper mining. The West Papuan independence leader, Benny Wenda, has asserted that “Freeport is deeply embedded with Indonesian security forces in the region, paying them for ‘security’ arrangements-which basically means crushing local Papuan resistance to Freeport’s operations.”⁶

Freeport McMoRan, a United States based multinational corporation, continues to operate the world’s largest gold mine and third largest copper mine, the Grasberg mine, in West Papua. The Grasberg mine and its surrounding area, has been a heavily militarized zone and a primary point of contention and conflict. Construction began on the Grasberg mine in 1970 immediately following a sham vote that officially gave Indonesia interim control over West Papua. The heavy military presence and military violence in West Papua has been fueled by the desire to protect the extractive industry, which consists of some of Indonesia’s largest taxpayers. A report by the UN Rapporteur on Violence Against Women found that rapes committed by

⁶ Coca, Nithin. Benny Wenda is the founder and leader of the international West Papuan independence organization, Free West Papua Campaign.

Indonesian military personnel were tactically committed against women in the areas surrounding the Grasberg mine.

Racism transcends the traditionally-focused white and “the other” dichotomy. An accustomization to thinking in this binary shrouds the multidimensional racialization processes that occur. Racism has the ability to seep into the core of any society, because it involves taking a group and juxtaposing it to another or others as inferior or superior. Racialization does not only occur based on phenotypes, but based on ideologies as well. These ideologies can range from religious to political to philosophical.

Melanesians have been identified as a distinct racial group, because of their distinct phenotypic traits. The vast majority of the Indonesian population belongs to the Javanese ethnic group, followed by the Sudanese⁷. Melanesians have long been viewed as the ‘negroids’ of Oceania. Blackness and Indigeneity on a global scale has ranked in the bottom tier of the global racial hierarchy. The racial hierarchy in West Papua was founded upon the need to engineer a system of inequality enabling the largest aggregation of capital to occur.

Indonesia currently favors a society with industries that revolve around extractivism over an indigenous philosophical approach that places sustainability above capital gains. Indonesia sought to reorder West Papua by implementing a strategic process that Dale Gietzelt refers to as *Indonesianization*⁸. Gietzelt argues that this process of acculturation is aimed at reducing Melanesian cultural consciousness by controlling what West Papuans consume mentally through the media, education, and language in order to promote an uncontentious response to the exploitation of natural resources within West Papua. Beyond it solely being an acculturation

⁷ According to the most recent report by The CIA World Factbook (page last updated March 2019), Javanese 40.1% Sudanese 15.5%

⁸ Gietzelt, Dale. "The Indonesianization of West Papua."

process, government policies that demonized indigenous culture was also a way to codify a racial hierarchy within Indonesia.

The devaluation of certain subgroups of humans within a society allows for society to be reordered or get rid of what dominant groups may align with 'dirt'⁹. 'Chasing dirt' can be used to explain the ways in which people "positively re-order their environments, making it conform to an idea." In Indonesia this 'idea' is a society that favors industries that revolve around extractivism over an indigenous philosophical approach that places sustainability above capital gains.

In many places around the globe there is an ideological frame that situates Indigenous peoples as having tainted ways of being. In Peru indigenous peoples were viewed as polluted and as the cause of disorder within society by Spanish colonizers¹⁰. The Spanish colonizers' ideological frame has been transferred across generations, and it undergirds Peruvian society. In West Papua, the indigenous population has been viewed as primitive, because of their lifestyle and beliefs. West Papua has experienced a large influx of Indonesians, predominantly Javanese, since the 1960s, and the majority of these Indonesian-sponsored occupiers are Muslim. The Indonesian government and Indonesian occupiers of West Papua view 'pig-rearing and pig-eating' West Papuans' as 'uncivilized', 'backwards', and 'inferior.'¹¹ Indonesians that have moved to the region for work see it as their responsibility to 'civilize' West Papuans. This sense of responsibility derives from government policies and programmes that proselytizes Indonesian ethnic identities as being superior and the West Papuan identity as inferior. "The Project for the

⁹ Douglas, Mary.

