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GOING BEYOND ACCOUNTABILITY AND UNTANGLING THE POLITICS OF
CONFLICT-RELATED RAPE

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TABLE OF CONTENTS

TABLE OF CONTENTS	ii
LIST OF FIGURES.....	iv
LIST OF TABLES	v
ACKNOWLEDGMENTS.....	vi
ABSTRACT.....	ix
1 INTRODUCTION	1
1.1 Making the Moment: Conceptualizing Violence Against Women	8
1.2 Shaping the Moment: Logics of Intentionality and Continuums of Violence	12
1.3 Imagining the Future: Turning Towards a Contextual Approach to Understand War-time Rape	21
2 CHAPTER ONE: RAPE AS A “WEAPON OF WAR”: THE CASE OF THE INTERNATIONAL CRIMINAL TRIBUNAL OF RWANDA.....	26
2.1 Inclusion and Prohibition of Rape in International Law	30
2.1.1 Geneva Conventions	31
2.1.2 Convention on the Elimination of All Forms of Discrimination Against Women	33
2.1.3 United Nations Security Council Resolutions.....	34
2.2 Prosecuting Conflict-Related Rape.....	38
2.3 International Criminal Tribunal for Rwanda and “Elements” of Conflict-Related Rape.....	45
2.4 Conclusion.....	51
3 CHAPTER TWO: SETTING STRATEGY ASIDE AND TAKING A CONTEXTUAL APPROACH: WARTIME RAPE IN SIERRA LEONE.....	54
3.1 Conflict Overview: Sierra Leone Civil War (1991-2002)	59
3.2 Newspapers and Media in Sierra Leone	62
3.3 Contextual Analysis: Normative Rape and Thresholds of Acceptability	66
3.3.1 Relationality	69
3.3.2 Reciprocity.....	74
3.3.3 Visibility	79
3.4 Conclusion.....	82
4 CHAPTER THREE: CONNECTING CAUSES TO CONFLICT: THE CONTINUUM OF SEXUAL VIOLENCE IN NORTHERN UGANDA.....	84
4.1 Conflict and Post-Conflict Realities in Northern Uganda.....	88
4.2 Interviewing Survivors of Violence.....	94
4.2.1 Ethics Statement.....	96
4.2.2 Study Design	96
4.3 Pathways to Forced Prostitution	100
4.4 Conclusion.....	109

CONCLUSION.....	114
REFERENCES	117
APPENDIX: NEWSPAPERS AS A VIABLE SOURCE	126

LIST OF FIGURES

Figure 2.1: International legal classification of rape	40
Figure 3.1: Number of Articles (Rape) by Alleged Perpetrator, 1991-2001	64
Figure 3.2: Perpetrator's Relation to Victim	70
Figure 3.3: Victim's Social Status.....	78
Figure 3.4: Space and Spectacle	80
Figure 4.1: Interview Sampling Areas in Gulu Town, Northern Uganda.....	98
Figure 4.2: Primary Participant Observation Sites in Gulu Town, Northern Uganda.....	99

LIST OF TABLES

Table 1.1: Chapter Overview	24
Table 3.1: Descriptive Statistics on Annual Number of Newspapers and Article Distribution.....	63
Table 5.1: Overview of Treatments of Wartime Rape.....	115

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ABSTRACT

One rarely reads a contemporary account of war that does not also include a reference to rape. From Bosnia and Rwanda in the 1990s, to South Sudan and Syria today, armed conflicts have become inseparable from reports of sexual and gender-based violence. What was once dismissed as an inadvertent “spoil” of war is now recognized and prosecuted as a “weapon” of war. Despite the widely recognized gendered and sexualized underpinnings of rape, conflict scholars largely focus on understanding *why actors* use rape, i.e. what actors intend to accomplish by using rape, rather than understanding *why rape*, in particular, is used during war. To understand why rape is used during war, as well as why rape is efficacious during war, I argue, requires a more contextual approach. One that goes beyond a instrumentalist, means-ends account of actors’ intentions that assumes that all rape, if perpetrated intentionally and strategically, will be efficacious regardless of the context in which it is perpetrated; an approach that is attentive to what rape “is” and how it manifests, rather than treating rape as a uniform “weapon” of war.

This project takes up and departs from existing work by rethinking what it means for rape to be efficacious during war. Rather than treating rape instrumentally as a weapon of war, this dissertation approaches wartime rape contextually, meaning it understands rape as a form of socially constructed violence whose understanding changes depending on the context. In particular, I examine how the context of violence changes the meanings, effects of, and responses to rape in three case studies—the Rwandan Genocide (1994), the Sierra Leone civil war (1991-2002), and the Lord’s Resistance Army insurgency in northern Uganda (1987-2007). Drawing on data from my fieldwork—interviews, ethnography, and original archival research—this dissertation stresses three main contributions. First, I show how instrumentalist approaches to wartime rape are devoid of the very gendered and sexualized dimensions that give rape its meanings and its power. As a result,

instrumentalist approaches inadvertently equate rape with other forms of non-sexualized violence. In attempt to rectify this shortcoming, I present a new contextual approach that is attentive to the gendered and sexualized dimensions that its instrumentalist counterpart lacks. I find that it is not actors' goals that render rape efficacious during war, rather it is the context in which rape is perpetrated that determines whether its use is illicit or permissible, prohibited or accepted, politically consequential or not. While these categories are not mutually exclusive, I find that rape is efficacious during war when it violates norms regarding where, who, and how rape should be used, regardless of whether the actor violates these norms intentionally. Finally, my contextual approach causally connects violence to the conflict and to the effects to show that even though all rape may not be efficacious during war, wartime sexual violence still may undermine long-term post-conflict security and recovery.

INTRODUCTION

It's June 2014, and the Global Summit to End Sexual Violence in Armed Conflict is about to begin. In her opening remarks, Angelina Jolie summarizes the current understanding of wartime rape. "It is a myth that rape is an inevitable part of conflict," she states. "There is nothing inevitable about it. It is a weapon of war aimed at civilians. It has nothing to do with sex, everything to do with power."¹ In just a few sentences Jolie succinctly captured two decades of research on wartime rape. On the one hand, she pointed to the work of peace and conflict scholars who argue that rape is not a necessary, "spoil of war," rather it is an instrument of war, and on the other, to the work of feminist scholars who argue that gendered and sexualized power, not sex, is at the root of understanding wartime rape.

My project is situated at this locus, and attempts to unsettle the question that both conflict and feminist scholars seek to understand: why is rape used during war?

Following the conflicts in Rwanda and the former Yugoslavia, which garnered international attention for the sexual targeting of women and girls, conflict scholars began to analyze when and where we would see sexual violence during war. Increasingly conflict scholars cast rape as a "tool" or a "weapon" of war that is strategically used by armed groups and states. Since then, conflict scholars have theorized numerous motivations for using rape during war, which range from opportunistic to strategic motivations: rape as a substitution for "normal" sexual interactions; rape as form of "compensation" for combatants; rape as a mechanism for socializing combatants who are forcibly recruited; and rape as a way to exterminate and/or terrorize a group (rape as genocide), to

¹ Angelina Jolie. Opening remarks, Global Summit to End Sexual Violence in Conflict, London, United Kingdom, June 11, 2014.

name a few.² However, none of these factors are particular to rape. In the examples iterated above, rape could easily be replaced with another form of violence. For example, armed groups may sponsor brothels as a substitute for “normal” sexual interactions;³ armed groups may provide looting opportunities to compensate their combatants; and armed groups may use a variety of sexualized and non-sexualized violence to forcibly recruit individuals and/or exterminate groups. In short, while conflict scholars have explored actors’ motivations for using rape, they have yet to address why rape, in particular, is perpetrated during war.

Contrary to conflict scholars who have instrumentalized rape as one of the many “tools” of war, feminist scholars situate rape within a continuum of sexual and gender-based violence (SGBV), and have stressed for decades that gendered and sexualized inequalities perpetuate the use of rape and other types of SGBV across so-called peace and wartimes.⁴ The tension that surfaces in this approach is that wartime rape is cast as both exceptional and ordinary. Rape is exceptional when compared to other forms of wartime violence, given that it is sexualized violence perpetrated by armed groups, and ordinary, in the sense that rape is just one form of SGBV that is perpetrated across time and space. Put another way, feminist scholars explain how gendered and sexualized inequalities fuel the use of rape, but inequalities, alone, cannot explain why rape is perpetrated specifically during armed conflict.

² Maria Eriksson Baaz and Maria Stern, *The Complexity of Violence: A Critical Analysis of Sexual Violence in the Democratic Republic of Congo (DRC)* (Sida, 2010); Dara Kay Cohen, “Explaining Rape during Civil War: Cross-National Evidence (1980–2009),” *American Political Science Review* 107, no. 3 (2013): 461–77; Lisa Sharlach, “Rape as Genocide: Bangladesh, the Former Yugoslavia, and Rwanda,” *New Political Science* 22, no. 1 (2000): 89–102.

³ Though the conditions of prostitution may vary dramatically. Individuals may not be participating voluntarily and the sex they provide may not be consensual, meaning it could be characterized as a form of wartime rape.

⁴ Sally Engle Merry, *Human Rights and Gender Violence: Translating International Law into Local Justice* (University of Chicago Press, 2009); Joshua S. Goldstein, *War and Gender: How Gender Shapes the War System and Vice Versa* (Cambridge University Press, 2003); Mary Caprioli, “Gendered Conflict,” *Journal of Peace Research* 37, no. 1 (2000): 51–68.

Let's turn to an example from the International Criminal Tribunal for Rwanda (ICTR)—the court established by the United Nations (UN) to address crimes perpetrated during the Rwandan genocide—in order to expose the shortcomings of instrumentalist and contextual treatments of wartime rape.

In May 1994, Emmanuel Rukundo asked a displaced Tutsi girl to help him carry items to his room in the Saint Léon Minor Seminary. Rukundo was a military chaplain in the Rwandan army at the time. Once they were in his room, Rukundo locked the door, placed his gun on the bedside table, and attempted to rape her. In February 2009, the ICTR trial chamber successfully prosecuted Rukundo for sexually assaulting the Tutsi girl, guilty of using rape⁵ as an instrument of genocide.

The question at the heart of the court's determination was why did Rukundo rape this girl? Rukundo was well known for having a hatred of Tutsi, and Witness CCH was a Tutsi girl.⁶ Rukundo was a member of the Rwandan army who, during the genocide, regularly ordered soldiers to abduct and murder displaced Tutsi near the Saint Léon Minor Seminary, the same place where Rukundo sexually assaulted Witness CCH.⁷ Moreover, schools and churches like Saint Léon were both places of refuge and sites of violence where, not coincidentally, sexual violence was perpetrated specifically against Tutsi women and girls.⁸ Altogether, these facts suggested that Rukundo sexually assaulted her as part of a campaign of genocide.

⁵ Meaning that he (a) coerced her, (b) into a sexual act, (c) that caused serious mental harm.

⁶ The indictment states that Rukundo was well "... known as an extremist. He hated Tutsi. Since about 1973, he fought against his Tutsi colleagues..." Moreover, in response to the Arusha Agreements (1993), he was quoted having said, "Tutsi are a people to destroy, we must fight against them by all means." *The Prosecutor v. Emmanuel Rukundo (Indictment)*, ICTR-01-70, International Criminal Tribunal for Rwanda (ICTR), March 27, 2003, paras. 2, 8.

⁷ The indictment states, "Rukundo visited [Saint Léon Minor Seminary] several times ... He was always escorted by soldiers and *Interahamwe* while he was hunting Tutsi refugees to kill." *The Prosecutor v. Emmanuel Rukundo (Indictment)*, paras. 10-12.

⁸ Alison Des Forges, Human Rights Watch, and Fédération internationale des droits de l'homme, *"Leave None to Tell the Story": Genocide in Rwanda*, vol. 3169 (Human Rights Watch New York, 1999); Scott Straus, *The Order of Genocide: Race, Power, and War in Rwanda* (Cambridge University Press, 2006).

In October 2010, however, an ICTR appeals court overturned the decision on the grounds that the assault “was not necessarily a part of the genocide itself.”⁹ The appeals court stated that Rukundo’s attempted rape of the young Tutsi woman was “spontaneous” and “opportunistic,” and therefore, “qualitatively different” than genocidal violence.¹⁰ Yes, the court believed that Rukundo attempted to rape the girl by locking her in his room at the back of a church where she sought refuge, but the court argued that the crime did not constitute genocide, because Witness CCH was targeted as an individual and not as a member of a particular group.¹¹ In other words, the court believed the assault was not part of the genocide on the grounds that Rukundo did not target Witness CCH specifically because she was Tutsi.

Broadly speaking, in order to prosecute rape as genocide the court needed to establish (a) that the sexual assault occurred, (b) that the conditions under which the rape was perpetrated constituted genocide, and (c) that the perpetrator was officially sanctioned to commit violence. So while the trial and appeals courts agreed on conditions (a) and (c), they disagreed on condition (b). Meaning, even though Rukundo was officially sanctioned to commit violence as part of the genocide, the court decided that the violence he perpetrated against Witness CCH was not motivated by or for the purposes of the genocide.

This is where the problem surfaces in instrumentalist treatments of wartime rape. If Rukundo perpetrated rape as part of the genocide, then the rape would be seen as efficacious, advancing particular organizational goals, and if he did not perpetrate rape as part of the genocide, then his intentions would be seen as opportunistic, advancing goals other than those of the organization. Meaning, when the court determined that the violence did not constitute genocide, the court also implied that the violence was not efficacious, and when the court determined that the

⁹*Emmanuel Rukundo v. The Prosecutor (Appeals Judgment)*, ICTR-01-70A, International Criminal Tribunal for Rwanda (ICTR), October 20, 2010, para. 236.

¹⁰ *Emmanuel Rukundo v. The Prosecutor (Appeals Judgment)*, paras. 227-238.

¹¹ *The Prosecutor v. Emmanuel Rukundo (Indictment)*, para. 13.

violence was spontaneous and/or opportunistic, the court implied that the violence was not, in this sense, political.

Another way to interpret the appeals court's finding, albeit indirectly, would be to focus on the effects of the sexual assault. Oftentimes both instrumentalist and contextual approaches point to the effects of rape as the justifications for its use. Rape is deemed efficacious when the violence accomplishes goals of an armed organization, regardless of whether or not the goals were specified beforehand—it would not matter if the assault were spontaneous or opportunistic, only if rape produced the effects that constituted genocide. If the ends match the means, then the violence is seen as useful and therefore, efficacious during war; and conversely, when the violence does not produce the expected effects, the violence is seen as extraneous or unrelated to the conflict. So while both the trial and appeals courts found that the sexual assault caused Witness CCH “serious mental harm,” its effects did not extend to other Tutsi due to the context of the assault.

Instrumentalist and contextual approaches oftentimes adopt a similar framework when examining rape outside of courts. Rape is often constructed as an exceptional, extraordinary, crime beyond crimes, but during armed conflict, only rape that is “systematic or genocidal” and perpetrated “at the highest level” has been prosecuted.¹² And the reverse is also true—“random isolated or individual rapes are generally not dealt with.”¹³ In other words, rape that is understood as efficacious is seen as exceptional, and in this sense, political, whereas ongoing forms of “everyday” violence are considered to be ordinary, and in this sense, not political. For example, instrumentalist accounts regularly employ comparable distinctions between strategic and opportunistic violence, as

¹² Nicola Henry, “The Fixation on Wartime Rape Feminist Critique and International Criminal Law,” *Social & Legal Studies* 23, no. 1 (2014): 100.

¹³ *Ibid.*

well as distinctions between direct and indirect violence.¹⁴ Moreover, the distinction that plagues contextual approaches—between ordinary and exceptional violence—is evident in the case highlighted above. Witness CCH was vulnerable to rape because she was a woman, but this vulnerability was ordinary, given that it transcended peace and wartimes. However, Witness CCH was also vulnerable to rape during war, because she was Tutsi. This vulnerability was seen as exceptional due to the ethnic dimensions of the conflict.¹⁵

My dissertation leverages examples like this—where different dimensions (intentions and effects) of violence are collapsed—to expose the instability of existing analyses of wartime rape, and to offer a new approach to understanding wartime rape. After highlighting the shortcomings of an instrumentalist approach—as characterized by treatments of wartime rape in international law—I outline a contextual approach that pays attention to the gendered and sexualized dimensions of rape that give rape its meanings and its power, the same dimensions that are oftentimes left out of or dismissed by instrumentalist approaches. By focusing on the context of the violence, rather than the actor and their intentions, my approach treats wartime sexual violence through a more inclusive paradigm by denaturalizing the distinctions made between peace and wartimes that prioritize

¹⁴ Unlike the distinction between strategic and opportunistic violence, which focuses on intentionality, the distinction between direct and indirect violence refers to degrees of relatedness. Violence that is face-to-face violence—e.g. lethal violence, torture, sexual violence—is termed direct violence because it is closely related to the conflict, whereas violence that occurs as a result of the conflict—e.g. displacement, famine, economic insecurity—is more distant, in terms of establishing causality and is termed indirect violence.

¹⁵ As I highlight in Chapter One, whether or not the ICTR decided to prosecute a case of sexual violence depended on a number of factors—including the magnitude (number of people affected), degree of the violence (in terms of severity), and as in the case with Witness CCH, whether the individual was targeted because they were part of a particular, protected group—not the gender and sexualized characteristics of sexual violence that drive its meanings and its use.

analyses of *political* violence necessarily committed by *political* actors (in this case members of armed groups).¹⁶

I find that rape can be efficacious during war even when it is not sanctioned or perpetrated by armed groups. This may seem counterintuitive, since studies of political violence are typically oriented around violence perpetrated and sanctioned by armed groups. But, as the cases in my dissertation illuminate, whether rape is efficacious during war ultimately depends on the context the violence is perpetrated in. For example, characteristics of the perpetrator and the victim—including the perpetrator’s relation to the victim and the social status of the victim—the location of the assault, and the presence of onlookers or participation of others aside from the initiator of the violence, impact whether rape is efficacious during war. After problematizing the instrumentalist approach to wartime rape and outlining a new, contextual approach, I move away from a singular focus on rape, both to eschew reinforcing a hierarchy of harm that denies attention to forms of SGBV other than rape,¹⁷ and also to show that even though all rape is not efficacious during war, it may still undermine long-term post-conflict security and recovery.