¹⁰ Wilson, Fiona. 2004. "Indian Citizenship and the Discourse of Hygiene/Disease Nineteenth-Century Peru." *Bulletin of Latin American Research* 23: 165–180.

¹¹ Gietzelt, Dale.

Guidance of Alien Societies” was a policy that was implemented with the goal of “civilizing” the “primitive and uncivilized” West Papuans.¹²

The Indonesian government’s agenda to homogenize West Papua has been unsuccessful up to this point. There are a small number of West Papuan elites that were appointed to good jobs or positions, but these individuals are often used by Indonesians to dismiss accusations of inequality and oppression. In West Papua, the Indonesian government pursued a policy of development that promoted foreign investment, and brought in Indonesians from other islands--primarily Javanese from Java-- to work in the region for high wages. Local West Papuans were given very little pay, and often had their money sequestered by military personnel. The obvious bifurcation of pay has contributed to a rise in a Melanesian consciousness. The larger marginalized population saw through the veil of homogenization, and many of the marginalized indigenous peoples organized oppositional movements in response to systemic oppression.

Melanesians have been identified as a distinct racial group, because of their distinct phenotypic traits. The vast majority of the Indonesian population belongs to the Javanese ethnic group, followed by the Sudanese¹³. Melanesians have long been viewed as the ‘negroids’ of Oceania. Blackness and indigeneity on a global scale has ranked in the bottom tier of the global racial hierarchy. The racial hierarchy in West Papua was founded upon the need to engineer a system of inequality enabling the largest aggregation of capital to occur.

Ghassan Hage stated that “capitalist nations must always fluctuate between civilizing themselves and allowing lawful accumulation to prevail while they can foreclose the plunder,

¹² Kayishema and Ruzindana p197

¹³ According to the most recent report by The CIA World Factbook(page last updated March 2019), Javanese 40.1% Sudanese 15.5%

pillage, slavery, and genocide that generate their accumulated wealth.¹⁴ Collusion between the Indonesian and foreign multinational corporations (MNCs) has resulted in genocide, pillage, and plunder. The West Papuans that opposed the Indonesian state's agenda were either disposed of, intimidated with violence, deemed as terrorists, or forcibly removed from their lands and sent to live in exile, so that Indonesia and MNCs could more comfortably reap financial gains under capitalism.

West Papuan independence fighters—both violent and non-violent—identify both Indonesia and multinational corporations as being culpable actors in the occupation of West Papua. In 2018, the Field Operations Commander of the West Papuan Liberation Army, Bridgen Lekagak Telenggen, stated in portion of a TPNPB declaration ,

“1. Beginning in the first month of 2018, the general mobilization of all West Papua National Liberation Army (TPNPB) soldiers to 29th Defense Region Command (KODAP) in Papua land, to revolutionize the stages against the invaders to claim the right of independence of the West Papuan people;

2. All foreign companies on Papuan land must be forcibly closed, and the main and more specific are "Freeport Gold Mining in Tembagapura Papua and Petroleum Oil, Refinery in Kalamono-Sele, Sorong West Papua and also Gas LNG BP in Babo Bintuni West Papua.”

The movement acknowledges both the Indonesian government and exploitative corporations as perpetrators of injustice, exploitation, indigenous oppression, and violence. Despite their valid assembly for self-defense to protect their own indigenous lands, they are still somehow

¹⁴ Hage, Ghassan. P46

denounced by Indonesians and classified as terrorists. The Indonesian government has swept through West Papua on a far more destructive campaign of terror, yet they are able to dismiss the indigenous people that are pushing back against state terrorism and their settler-colonial project. The nation-state that has greater ties to media outlets has been able to promote the image of West Papuans as terrorists. Unfortunately, for West Papuan dissidents the suppression of freedom of speech and the general restriction of journalists and NGOs in the region, has led to the more dominant political and financial force, Indonesia, being able to have greater influence over the limited international media coverage West Papua gets.