The rest of the introduction proceeds in three parts. First, I trace how sexual and gender-based violence during war became a salient international, political issue via national, transnational, and international feminist advocacy movements. Second, I review the literature on wartime rape, bringing conflict and feminist analyses on wartime rape into conversation with one another. I show that the two approaches, while complimentary, are unable to address why rape, in particular, is perpetrated during war. Finally, I propose a contextual framework for understanding wartime rape.

¹⁶ The distinction between what is “war” and what is “peace” also loses its salience in cases of protracted insecurity or conflict, as well as in societies that are generally affected by acute levels of violence and insecurity.

¹⁷ Relatedly, Sara Meger argues that sexual violence has been fetishized in international security studies. This fetishization re-entrenches and reproduces the same power relations that make sexual violence possible in the first place. Sara Meger, “The Fetishization of Sexual Violence in International Security,” *International Studies Quarterly* 60, no. 1 (2016): 149–59.

1.1 Making the Moment: Conceptualizing Violence Against Women

The inclusion of women's human rights into international law would not have been possible without national, transnational, and international feminist advocacy movements that raised awareness about the status of women worldwide.¹⁸ These movements diligently challenged notions that sexual and gender-based violence was a private or domestic concern, and instead, argued that SGBV is a public or political concern that requires legal protections. Three key feminist movements propelled women's human rights onto the international stage, as well as prompted the creation of special legal protections to accommodate the needs of women and girls during conflict.

First, starting in the 1970s, U.S. feminists advocated for the inclusion of violence against women into the penal code.¹⁹ In particular, they were interested in ending sexual harassment in the workplace, and intimate partner violence in the context of marriage. Sally Merry Engles attributes the rise of women's human rights agenda to these movements. These movements hinged on support from legal institutions and the state, which according to Engles influenced the transnational movement against violence directed at women. Feminists across the world would go on to advocate for the inclusion of women's human rights into domestic and international law with the hope that formal, legal rights would translate into actualized political and social equality.²⁰

Around the same time, the United Nations' World Conferences on Women pressed for the recognition of violence against women as a form of discrimination and as a violation of *women's*

¹⁸ Alice M. Miller, "Sexuality, Violence against Women, and Human Rights: Women Make Demands and Ladies Get Protection," *Health and Human Rights*, 2004, 20.

¹⁹ Pamela Goldberg and Nancy Kelly, *International Human Rights and Violence Against Women* (Hein Online, 1993), 205–6.

²⁰ Merry, *Human Rights and Gender Violence: Translating International Law into Local Justice*, 71–79.

human rights.²¹ These conferences expanded the understanding of “violence against women” to include all forms of SGBV that affected women, from domestic violence and rape to sex trafficking and female genital mutilation. The conferences culminated with the ratification of the Convention to Eliminate all Forms of Discrimination against Women (1979) and Optional Protocol (1999)—which together are commonly referred to as the international bill of rights for women—and the creation of the UN Special Rapporteur on Violence Against Women to monitor violence worldwide.²² To date, over 180 countries have ratified the Convention, also known as CEDAW, which allows individuals to make gender-based discrimination rights claims.

A third major advocacy movement was triggered by sexual violence perpetrated during the conflicts in the former Yugoslavia and Rwanda, both of which laid bare the inadequacy of existing protections for women and girls under international humanitarian law. When the United Nations created international tribunals such as ICTR to address violence perpetrated during the conflicts, legal feminists saw this as an opportunity and demanded that wartime SGBV be investigated and prosecuted alongside other crimes. As a result of their effort, international tribunals successfully prosecuted rape under international law for the first time.²³

In addition to holding perpetrators accountable, wartime sexual violence in the former Yugoslavia and Rwanda also prompted the creation of the Women, Peace, and Security Agenda: a

²¹ The first World Conference on Women was held in Mexico City in 1975. Subsequent conferences were held in Copenhagen (1980) and Nairobi (1985), as well as in Beijing (1995), where the Beijing Declaration and Platform for Action were adopted and Hillary Rodham Clinton gave her famous speech “Women’s Rights are Human Rights.”

²² The UN Special Rapporteur investigates and highlights the causes and consequences of violence against women in individual countries. UN General Assembly, *Convention on the Elimination of All Forms of Discrimination against Women*, 18 December 1979, A/RES/34/180; UN General Assembly, *Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women*, 6 October 1999.

²³ In addition to ICTY and ICTR prosecutions of wartime sexual violence, the International Criminal Court also issued their first conviction for wartime sexual violence in 2016. Commander Jean-Pierre Bemba Gombo was convicted under the principle of commander responsibility for wartime sexual violence his troops perpetrated in the Central African Republic in 2002 and 2003.

series of United Nations Security Council Resolutions that address the specific needs of women and girls in armed conflict, during peace negotiations, and during processes of post-conflict reconstruction.²⁴ While many agree that advocacy geared towards international humanitarian law and intervention has significant limitations, events like the Global Summit to End Sexual Violence in Armed Conflict—where world leaders and activists joined hands to call for an end to impunity—signify a global shift from historical subordination to the recognition of women’s experiences of violence, in and outside of armed conflict.²⁵

Taken together, each of these movements were able to highlight how women’s experiences of violence are different than men’s and that this should be legally recognized as such. But because these movements employed gender strategizing based on sustained sexual difference, rather than tracing the roots of women’s subordination to structural discrimination of women via gender, they “explicitly and implicitly engaged with biologically grounded notions of essential differences between men and women” to promote their agendas.²⁶ This is apparent in the separation of women and men’s experiences in the Convention to Eliminate all Forms of Discrimination against Women (a bill of *women’s* human rights, not men’s), in subsequent UN Security Council Resolutions 1325, 1820, and 1888 (which advocate specifically for the protection of *women and girls* in armed conflict, not men

²⁴ This Agenda has been integral to efforts designed to prevent, intervene, and address wartime sexual violence. In Chapter One of my dissertation, I expand on various dimensions of these advocacy movements as they relate to the development of a juridical framework to prosecute sexual violence.

²⁵ Despite the advancements made concerning women’s human rights, women continue to experience violence and be discriminated against for biological (during pregnancy and childbirth), gender (as mothers and nurturers), and sexuality (non-heteronormative sexual behavior) based differences. Alice M. Miller, “Sexual but Not Reproductive: Exploring the Junction and Disjunction of Sexual and Reproductive Rights,” *Health and Human Rights*, 2000, 68–109; Alice Edwards, *Violence against Women under International Human Rights Law* (Cambridge University Press, 2010), 19.

²⁶ Alejandra Azuero Quijano, “Science and International Thematic Prosecution of Sex Crimes: A Tale of Re-Essentialisation,” *Thematic Prosecution of International Sex Crimes FICHL Publication Series*, no. 13 (2012): 287.

and boys), and as I address in Chapter One, during international or transitional justice processes, where SGBV prosecution is limited to SGBV perpetrated against *women and girls*, not men and boys.

In effect, advocacy movements that promoted the recognition and protection of women's human rights actually re-essentialized gender. By insisting that men and women were endowed with "mutually exclusive and oppositional attributes", which historically justified women's exclusion, the movements excluded any notion of the role of the "social" in the formation of identities.²⁷ Wendy Brown addressed this paradox, writing,

... the more highly specified rights are as rights for women, the more likely they are to build that fence insofar as they are more likely to encode a definition of women premised on our subordination in the transhistorical discourse of liberal jurisprudence. Yet...the more gender-neutral or gender-blind a particular right (or any law or public policy) is, the more likely it is to enhance the privilege of men and eclipse the needs of the women as subordinates.²⁸

Incorporating SGBV onto the international agenda under the auspices of essentialized difference shaped and defined SGBV as a form of violence that is perpetrated by men and boys against women and girls because of their "biology" rather than their "gender". As a result, similar biologically grounded dichotomies were mapped atop one another: male=perpetrator of sexual violence and female=victim of sexual violence. And by extension, rape during wartime became understood as combatant men perpetrating sexual violence against noncombatant women, reinforcing binaries of male/female, combatant/civilian, and perpetrator/victim; ultimately setting the stage for who could be recognized as a perpetrator or victim of rape.

²⁷ R. Charli Carpenter, "Women, Children and Other Vulnerable Groups': Gender, Strategic Frames and the Protection of Civilians as a Transnational Issue," *International Studies Quarterly* 49, no. 2 (2005): 296.

²⁸ That being said, essentializing difference has been a strategy of political recognition and incorporation for marginalized groups everywhere. Wendy Brown, "Suffering the Paradoxes of Rights," *Left Legalism/Left Critique* (2002): 422.

1.2 Shaping the Moment: Logics of Intentionality and Continuums of Violence

Prior to the advocacy movements highlighted above, the use of rape during war was frequently dismissed as an inadvertent “spoils of war”. It was assumed that the conditions of armed conflict—namely, the dissolution of customary social and cultural structures, including systems of law—created an atmosphere of impunity, where when given the opportunity to rape, men would rape.²⁹ This idea of “opportunism” evolved out of a tradition of biological determinism that understood men as having a “natural” proclivity to rape due to their high testosterone levels and genetic programming for violence.³⁰ If rape was included in any conflict analyses, it was expected to be perpetrated heteronormatively (by men, against women), and reflect the characteristics of the conflict type (e.g. ethnic, class, resource, geographic, etc.).