Sexual violence has been one of the weapons used by Indonesian police and military forces to codify a racial hierarchy in West Papua for material gain. Neferti Tadiar argued that, “the economies and political relations of nations are libidinally configured, that is, they are grasped and effected in terms of sexuality.¹⁵” Building upon Tadiar and Smith’s assertions, the use of sexual violence in West Papua cannot be disaggregated from issues of race, gender, and capitalism. Indonesian military and police personnel have sought to codify a racial and economic hierarchy by inflicting mass bodily and mental harm on West Papuans, asserting their masculinity over the indigenous males’ within the targeted population, and inciting mass fear. It has been reported that these rapes are often committed in public spaces and community members are forced to watch their wives, sisters, daughters, or friends get raped. These acts are simultaneously heinous, racist, and symbolic acts stemming from an imperial project by the state and multinational corporations. Rapes and other acts of sexual violence that are committed in public spheres are not merely meant to fulfill the sexual desires of the perpetrators, but they are

¹⁵ Tadiar, Neferti.

meant to be performative and work towards achieving larger economic goals. The performativity of rape in a public sphere is enacted with the purpose of rendering a response from the “audience” they commit the act in front of. It is made into a public spectacle to shame both the victim and the involuntary audience. They are forced to gaze upon this barbarity, which is accompanied by feelings of powerlessness and fear. The audience in these cases tend to be members of the community and family members. Sexual violence is being used as a performative tool to assert racial power and signal Indonesian supremacy to both victims, onlookers, and community members that later hear about these atrocities.

There have been multiple accounts of barbaric slaughterings and sexual violence against women and girls committed by Indonesian military and police officials in West Papua, since Indonesian occupation. In 1970, a pregnant West Papuan woman was shot and killed by Indonesian soldiers that patrolled a West Papuan village. They barbarically proceeded to cut the baby out of the deceased woman in front of 80 West Papuan villagers, then they disemboweled and dismembered the baby in front of everyone. While the pregnant woman and her baby were being mutilated and killed, another group of soldiers raped and killed the pregnant woman’s sister. These acts of sexual violence targeting these West Papuan sisters and an unborn child, were done with the intent of sending a message to the entire village¹⁶. This was a way to assert racial superiority in the village the soldiers patrolled. In 1998, the Indonesian Navy punished female pro-independence protestors by taking them onto a naval ship, raping them, disfiguring their bodies, and tossing them overboard. Many of their sexually mutilated bodies floated onto

¹⁶ Report of the Special Rapporteur on Violence Against Women, *supra* note 157, at 14.

the shoreline and showed signs of genital mutilation. In addition, some of the women and girls' breasts were removed.

A West Papuan independence leader from the Lani village, recounted watching female family members assaulted by soldiers as a child. He would often witness his mother and aunts be sexually harassed and unlawfully searched by the soldiers. According to him, the soldiers would coerce the women to bathe in the river prior to raping them. Many of the Lani women were forced into domestic and sexual subservience, then later slain. In fact, three of the independence leader's aunts were raped, killed, and found with signs of genital mutilation in the jungle--it is believed that these acts were committed by Indonesian soldiers based on their behavioral patterns

¹⁷.

Paramilitaries and Guerilla Groups in Colombia

In Colombia, paramilitaries have been known to act as de-facto police and military operatives for the state¹⁸. State deployment of private military companies-whether licit or illicit-allows state actors to have foreign and domestic influence by circumventing domestic institutional processes¹⁹. The prolonged presence of paramilitaries within departments with a heavy presence of narco-trafficking and illicit mining is indicative of a combination of state collusion and state neglect. The state potentially stands to benefit from the removal of

¹⁷ Freewestpapua.org refer to "my story" by Benny Wenda

¹⁸ Sanford, Victoria. "Learning to Kill by Proxy: Colombian Paramilitaries and the Legacy of Central American Death Squads, Contras, and Civil Patrols." *Social Justice* 30, no. 3 (93) (2003): 63-81.

¹⁹ Avant, Deborah D. *The Market for Force: The Consequences of Privatizing Security*. Cambridge: Cambridge University Press, 2005.

ethno-territorial groups, because it allows taxable multinational corporations and other illicit actors that they collude with to move in.

Paramilitaries and guerilla armies are non-state actors that seize reign over territories through state negligence or state collusion. The paramilitaries and guerilla armies in Colombia are informal armed groups that model themselves after formal military and police forces. They informally operate within the free-market capitalist frame as illicit capitalists. Illicit capitalism is characterized by private actors and entities that own the means of production for their products, operate outside of legal parameters, and acquire economic gains from their products. These organized non-state armed actors have operated within the region for decades without much state-intervention outside of small missions.

Two of the most marginalized groups in Colombia are Indigenous peoples and Afro-Colombians. The deeply embedded devaluation and ethnic stereotypes of these two ethnic groups has led to them being laden with the burden of enduring negligence by the Colombian state. The cultural embeddedness of colonial “values” that hierarchize European phenotypes over others is something that the nation still grapples with. Despite the political rhetoric in Colombia that claims that nationality trumps race and that there is only one race, Colombians of African and Indigenous descent claim otherwise. The “invisibility” of Blackness and indigeneity in Colombia has been ignored by much of the non-Indigenous and non-African population, which has made mobilization for political and social change an onerous undertaking²⁰.

Both Blackness and indigeneity in Colombia are qualifiers for limited government intervention and for women they are also qualifiers for having a greater chance of falling victim

²⁰ Wade, Peter. "The Cultural Politics of Blackness in Colombia." *American Ethnologist* 22, no. 2 (1995): 341-57. <http://www.jstor.org/stable/646706>.

to sexual violence (ONIC 2012). The Afro-Colombians and Indigenous groups and narco-paramilitary violence across the most vulnerable regions of departments²¹. Inadequate reinforcement from the government to check armed actors from attacking communities vulnerable to displacement and violence has enabled paramilitary groups and guerilla groups to govern the deeply impoverished, yet resource-wealthy area with relative impunity. The people that fall victim to dispossession are often the most devalued members of society and the most vulnerable.

In Colombia, paramilitaries have been known to act as de-facto police and military operatives for the state²². State deployment of private military companies-whether licit or illicit-allows state actors to have foreign and domestic influence by circumventing domestic institutional processes²³. The prolonged presence of paramilitaries within departments with a heavy presence of narco-trafficking and illicit mining is indicative of a combination of state collusion and state neglect. The state potentially stands to benefit from the removal of ethno-territorial groups, because it allows taxable multinational corporations and other illicit actors that they collude with to move in.

Public sexual violence has been used by armed actors in Colombia to deter people from challenging the dispossession of their land and water by guerilla groups and paramilitaries. Many state-supported mega-projects are being carried out in heavily militarized regions with a high

²¹ Amnesty International. "Colombia: Authorities Must Respect the Rights of the Indigenous Peoples of Chocó." <https://www.amnesty.org/en/latest/news/2018/11/colombia-autoridades-deben-respetar-los-derechos-de-los-pueblos-indigenas-del-choco/>

²² Sanford, Victoria. "Learning to Kill by Proxy: Colombian Paramilitaries and the Legacy of Central American Death Squads, Contras, and Civil Patrols." *Social Justice* 30, no. 3 (93) (2003): 63-81.

²³ Avant, Deborah D. *The Market for Force: The Consequences of Privatizing Security*. Cambridge: Cambridge University Press, 2005.

presence of military and paramilitary violence (Mesa 2012). The projects often bring about more violence as the State brings in more military to protect its own economic interests. A UN report highlighted that a greater military presence in the region does not translate to greater security for communities in the regions, but rather the opposite. According to the report, an increase in military comes with an increase in sexual violence (UN Security Council 2013).