Fast forward to today when one rarely reads a contemporary account of war that does not also include a reference to rape. Conflicts across time and space—from Bosnia and Rwanda in the 1990s to South Sudan and Syria, today—have become increasingly inseparable from reports of sexual and gender-based violence. The understanding of rape as a “spoils of war” has been supplanted with the notion that rape is a “weapon” or a “tool” of war, prompting scholars to embark on a systematic study of wartime rape over the last two decades. Unlike previous analyses that focused solely on the type of conflict, scholars started to examine the motivations and characteristics associated with armed groups that have a proclivity towards using rape.

²⁹ Ruth Seifert, “The Second Front: The Logic of Sexual Violence in Wars,” in *Women’s Studies International Forum*, vol. 19 (Elsevier, 1996), 35–43; Patricia D. Rozee, “Forbidden or Forgiven?,” *Psychology of Women Quarterly* 17, no. 4 (1993): 499–514; A. N. Groth and H. J. Birnbaum, *The Rapist: Motivations for Sexual Violence* (Plenum New York, 1980).

³⁰ Gottschall, and Thornhill and Palmer complicate justifications based solely on biological characteristics, arguing that socio-cultural influences give male soldiers the option to or not to rape during conflict, which can account for variation. Randy Thornhill and Craig Palmer, *A Natural History of Rape: Biological Bases of Sexual Coercion* (The MIT Press, 2001); Jonathan Gottschall, “Explaining Wartime Rape,” *Journal of Sex Research* 41, no. 2 (2004): 129–36.

Peace and conflict scholars attempted to explain this variation by developing typologies that theorize why combatants engage in coordinated campaigns of rape—as was the case with so-called “rape camps” in Bosnia—and why combatants rape civilians seemingly at random. As eluded to in the introduction, these instrumentalist typologies focus on logics of perpetrator intentions and organizational strategy. The architect behind many of these typologies, Elisabeth Wood, situates rape in part of an armed group’s “repertoire of violence”, and argues that rape is used in conjunction with other forms of violence to achieve particular ends.³¹ As part of a wartime strategy, for example, rape could be used intentionally as a form of torture, as part of a campaign of genocide or ethnic cleansing, or as a crime against humanity, to advance specific goals: to extract information, to exterminate a group (psychologically³² or physically), or to degrade an individual’s dignity, respectively. Meaning, rape is considered part of a wartime strategy or repertoire of violence when it is used instrumentally to accomplish the corresponding ends.

But the use of rape as an instrument of war is not limited to the individuals subjected to it. As Bülent Diken and Carsten Bagge Laustsen demonstrate with their research on the use of sexual violence during the war in former Yugoslavia, rape may be used for purposes *within* an armed group. They argue that rape may be used externally, to victimize individuals and collectives, and internally, to bind soldiers together in a “brotherhood of guilt.”³³ Similarly, Dara Cohen finds that rape,

³¹ Jennifer Lynn Green, “Collective Rape: A Cross-National Study of Mass Political Sexual Violence, 1980-2003” (The Ohio State University, 2006); Megan Bastick, Karin Grimm, and Rahel Kunz, “Sexual Violence in Armed Conflict: Global Overview and Implications for the Security Sector” (Geneva Centre for the Democratic Control of Armed Forces, 2007); Kathryn Farr, “Extreme War Rape in Today’s Civil-War-Torn States: A Contextual and Comparative Analysis,” *Gender Issues* 26, no. 1 (2009): 1–41; Dara Kay Cohen, “Explaining Sexual Violence during Civil War” (Ph. D. Diss., Political Science, Stanford University, Stanford, 2010).

³² Article Two of the Convention on the Prevention and Punishment of the Crime of Genocide includes mental harm as a component of genocide. UN General Assembly, *Convention on the Prevention and Punishment of the Crime of Genocide*, 9 December 1948, United Nations, Treaty Series, vol. 78, p. 277.

³³ Bülent Diken and Carsten Bagge Laustsen, “Becoming Abject: Rape as a Weapon of War,” *Body & Society* 11, no. 1 (2005): 126.

especially multiple perpetrator rape or rape perpetrated in public spaces, is used to socialize new combatants into armed groups with low levels of cohesion.³⁴

Evidence to support the strategic use of rape, however, is very scant. In order for rape to be part of a wartime strategy, it must be officially sanctioned *and* intentionally used. In other words, members of an armed group have to be directly ordered to rape as part of a broader military strategy. Michele Leiby—whose work in Guatemala and Peru suggests that combatants, who are acting on behalf of the state, perpetrate the majority of wartime rape—points out that “it is almost impossible to prove that a policy of rape and sexual violence existed, even at the command level, let alone from the presidential office.”³⁵

In fact, the use of sexual violence may actually indicate the opposite of strategy. More often than not, armed groups lack internal regulation and intelligence mechanisms that would be used to organize a systematic attack; thus, levels of sexual violence that are observed are more likely to indicate the (in)effectiveness of an armed group’s ability to monitor and minimize individual combatants’ and small combatant groups’ use of sexual violence.³⁶ Amelia Hoover Green, for example, posits that armed groups are only able to perpetrate violence intentionally if they have developed institutions to control what violence combatants perpetrate and for what purposes.³⁷ Armed groups that lack developed institutions, particularly institutions of indoctrination and political education, she argues, are unable to define the scope of their repertoire of violence, and therefore, are incapable of perpetrating violence intentionally, including rape. It is difficult to reconcile these findings with Cohen, who suggests that groups that lack these prerequisites—strong

³⁴ Cohen, “Explaining Sexual Violence During Civil War: Evidence from the Sierra Leone War (1991-2002).”

³⁵ Michele Leiby, “Wartime Sexual Violence in Guatemala and Peru,” *International Studies Quarterly* 53, no. 2 (2009): 455.

³⁶ Elisabeth Jean Wood, “Variation in Sexual Violence during War,” *Politics & Society* 34, no. 3 (2006): 307–42.

³⁷ Amelia Hoover Green, “Repertoires of Violence Against Noncombatants: The Role of Armed Group Institutions and Ideologies” (Yale University, 2011).

institutions and high levels of cohesion—use sexual violence to create cohesion. If you need high levels of cohesion to use sexual violence, how can groups with low levels of cohesion use sexual violence to create cohesion?

While instrumentalist approaches find that armed groups perpetrate violence with varying levels of control, depending on the strength of their institutions and oversight, this applies to the groups' general ability to use violence, including, but not limited to their use of rape. Rape may be used opportunistically (spoil of war) and strategically (weapon of war), or also, what Wood refers to as a “practice” of sexual violence,³⁸ but the same could be said of other forms of violence. For example, lethal physical or non-sexual violence could be used strategically, opportunistically, or as a tolerated practice. They position rape as functionally interchangeable with other types of non-sexualized violence, as well as fail to account for the gendered and sexualized dimensions of rape that are central to its use.

Furthermore, I would argue that whether rape achieves the intended effects is not dependent on the motivations of the perpetrator or the organization; rather the meanings and effects of rape are dependent upon the context in which they are produced. Rape that is perpetrated strategically or opportunistically may have the same effects, or conversely, rape may produce no conflict-related effects despite being perpetrated strategically. Meaning whether rape is efficacious during war has less to do with the perpetrator and their motivations, and more to do with the context in which the violence is produced.

Feminist scholars generally agree with conflict scholars that rape may be used in conjunction with other forms of violence as part of a wartime strategy, but feminist scholars also contend that rape may be used to achieve ends particular to rape. Perhaps Jelke Boesten said it best when she

³⁸ Meaning that members of an armed group perpetrate rape and their superiors are aware of the perpetration, but it goes unpunished. Wood, “Armed Groups and Sexual Violence: When Is Wartime Rape Rare?,” 2009, 137.

wrote, “The notion that seemingly equal acts of physical violence can have a range of different meanings, consequences, and responses has led me to think about how sexual violence in so-called war and peacetimes is understood differently, and if so, why such differentiated meaning affects the way in which society and the state responds to sexual violence.”³⁹ While feminist scholars acknowledge the importance of examining perpetrator intentions and organizational strategy—to the extent that they establish accountability for violence—they shift their focus to the differences between sexual and non-sexual violence, in an attempt to understand the normative underpinnings that give rape its meanings and its power. They situate rape within a continuum of SGBV that spans across conflict and peace, rather than in a repertoire of wartime violence.

Unlike other forms of violence, contextual approaches to rape understand it as a sexualized form of gendered power expression that is meant to delineate and reinforce the position of the rapist as masculine in their dominance. The perpetrator forces access to another’s body, and the victim is, metaphorically or literally, feminized in their inability to resist the penetrative capacity. The victim is forced into submission and involuntarily accepts the authority of the masculine other. Unlike peacetime or non-conflict rape—which is more likely to manifest in intimate-partner relationships, such as spousal or date rape, occur in a private place (with no or few onlookers), and be initiated by the perpetrator themselves—wartime rape is seen as exceptional due to its potentially strategic nature;⁴⁰ the increased likelihood of multiple perpetrator, public,⁴¹ and/or proxy rape;⁴² and

³⁹ Ibid.