Women and girls from Colombia's most marginalized racial groups are routinely left to fend for themselves against tactical sexual violence that promotes fear, displacement, coerced solidarity, and the assertion of power over desired territories. The Inter-American Court of Human Rights (IACHR) Rapporteurship on the Rights of Women proclaimed:

“the physical, psychological and sexual violence exercised by the actors in the armed conflict against women, has the objective of wounding, terrorizing and weakening the enemy to advance in the control of territories and economic resources. Acts of physical, psychological and sexual violence purport to intimidate and punish women for having affective relationships with members of the opposing faction, for disobeying the norms imposed by the armed actors or for participating in organizations perceived as enemies. These aggressions additionally serve as a tactic to humiliate, terrorize and wound the “enemy”, whether the victim's family nucleus or community.”

There have been several cases in which women have been publicly “disciplined” through the use of SVPO in Colombia. In one case, a fight ensued between two women in a region controlled by the paramilitary faction, Los Rastrojos. After Los Rastrojos were made aware of the incident, a

woman was ordered by Los Rastrojos to comb the area for the assailants. A commander from the paramilitary group arrived on horseback to assess her progress. His horse defecated and the woman was given a strict order to clean it up and she refused. The commander then ripped off her clothes and forced her to eat the horse's feces (El Espectador 2012.) The removal of her clothing was sexually abusive and her being coerced to eat horse feces was implemented to publicly humiliate her.

It is not uncommon for the bodies of women and girls to be used publicly as vessels of symbolism and to achieve economic dominance. In May of 2003, a pregnant 16-year-old girl named Omaira was raped in front of her entire Indigenous community. Her Indigenous community was forced to watch the sexual attack.

A testimony from a Colombian woman in a study by the Colombian feminist organization, Sisma Mujer, highlighted the public sexual humiliation several women were subjected to by a paramilitary group at a Colombian ranch, "Women were forced to strip naked and to dance in front of their husbands, many of the women were then raped in front of their husbands and their screams were heard as far away as the next ranch (Sisma 2009)."

Although SVPO in Colombia is committed by a range of different armed combatant groups, they all use it with the intention of producing similar results to one another. Its usage is integral to garnering either compliance from the communities on lands they seek to exploit, forced internal displacement so that they are able to usurp land and resources, and to incite enough fear from the masses to deter them from collective dissent.

Democratic Republic of the Congo

The Democratic Republic of the Congo (DRC) has been designated as the ‘rape capital of the world.’ The ongoing conflict in the DRC is rooted in long-term disputes between armed militarized groups, the police force, and other armed actors with vested interests over land, resources, and ethnic divisions. The nation’s massive resource and land wealth has attracted armed groups from several nations and has prompted armed groups to form within the nation. It is believed that over 100 armed groups operate in the Eastern Democratic Republic of Congo.

The Democratic Republic of the Congo contains half of Africa’s forests and water resources (UN News 2011), an estimated 24 trillion dollars of untapped mineral resources, and has faced decades of political instability; which are all salient factors that have fueled much of the crisis (Council on Foreign Relations 2020). The DRC Crisis has resulted in women and girls being subjected to rape at a disturbingly alarming rate, which has prompted many families to flee their homes. In 2018, the UNHCR estimated that there are 4.5 million internally displaced persons in the DRC and as of May 2020 there are approximately 920,000 refugees and asylum seekers that have fled the DRC (UNHCR Operational Portal 2020).

Dr. Denis Mukwege founded Panzi Hospital, which lies on the outskirts of Bukavu, in 1999 to provide obstetric and gynecological care. Immediately following the opening of the clinic, he began to receive a great deal of women and girls with gruesome sexual injuries from the war and in response shifted the hospital’s focus to treating sexual violence victims. The flow of women and girls arriving with horrifying sexual injuries has not ended; Panzi Hospital has treated over 40,000 women. In 2012, Dr. Mukwege and his family were forced to flee the Democratic Republic of Congo after armed assailants attempted to assassinate him and held his

daughters hostage. The vengeful attack came in response to him calling for legal justice for the victims of sexual violence and condemning the cowardice and silence of the international community. In a 2015 interview with the Independent, Mukwege explained, “Many have been raped repeatedly by multiple attackers, tied up and brutalised in front of their husbands, parents, and children (Strudwick 2014).” SVPO is all too commonplace in DRC and has had a devastating impact on the nation’s collective conscience.

A series of mass rapes were carried out in Fizi by the 43rd Sector of Congolese soldiers. It was reported that Lt. Col. Mutuare Daniel Kibibi led the mass rape of 60 women and girls in the South Kivu town of Fizi, from January 1-2, 2011 (Moffett . The mass rape attack on civilians was retaliatory and carried out in response to the killing of a FARDC soldier belonging to the same unit. Many of the rapes were indicative of *performative rape*, as they were tactically carried out in the presence of onlookers from the rape victims family.

A case was brought forward from one of the many sexual attacks, that resulted in the first ever case in the DRC where a senior army commander was arrested, prosecuted, and convicted of mass rape. A South Kivu military court convicted 9 soldiers including senior army commander, Lt. Col. Kibibi, of committing ‘crimes against humanity’-including mass rape (Ellis and Kuwali 2011). The convictions were made possible by a testimony given by a woman who was raped in the presence of her husband and children. During an interview with Human Rights Watch the woman recounted, “Two of them gave the orders to loot, rape me, and do other bad things. The others replied, ‘Yes, chief.’ My husband abandoned me for six months because I was raped in front of him and the children (Human Rights Watch 2014).”

In many cases, women have reported that the unit leader ordered the rapes. The commander's often lead sexual assaults by raping or sexually mutilating the girl or woman first and then ordering his soldiers to follow. In one such case, a 16-year-old girl was attacked by the 43rd Sector of Congolese soldiers in front of her brothers and father and provided her account of what her and her family experienced:

“Then they took my mother and me behind the house. They called my father and brothers to watch what they were going to do to us. Then the soldiers raped my mother and me in front of my father and brothers. When my little brother saw what they were doing, he started to cry. The soldiers told him, “Since you’re crying, we’re going to give you a present.” Then they told him to sleep with me. He refused, and the soldiers cut his left hand and his back with a knife and he fell to the ground. There were 11 soldiers. Five of them raped me, and five others raped my mother...One of the commanders was the first to rape me, and then he let the others rape me (Human Rights Watch 2014).”

The little brother crying at the sight of his mother and daughter being raped in front of him symbolizes the compounding effects of performative rape. The boy's readily apparent trauma was trivialized and mocked by the offenders, and they tried to prod him even more by asking him to engage in sexual intercourse with his own sibling. When he did not comply, he was disciplined in front of his family members as well.

In another case on the night of July 2, 2013 in Karete village, armed combatants from the ethnic rebel group, Mai Mai Kifuafua, raped at least 25 women and girls. Many families fled the village, so the true number of victims is assumed to be much higher.

“It was the Mai Mai Kifuafua. They came at 8 p.m. They had no shame or fear and continued the attack until 2 a.m. When they came to our house, they raped me in front of my children; one is 8 and the other is 10. I was one month pregnant at the time. A neighbor had given birth two days before the attack. They raped her, and she later died from the injuries. My younger sister was with her 2-month-old baby. When the attackers came to her, they said they were going to suspend the baby on a spear to show that they came to work, not play. When my sister begged them not to, they badly beat the baby boy, taking him by his legs and slamming him into the ground. They then raped my sister (Human Rights Watch Malikale 2013).”