⁴⁰ Instrumentalist understandings of rape as strategic are problematized above. Feminist scholars would likely argue that all rape is strategic, the question being to what ends.

⁴¹ Rape can be “public” in a multitude of ways. For example, rape can be perpetrated in a public space, rape can be perpetrated in the presence of others, etc. If rape is perpetrated in public, combatants could potentially reproduce the effects of rape—for example, fear and displacement—at a much higher rate without necessarily using the violence, only the threat of violence.

⁴² By proxy rape, I am referring to an individual who forces another individual to perpetrate rape without their consent.

the duration of victimization.⁴³ As such, contextual approaches generally conclude that war only magnifies the implications and usages of rape compared to the everyday experience of such violence in times of peace.⁴⁴

Feminist scholars, however, often disagree on the root causes of gendered and sexualized inequalities that fuel the use of rape. One perspective—not all that dissimilar from “spoils of war” or “opportunistic” explanation discussed in relation to instrumentalist approaches—maintains that women qua women are potential victims of rape due to systems of patriarchy, which reinforce misogynistic practices through violence. In other words, the female body endlessly confronts the possibility of rape. Another perspective posits that rape is used to subordinate women on the basis of their sex, as well as other identity markers.⁴⁵ This approach suggests that women of a particular group (aside from being biologically female) are potential victims of rape, given that rape is used to reinforce ideological and identity boundaries and cleavages. In particular, raping an enemy woman may be an attempt to “destroy a collectivity or assert dominance over it,”⁴⁶ because *enemy* women’s reproductive and productive capabilities are seen as a “vital importance in constructing and maintaining the ethno-national group.”⁴⁷

These approaches, however, theorize rape within an essentialist paradigm: men’s general subordination of women encourages and reinforces the use of rape by men against women, in times of peace, but especially in times of war. This idea—that patriarchy causes rape everywhere—

⁴³ For example, forced marriage, forced pregnancy/maternity/abortion, and sexual detention are forms of SGBV where the actual victimization may take place over days, weeks, or months, even for the duration of a lifetime.

⁴⁴ Nicola Dahrendorf and Pamela Shifman, “Sexual Violence in Conflict and Post Conflict: A Need for More Focused Action,” *Refugee Survey Quarterly* 23, no. 2 (2004): 8.

⁴⁵ Catharine A. MacKinnon, *Are Women Human?: And Other International Dialogues* (Harvard University Press, 2006).

⁴⁶ Here, the word “enemy” is broadly conceived and not limited to the realms of armed conflict. Miranda Alison, “Wartime Sexual Violence: Women’s Human Rights and Questions of Masculinity,” *Review of International Studies* 33, no. 1 (2007): 75–76.

⁴⁷ *Ibid.*

problematically assumes the ubiquity of rape, which is especially problematic considering what we know about variation in the use of rape across and/or within armed conflicts. Depending on the conflict, the prevalence, frequency, and magnitude of wartime rape varies.⁴⁸ In some conflicts, high levels of rape are reported, whereas in other conflicts, reported levels of rape are exceptionally low.⁴⁹ Moreover, in some conflicts, civilians are victimized predominantly by the state, whereas in other conflicts, both insurgent groups and soldiers perpetrate rape.⁵⁰

Moreover, an essentialist paradigm necessarily ignores the realities of female perpetrators and male victims, which reinforces the heteronormative assumption that males perpetrate rape against females.⁵¹ This is despite studies starting to shed light on cases that challenge this assumption. In a population-based estimate of sexual violence in the armed conflict in eastern Democratic Republic of Congo, for example, one study reported that 41% of female victims of sexual violence were victimized by a female perpetrator, and 15% of male victims of sexual violence

⁴⁸Jennifer L. Green, “Uncovering Collective Rape: A Comparative Study of Political Sexual Violence,” *International Journal of Sociology* 34, no. 1 (2004): 97–116; Megan Bastick, Karin Grimm, and Rahel Kunz, “Sexual Violence in Armed Conflict: Global Overview and Implications for the Security Sector” (Geneva Centre for the Democratic Control of Armed Forces, 2007); Kathryn Farr, “Extreme War Rape in Today’s Civil-War-Torn States: A Contextual and Comparative Analysis,” *Gender Issues* 26, no. 1 (2009): 1–41; Dara Kay Cohen and Ragnhild Nordås, “Sexual Violence in Armed Conflict Introducing the SVAC Dataset, 1989–2009,” *Journal of Peace Research* 51, no. 3 (2014): 418–28.

⁴⁹ For example, Elisabeth Wood has argued that there are low levels of sexual violence in the conflicts in Israel/Palestine and Sri Lanka, despite high levels of non-sexual violence. She uses this comparison to suggest that there are contextual factors that contribute to the use of sexual violence during war. Wood, “Variation in Sexual Violence during War.”

⁵⁰ Michele Leiby, “Wartime Sexual Violence in Guatemala and Peru,” *International Studies Quarterly* 53, no. 2 (2009): 445–68.

⁵¹ Essentialist paradigms further exceptionalize rape as the only types of violence that can result in pregnancy, but this, too, reinforces the idea that rape is perpetrated by men against women.

reported being victimized by a female perpetrator;⁵² clearly demonstrating that occurrence of male victims and female perpetrators may not be marginal.⁵³

An alternative feminist perspective suggests that men and women of a particular group are potential victims of rape in order to masculinize the identity of the perpetrator and feminize the identity of the victim.⁵⁴ This perspective maintains that gender violence is not necessarily embedded in every structure of the society through patriarchy, but rather through socioculturally developed gender roles and identities. In this sense, rape may be used to regulate and harden constructs of gender and sexuality, since the idea of “social control”—used to prevent or reduce incidences of rape outside of conflict—may be lessened or inhibited.⁵⁵ Unlike essentialist approaches, this perspective situates rape within a continuum of SGBV, which recognizes both variation across space and time, and the realities of female perpetrators and male victims.

While contextual, feminist approaches connect underlying gendered and sexualized inequalities with sexual and gender-based violence, allowing them to differentiate sexual from non-sexual violence, this applies to rape during well as rape outside of war. Wartime rape may be rooted in and perpetuated by systems of patriarchy or by socially constructed gender roles and expression,

⁵² The study surveyed 1005 households and yielded a response rate of 98.9%. Rates of sexual violence were 39.7% for women and 23.6% for men. Types of sexual violence catalogued, included: molestation, forced undressing, stripped of clothing, rape, gang rape, forced marriage, abduction, sexual slavery, and forced perpetration of sexual violence. Kristen Johnson et al., “Association of Sexual Violence and Human Rights Violations with Physical and Mental Health in Territories of the Eastern Democratic Republic of the Congo,” *JAMA: The Journal of the American Medical Association* 304, no. 5 (2010): 557.

⁵³ Scholars such as Chris Dolan also examine male victims of sexual violence. Chris Dolan, Laurel E. Fletcher, and Stephen Oola, “Promoting Accountability for Conflict-Related Sexual Violence Against Men: A Comparative Legal Analysis of International and Domestic Laws Relating to IDP and Refugee Men in Uganda,” 2013; Jerker Edström et al., “Therapeutic Activism: Men of Hope Refugee Association Uganda Breaking the Silence over Male Rape in Conflict-Related Sexual Violence” (IDS, 2016).

⁵⁴ Green, “Uncovering Collective Rape: A Comparative Study of Political Sexual Violence”; Sandesh Sivakumaran, “Sexual Violence against Men in Armed Conflict,” *European Journal of International Law* 18, no. 2 (2007): 253–76.

⁵⁵ Catharine A. MacKinnon, *Are Women Human?: And Other International Dialogues* (Harvard University Press, 2006).

but the same could be said of rape outside of war. They situate rape within a continuum of SGBV that spans time and space, and as a result fall short of being able to explain why rape is used specifically during armed conflict. If peacetime and wartime rape are motivated by the same underlying inequalities, is rape perpetrated during times of peace any different from rape perpetrated during war?⁵⁶

Beyond their particular shortcomings, both instrumental and contextual analyses of wartime rape also rest on two problematic assumptions. First, existing approaches presume that violence is political when it is committed by political actors. In this case, violence is efficacious during war when perpetrated by political actors, which in this case are armed combatants. Whether and how rape is efficacious during war should not be reduced to the identity of the perpetrator or their motivations. Characteristics of the perpetrator and the victim, the location of the assault, and the presence of onlookers or participation of others aside from the initiator of the violence, impact whether and how rape is efficacious during war. Second, existing approaches assume that the understanding of rape is universal. Yes, rape is broadly characterized by the coercive conditions under which sexual (penetrative) violence is perpetrated, but tremendous variation exists as to what is understood as “rape” in the first place.⁵⁷ Meaning, before any analysis can examine why *actors* use rape during war or why *rape* is used during war, it must first examine what rape *is*, as well as how the context affects meanings, effects, and responses to rape that make it efficacious during war.

⁵⁶ Recent attempts to address sexual violence during war emphasize the separation between wartime and peacetime rape. The very idea behind the Global Summit to End Sexual Violence in Armed Conflict, for example, was the understanding that states could end wartime sexual violence without also addressing peacetime sexual violence. This ignores the continuum of sexual and gender-based violence that feminist scholars have so painstakingly documented and assumes that wartime rape can be addressed in isolation.