In February 2003, a 50-year-old woman and her family that had previously been displaced by the DRC Crisis were attacked in the village of Nemba in South Kivu. 5 soldiers entered her family’s home while her husband was away fishing for the family. She recalls that night:

“I screamed as loud as I could, but nobody came to save me. The soldiers wanted money and when I told them that I had no money, they slapped me and threw me to the ground. They said they would rape me as I had no money. And there, in front of the children, two

soldiers each held one of my legs, another slapped my face while a fourth soldier raped me. The fifth soldier ran after the children. After the rape, we left the house because the soldiers set it on fire. When my husband returned, he accused me of being an FDD woman, and abandoned me, leaving me alone with the children.”

From November 20th through the 30th in 2012, the Rwandan-backed armed group, M23, attacked the town of Minova, which lies 50 kilometers outside of Goma, along with neighboring towns. The women and girls that fell victim to the rape attacks committed by the M23 ranged from 13 years of age to 60 years of age. At least 126 cases of sexual violence were documented during a UN investigation. A 30-year-old woman from Minova was raped in front of her husband and children on November 22, 2012 and she explained what occurred during an interview:

“They said: ‘Give money. Give everything you have.’ Then they all raped me. They said that if I resisted, they would kill me. The bedroom didn’t have a door, so [the children] could easily see what was happening. My husband has since abandoned me. He says he can’t stay with me because he saw how they raped me (Human Rights Watch Minova).”

These accounts of SVPO as provided by victims, highlights the unfortunate reality of humiliation, sexual brutalisation, abandonment, and trauma that victims of sexual violence in the Democratic Republic of the Congo have faced. Many of the victims report abandonment by their husbands after being raped in front of them, they also shed light onto the gruesome sexual acts armed combatants engage in that children are subjected to watching their own mothers suffer

through, and the element of “discipline” many of the perpetrators sought to achieve through these acts.

Conclusion

It is evident that *sexual violence in the presence of others* is one of the many detriments to societies that is produced when armed state and non-state actors seek to gain and legitimize their control through force. Community-wide trauma is inevitable when such levels of public violence are displayed. It is imperative for those working in post-conflict settings to aim their GBV-focused psychosocial support and transitional justice efforts towards the affected community at-large. GBV psychosocial support efforts often focus solely on the assaulted victims, but witnesses and other community members that have been indirectly impacted in SVPO cases should receive support as well. The collective consciousness of a community should be considered when developing post-conflict intervention initiatives and should strive for inclusivity. The trauma faced by those with indirect exposure should be approached with sensitivity by practitioners and their trauma should not be diminished. The routinized usage of performative sexual violence that occurred in Ukraine, West Papua, China, Colombia, and the Democratic Republic of the Congo illuminates the widespread usage of performative sexual violence in the “theaters of terror” perpetrators across the globe aim to create in conflict. Racialization and “othering” groups and feelings of entitlement to land and resources enables perpetrators to create and justify their targeting mechanisms in conflict settings. The performative element of many sexual violence attacks is implemented by the perpetrators as a

tactical method to incite fear and dissuade dissent and to fragment the collective conscience. The importance of creating an element of fear through the weaponization of sexual violence is tied into the assailants' efforts to dissuade those they seek dominance over from rising up in defense, which has led to displacement in many conflicts around the globe. Displacement in conflict settings is often linked to land seizures and the furthering of capital interests for the perpetrators. Sexual violence has proven to be a driving force of forced displacement in many regions of the world.

Publicized sexual violence is understudied and requires more attention during data collection and investigations into sexual violence during conflict. The way in which performative sexual violence is carried out is indicative of the intent to use SVPO as a tactical weapon of war and terrorism. Its impact in conflict settings is widespread and continues to devastate communities and families, as the acts serve to victimize the entire family or community by forcing them to participate as unwilling audience members. It would be useful to judicially address SVPO in conflict settings and consider its tactical usage as a form of terrorism.

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