⁵⁷ The customary legal definition of rape widely accepted by the international community is derived from the ICTR trial of Akayesu. In the Trial Judgment rape was defined as a “physical invasion of a sexual nature, committed on a person under circumstances which are coercive.” *The Prosecutor v. Jean-Paul Akayesu (Trial Judgment)*, ICTR-96-4-T, International Criminal Tribunal for Rwanda (ICTR), September 2, 1998, para. 598.

Any analysis of wartime rape needs to incorporate both conflict and feminist analyses, recognizing that rape can, at the same time, be part of a continuum and a repertoire of violence. This is evidenced by the complementarity of the approaches. One of the key strengths of feminist analyses is also a key weakness of conflict analyses—differentiating between rape and other forms of non-sexual violence. Similarly, one of the key strengths of conflict analyses is a key weakness of feminist analyses—separating conflict-related rape from non-conflict and peacetime rape. Why do actors use rape during war? It depends on their organization and their strategy (or lack thereof). Why is rape efficacious during war? It depends on the context.

1.3 Imagining the Future: Turning Towards a Contextual Approach to Understand Wartime Rape

To understand why rape is used during war, as well as why rape is efficacious during war, I argue, requires a more contextual approach. One that goes beyond a instrumentalist, means-ends account of actors' intentions that assumes that all rape, if perpetrated intentionally and strategically, will be efficacious regardless of the context in which it is perpetrated; an approach that is attentive to what rape "is" and how it manifests, rather than treating rape as a uniform "weapon" of war.

This project takes up and departs from existing work by rethinking what it means for rape to be efficacious during war. Rather than treating rape instrumentally as a weapon of war, this dissertation approaches wartime rape contextually, meaning it understands rape as a form of socially constructed violence whose understanding changes depending on the context. In particular, I examine how the context of violence changes the meanings, effects of, and responses to rape in three case studies—the Rwandan Genocide (1994), the Sierra Leone civil war (1991-2002), and the Lord's Resistance Army insurgency in northern Uganda (1987-2007). Drawing on data from my fieldwork—interviews, ethnography, and original archival research—this dissertation stresses three

main contributions. First, I demonstrate how instrumentalist approaches to wartime rape are void of the very gendered and sexualized dimensions that give rape its meanings and its power. As a result, instrumentalist approaches inadvertently equate rape with other forms of non-sexualized violence. Second, I present a new contextual approach that is attentive to the gendered and sexualized dimensions that its instrumentalist counterparts lack. I find that it is not actors' goals that render rape efficacious during war, rather it is the context in which rape is perpetrated that determines whether its use is illicit or permissible, prohibited or accepted, politically consequential or not. While these categories are not mutually exclusive, I find that rape is efficacious during war when it violates norms regarding where, who, and how rape should be used, regardless of whether the actor violates these norms intentionally. Finally, I push the limits of the efficacy of violence by showcasing instances of forced prostitution. At first glance, this form of violence may not seem to be efficacious during war, but my analysis shows that it may destabilize larger sociocultural structures that regulated sex and sexual exchange. Forms of violence that may not be seen as directly efficacious for an armed group may significantly undermine long-term post-conflict security and recovery.

In the first chapter, I examine the treatment of conflict-related rape in international law—a catalyst for conceptualizing rape as a “weapon of war”—to highlight the functionalist approach to wartime rape and problematize the application thereof. International law, like other juridical institutions, emphasizes actors' goals in an attempt to establish accountability and apportion blame. Rape is considered a violation of international law when it is used intentionally to accomplish specific goals. As a result, the functionalist approach inadvertently equates rape with other forms of wartime violence used to achieve the same strategic ends, and voids rape of its gendered and sexualized dimensions that make it efficacious during war.

Using the case of the International Criminal Tribunal for Rwanda, I find evidence that the Tribunal did not prosecute conflict-related rape because it was an extreme form of gendered and

sexualized violence. Rather, the Tribunal prosecuted conflict-related rape based on the magnitude (number of people affected) and degree (in terms of severity) of the violence, as well as whether the person victimized was targeted as an individual or as a member of a particular group. In the case of the ICTR, the functionalist approach infers efficacy from the effects of the assault.

The second chapter challenges the instrumentalist assumption that there is universal understanding of rape. I dissect the language used to describe perpetrators, victims, and rape—both conflict-related and non-conflict rape—in newspapers circulated during the Sierra Leone civil war (1991-2002), in order to elucidate patterns in the meanings, uses, response to, and perceptions of conflict-related rape. By situating wartime rape within a broader context of violence and inequality, I am able to ascertain boundaries that delimit when sexual and gender-based violence is considered normative (i.e. acceptable) and the thresholds of those forms of violence (in terms of acceptability). I find that it is not actors' goals that render rape efficacious during war, rather it is the context in which rape is perpetrated that determines whether its use violates norms regarding where, who, and how rape should be used. Rape is efficacious during war when the perpetrator has no preexisting relationship with the victim, when the violence violates norms regarding sex and sexual exchange, and when the violence is perpetrated in a public space or in the presence of others. Unlike the functionalist approach, which assumes the universality of rape, a normative approach shows how the context affects whether violence will be understood as rape, as well as whether rape will be seen as illicit or acceptable.

This contextual approach allows for sexual violence not sanctioned by armed groups, or sexual violence not perpetrated by members of armed groups, to be efficacious during war depending on the context. This may seem counterintuitive, since studies of political violence are typically oriented around violence perpetrated by armed groups, or by the state in response to threats. Meaning, violence does not have to be wielded by a “political” actor in order for violence to

be political. This is especially important for individuals and groups who have been affected by violence currently considered to be outside the purview of armed conflict, because it reconfigures rape in terms of its meanings, rather than in terms of accountability.

The third and final substantive chapter of my dissertation moves beyond functionalist and normative treatments of wartime rape to examine the root causes that link violence to conflict. Beyond the facile assumption that “political” actors are the sole perpetrators of “political” violence lies a pressing need to redefine of methods for deciphering the relationship between violence and conflict. I use evidence from over sixty interviews with girls who were forced into prostitution—a form of violence that is often regarded as external to armed conflict—during the Lord’s Resistance Army insurgency (1987-) in northern Uganda. I argue that forced prostitution and rape within the context of forced prostitution are not easily disaggregated from so-called “conflict-related” rape. In fact, the conditions that forced girls into prostitution are created, if not exacerbated, by the presence of an armed conflict.

The following table provides an overview of each chapter, in terms of the case selected, sources used, and the treatment of rape:

	Chapter One	Chapter Two	Chapter Three
Case	Rwandan Genocide (1994)	Sierra Leone Civil War (1991-2002)	Lord’s Resistance Army Insurgency, Uganda (1987-)
Level of Analysis	Quasi-international, legal	Domestic, societal	Grassroots, individual
Source	ICTR Cases	Newspapers and Organization Reports	Interviews and ethnography
Treatment	Instrumental	Contextual (Normative)	Contextual (Structural)

Table 1.1: Chapter Overview

As the table highlights, there are several levels of variation across the chapters. First, each chapter showcases a different armed conflict. The conflicts were selected for the dissimilarity of the type of conflict: intrastate genocide, internationalized insurgency, and internal regional armed conflict. Rape was perpetrated as part of each of the conflicts, but manifested quite differently. Second, the chapters focus on a number of vantage points for understanding wartime rape, from the quasi-legal perspective of an international tribunal down to the grassroots perspective. As such, each chapter derives its findings from different sources. In the first chapter, the sources include court documents and testimonies; in the second chapter, the sources include newspaper articles and organization reports; and in the third chapter, the findings are drawn from interviews, participant observation, and ethnography. When possible, I utilized survivor narratives from existing primary source materials. The methodological approaches were selected to have minimal impact on communities that have already experienced and been exposed to violence. Given that I draw my findings in Chapter Three from interviews with women who were forced into prostitution as girls, I include a lengthier methodological section to outline the selection and interview process.

CHAPTER ONE

RAPE AS A “WEAPON OF WAR”: THE CASE OF THE INTERNATIONAL CRIMINAL TRIBUNAL OF RWANDA

Jean-Paul Akayesu was appointed the Bourgmestre¹ of the Taba Commune, Gishyeshye sector, Rwanda, in April 1993. As bourgmestre, aside from being subject to the Gitarama préfecture’s authority, Akayesu was in full control of leading the communal police, enforcing laws and legislation, and administering justice. By June 1994, thousands of Tutsi had been killed and hundreds more had been subjected to rape and torture in the Taba Commune.² The Office of the Prosecutor of the International Criminal Tribunal of Rwanda (ICTR) indicted Akayesu in February 1996, on charges of genocide, crimes against humanity, and violation of Article 3 of the Geneva Conventions.³ In September 1998, the trial chamber determined that Akayesu played a fundamental role in ordering, instigating, and/or aiding and abetting seven different situations of rape, in which members of the *Interahamwe*⁴ raped Tutsi women, often on multiple occasions. He was found guilty of rape as a crime against humanity, which was subsequently affirmed by the appeals chamber.⁵

¹ A county-level appointed politician subject to préfecture (provincial) authority.

² *The Prosecutor v. Jean-Paul Akayesu (Trial Judgment)*, ICTR-96-4-T, International Criminal Tribunal for Rwanda (ICTR), September 2, 1998, paras. 3, 4, 12-23.

³ Known formally as the International Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan citizens responsible for genocide and other such violations committed in the territory of neighboring states, between January 1, 1994 and December 31, 1994. *The Prosecutor v. Jean-Paul Akayesu (Trial Judgment)*, paras. 3, 4, 12-23.

⁴ *Interahamwe* is the name used to refer to a predominantly Hutu paramilitary group responsible for perpetrating organized violence against Tutsi and moderate Hutu during the Rwandan Genocide.

⁵ Akayesu was found guilty of all charges, except violating of Article 3 of the Geneva Conventions: outrages on personal dignity. *The Prosecutor v. Jean-Paul Akayesu (Appeals Judgment)*, ICTR-96-4-A, International Criminal Tribunal for Rwanda (ICTR), 23 November 2001.

The Prosecutor v. Akayesu is frequently cited for providing the first definition of rape in international law, as well as classifying and prosecuting rape as an instrument of genocide, a crime against humanity, and a war crime.⁶ Beyond its legal significance, cases such as *Akayesu* normatively serve as reference points for analyses of conflict-related rape: they define what is and is not acceptable during armed conflict, and why.

In addition to Jean-Paul Akayesu, the Court indicted forty-four other individuals for sex crimes, including one woman. The majority of the individuals were not indicted for committing rapes themselves, but for their role in ordering, instigating, aiding and abetting, superior responsibility, and/or joint criminal enterprise. One such individual, Laurent Semanza, was indicted for his secondary role in perpetrating rape. On April 13, 1994, Semanza, an associate of Paul Bisengimana (Bourgmestre of Gikoro), ordered a small group of militiamen in Gikoro Commune to rape Tutsi women before killing them.⁷ Following this order, a group of men went to the Musha Church, where hundreds of people were taking refuge from violence in the surrounding areas. The men entered a house near the Church where two Tutsi women were staying. Two men grabbed one of the women and pulled her outside. Before they killed her, they each raped her. Another man remained in the house with the second woman, where he raped, but did not kill her. Relying partly on the testimony of the woman who survived, the Court found Semanza guilty of instigating rape and torture as a crime against humanity, as part of a widespread or systematic attack on the Tutsi population.⁸

⁶ Sharlach, “Rape as Genocide: Bangladesh, the Former Yugoslavia, and Rwanda,” 89; Dean Adams, “The Prohibition of Widespread Rape as a Jus Cogens,” *San Diego International Law Journal* 6 (2004): 382; Alex Obote-Odora, “Rape and Sexual Violence in International Law: ICTR Contribution,” *New England Journal of International and Comparative Law* 12, no. 1 (2005): 137–38.

⁷ Secondary is used here to refer to an individual who did not directly perpetrate rape; primary role, therefore, refers to an individual who directly perpetrated rape. *The Prosecutor v. Laurent Semanza (Judgment and Sentence)*, ICTR-97-20-T, International Criminal Tribunal for Rwanda (ICTR), May 15, 2003, paras. 253-262.

⁸ *The Prosecutor v. Laurent Semanza (Judgment and Sentence)*, paras. 258-261, 476-479, 481-485, 488, 553.

One of the few individuals indicted for directly perpetrating rape was Arsène Shalom Ntahobali, the son of Pauline Nyiramasuhuko (Minister of Family and Women's Development under the Interim Government). In late April 1994, at a roadblock near Hotel Ihuliro where he was the hotel manager, Ntahobali dragged a young Tutsi girl into the woods and raped her before killing her.⁹ The following month, at the Butare préfecture office, Ntahobali along with members of *Interahamwe* raped a Tutsi woman on three separate occasions.¹⁰ The Court found Ntahobali guilty of rape as a crime against humanity and as outrages upon personal dignity pursuant under the Article 3 of the Geneva Conventions for intentionally committing ethnically motivated situations of rape as part of a widespread or systematic attack on the Tutsi population.¹¹

The Semanza and Ntahobali cases illustrate two veins of international sex crime prosecutions, where individuals were held criminally liable for secondary and/or primary roles in perpetrating rape during armed conflict. Whereas *Akayesu* and *The Prosecutor v. Laurent Semanza* are characteristic of the stereotypical “strategic rape”, in which a superior orders his subordinates to commit rape; *The Prosecutor v. Arsène Shalom Ntahobali* centers on the dynamics of an individual personally committing, rather than solely instigating, rape. In either case, the individual most responsible for the violence, or the “mastermind”, was indicted.¹² What elements need to be present for rape to be prosecuted as a “weapon of war” under international law?

This chapter examines the inclusion of rape into international law, a catalyst for conceptualizing rape as a “weapon of war,” and problematizes the application thereof. A thorough analysis of international law and its application in ICTR cases reveals that when rape is prosecuted as

⁹ *The Prosecutor v. Pauline Nyiramasubuko et al (Judgment and Sentence)*, ICTR-98-42-T, International Criminal Tribunal for Rwanda (ICTR), June 24, 2011, paras. 6077.

¹⁰ *The Prosecutor v. Pauline Nyiramasubuko et al (Judgment and Sentence)*, paras. 2644, 2653.

¹¹ *The Prosecutor v. Pauline Nyiramasubuko et al (Judgment and Sentence)*, paras. 6079, 6080, 6086, 6094, 6185.

¹² Alison Cole, “International Criminal Law and Sexual Violence: An Overview,” *Rethinking Rape Law: International and Comparative Perspectives*, 2010, 48.

torture, crimes against humanity, and genocide, the particular gendered and sexualized nature of the crimes is obscured. I argue that the *type* of violence (rape) becomes detached from the *form* the violence takes (torture, genocide, and crimes against humanity). “Type” here refers to the kind of violence; whereas, “form” refers to the manifestation of the violence. In this regard, rape—absent of gendered and sexualized dimensions—inadvertently becomes equated with other types of violence used during armed conflict to achieve the same strategic ends. Conflict-related rape is thus not recognized as a “free-standing crime,” rather it is only considered to be a violation of international law when it is “cast as a (strategic) weapon or tactic of war: ... intentional, following a certain rationality, and devised to effect particular outcomes.”¹³

This chapter is organized into three sections. The first section provides an overview of the inclusion and definition of rape in international law, as outlined in: the Four Geneva Conventions and the two Additional Protocols on international humanitarian law in armed conflict; the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); and the relevant United Nations Security Council Resolutions (S/RES), such as S/RESs 1325, 1820, and 2106.¹⁴ This section illuminates a shift in the treatment of rape in international law from representing rape as a crime of honor to rape conceived of as a form of violence against women, and then to rape as a form of gender and sexual-based violence.

The second section examines how rape is prosecuted under international law. I illustrate how the gendered and sexualized dimensions become isolated from the “type” of violence itself when rape is prosecuted as a “form” of genocide, crime against humanity, and/or war crime. Conflict-related rape is prosecuted as a violation of international law not because it is gendered and

¹³ Catharine A. MacKinnon, “Defining Rape Internationally: A Comment on Akayesu,” *Columbia Journal of Transnational Law* 44 (2005): 942; Maria Eriksson Baaz and Maria Stern, *Sexual Violence as a Weapon of War?: Perceptions, Prescriptions, Problems in the Congo and Beyond* (Zed Books, 2013), 46.

¹⁴ Referred to herein as the Geneva Conventions.

sexualized violence, rather, wartime rape is prosecuted when it was perpetrated “for purposes beyond the specific act.”¹⁵

To substantiate these claims, in the third and final section I turn to ICTR sex crimes cases to look at the application of international legal statutes. The case analysis reveals that the ICTR chose to prosecute rapes perpetrated against population groups, rather than rapes—strategic or otherwise—perpetrated against individuals. Furthermore, I document the deliberate prosecution of rape perpetrated against one population group (Tutsi) and not violence perpetrated against other groups (Hutu, Twa, etc.). This is not to say that individuals belonging to Hutu and Twa ethnic groups did not experience rape, rather it is to say that Tutsi were eligible to seek recourse through the ICTR whilst Hutu and Twa were not. The chapter concludes with reflections on how the representations of rape in international law and international legal proceedings are indicative of instrumentalist treatments of wartime rape more broadly.

2.1 Inclusion and Prohibition of Rape in International Law

Several legal instruments have contributed to the recognition and definition of rape in international law as a “weapon of war,” particularly, the Geneva Conventions, CEDAW, and UN S/RESs. While this list is by no means exhaustive, the parameters outlined in these select instruments are characteristic of the broader historical inclusion of rape and sexual violence as violations under international human rights and humanitarian law. Moreover, the Geneva Conventions, CEDAW, and UN S/RESs have been integral in shaping contemporary understandings of the use and effects of rape during armed conflict, particularly in instrumental approaches to conflict-related rape. This section illuminates a shift in the historical treatment of rape in international law. First rape was

¹⁵ Baaz and Stern, *Sexual Violence as a Weapon of War?: Perceptions, Prescriptions, Problems in the Congo and Beyond*, 56.

represented as a crime of honor, rooted in patriarchal assumptions about women’s sexual purity coupled with ideas about male protectionism. Later, international law conceived of rape as a form of violence against women, where the perpetrators were presumed to be combatant males and the victims, civilian females. While this was a productive shift at the time, it actually maintained and reinforced the idea that rape is biologically driven and heteronormatively perpetrated—by men against women for sexual reason—rather than acknowledging that rape is a type of violence used to express gendered social and political power.

2.1.1 *Geneva Conventions*

Adopted in 1949 in response to atrocities perpetrated against civilians during World War II, the Fourth Geneva Convention was the first international humanitarian legal instrument to advocate for the civilian protection during armed conflict.¹⁶ The Fourth Geneva Convention also included the first formal recognition of rape as a type of violence perpetrated during armed conflict, specifically by combatants against civilians. Article 27 of the Fourth Geneva Convention states:

Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity. Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault.¹⁷

¹⁶ The First Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (1864), the Second Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (1906), and the Third Geneva Convention relative to the Treatment of Prisoners of War (1929). *See also*: the three additional protocols to the Geneva Conventions: Protocol I relating to the Protection of Victims of International Armed Conflicts (1977), Protocol II relating to the Protection of Victims of Non-International Armed Conflicts (1977), and Protocol III relating to the Adoption of an Additional Distinctive Emblem (2005).

¹⁷ International Committee of the Red Cross (ICRC), “Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention),” Pub. L. No. 75 UNTS 287 (1949).

The convention's clear articulation of rape as "an attack on [women's] honor" categorizes the crime in terms of women's sexual purity or virtue, rather than a sexual invasion and potentially psychological attack on a woman's body and/or her personhood.¹⁸ While this language is symptomatic of the time, describing rape as an honor crime emphasizes the assumed effects of the violence (defamation of her family's and/or her own reputation) rather than the violence itself (forced/coerced/nonconsensual sex). Moreover, the language implicitly shifts the focus from the perpetrator to the victim, such that it centers on protecting women against rape rather than preventing and punishing perpetrators. The victim is cast as responsible for the loss of her honor, perpetuating the belief that women are valued primarily "in their roles as mothers of the nation and as transmitters of culture" and as symbols of the honor of particular groups.¹⁹

Beyond Article 27, common Article 3 of the Geneva Conventions (1949) prohibits "violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture," as well as "outrages upon personal dignity, in particular humiliating and degrading treatment."²⁰ Even though there is no explicit mention of rape in common Article 3, several international courts have pursued charges of rape under this Article, as well as under the Geneva Convention's category of

¹⁸ Jed Rubenfeld discusses how traditional law treated rape as a type of defilement, where only women's virtue was of concern, and as a result, men and boys were not viewed as rape victims, even if they were subjected to what we would define as rape today (as non-consensual sex). Jed Rubenfeld, "Riddle of Rape-by-Deception and the Myth of Sexual Autonomy, The," *Yale LJ* 122 (2012): 1372.

¹⁹ Sharlach, "Rape as Genocide: Bangladesh, the Former Yugoslavia, and Rwanda," 95.

²⁰ International Committee of the Red Cross (ICRC), "Geneva Convention Relative to the Treatment of Prisoners of War (Third Geneva Convention)," Pub. L. No. 75 UNTS 135 (1949).

grave breach.²¹ Despite the shortcomings of defining rape as a crime of honor, the Fourth Geneva Convention provided the basis for conceptualizing rape as a weapon of war.

2.1.2 *Convention on the Elimination of All Forms of Discrimination Against Women*

Thirty years later, in 1979, the United Nations General Assembly adopted Convention on the Elimination of All Forms of Discrimination Against Women. The goal of CEDAW was to address the specific needs and rights of women, as well as to act as an international bill of rights for women.²² The prohibition outlined in Article 2 of the Declaration on the Elimination of All Forms of Discrimination Against Women expanded the legal protections detailed in the Fourth Geneva Convention to include rape perpetrated not only by armed combatants, but by any agents of the state in times of conflict *and* peace. Specifically, it prohibits “physical, sexual and psychological violence occurring within the general community, including rape ... perpetrated or condoned by the State, wherever it occurs.”²³ Even though the Declaration maintained the problematic assumptions that rape is biologically driven and heteronormatively perpetrated (by men against women), the Declaration marked an important shift in language from protecting women and their honor (as is the case in the Geneva Conventions), to prohibiting the use of rape.

²¹ The most comprehensive definition of grave breaches appears in Article 147 of the Fourth Geneva Convention, as: “...those involving any of the following acts, if committed against persons or property protected by the present Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, unlawful deportation or transfer or unlawful confinement of a protected person, compelling a protected person to serve in the forces of a hostile Power, or wilfully depriving a protected person of the rights of fair and regular trial prescribed in the present Convention, taking of hostages and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.” Additional references to grave breaches can be found in: Article 50 of the first Geneva Convention; Article 51 of the second Geneva Convention; Article 130 of the third Geneva Convention; and Articles 11 and 85 in the first Additional Protocol.

²² UN General Assembly, *Convention on the Elimination of All Forms of Discrimination against Women*, 18 December 1979, A/RES/34/180.

²³ UN General Assembly, *Declaration on the Elimination of Discrimination against Women*, 7 November 1967, A/RES/2263(XXII).

CEDAW was the product of the first United Nations World Conference on Women held in Mexico City in 1975, which marked International Women’s Year (1975) and the start of the UN’s Decade on Women (1976-1985). The fourth and final World Conference reinforced the parameters outlined in CEDAW, culminating with the “Beijing Declaration and Platform of Action,” which addressed the rights of women and girls during armed conflict. In particular, it acknowledged the systematic use of rape as a “tactic of war” and maintained that the use of rape during war could be constitutive of a war crime, crime against humanity, and act of genocide.²⁴

2.1.3 *United Nations Security Council Resolutions*

United Nations Security Council Resolutions 1325 (2000), 1820 (2008), and 2106 (2013) built directly off of CEDAW and the UN Conferences on Women—albeit ten years and two international criminal tribunals later.²⁵ These resolutions sought to revisit and reassess women and girls’ specific needs during armed conflict, peace negotiations, and post-conflict transition and reconstruction. The initial resolution, UN S/RES 1325, spawned the women, peace and security agenda. It necessitates that:

...all parties to armed conflict to respect fully international law applicable to the rights and protection of women and girls...to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse...to put an end to impunity and to prosecute those responsible for genocide, crimes against humanity, and war crimes including those relating to sexual and other violence against women and girls...²⁶

UN S/RES 1325 includes the Fourth Geneva Convention’s protection of women against rape during conflict as well as the CEDAW prohibition that criminalized rape perpetrated during war,

²⁴ United Nations, “Beijing Declaration and Platform of Action, Adopted at the Fourth World Conference on Women” (1995), paras. 135, 145.

²⁵ In addition to UN S/RES 1325, 1820, and 2106, which are discussed herein, S/RES/1888, S/RES/1889, S/RES/1960, and S/RES/2122 also address gender-based violence perpetrated during armed conflict, peace negotiations, and post-conflict transition and reconstruction.

²⁶ UN Security Council, *Security Council Resolution 1325 (2000) [on women and peace and security]*, 31 October 2000, S/RES/1325 (2000).

and it extends the prohibition to agents of the states and to any party in an armed conflict responsible for perpetrating rape. UN S/RES 1325 also introduces rights-based language that acknowledges women and girls' right to freedom from gender-based violence during armed conflict and it reinforces the claims made in the Beijing Declaration and Platform for Actions that rape and sexual violence are components of genocide, crimes against humanity, and war crimes.²⁷

Beyond UN S/RES 1325, UN S/RES 1820 concentrates on the use of sexual violence in armed conflict against women and girls, and stresses the importance of excluding crimes of rape and sexual violence from amnesty agreements. UN S/RES 1820 states, "...women and girls are particularly targeted by the use of sexual violence, including as a tactic of war to humiliate, dominate, instill fear in, disperse and/or forcibly relocate civilian members of a community or ethnic group ... [that may] persist after the cessation of hostilities."²⁸ This description drew a connection between the type of violence and its effects, rather than conflating the two as in Article 27 of the Fourth Geneva Convention. Additionally, the language in UN S/RES 1820 complicates the separation of armed conflict from times of post-conflict or peace. Lastly, the Resolution insists on excluding rape from amnesty agreements, suggesting there is a qualitative difference between rape and non-sexual violence perpetrated during war.

UN S/RES 2106, the most recent resolution to address conflict-related rape, includes men and boys as victims of conflict-related rape, but only indirectly, as witnesses. The Resolution states, "sexual violence in armed conflict and post-conflict situations disproportionately affects women and girls, as well as groups that are particularly vulnerable or may be specifically targeted, while *also*

²⁷ UN Security Council, *Security Council Resolution 1325 (2000) [on women and peace and security]*.

²⁸ UN Security Council, *Security Council Resolution 1820 (2008) [on acts of sexual violence against civilians in armed conflict]*, 19 June 2008, S/RES/1820 (2008).

affecting men and boys and those secondarily traumatized as forced witnesses of sexual violence against family members” (my emphasis added).²⁹

Unlike the Geneva Conventions and CEDAW, the aforementioned UN S/RESs recognize wartime rape as a form of violence that disproportionately affects women and girls, rather than as a form of violence that is only perpetrated by men/boys against women/girls.³⁰ No UN S/RES to date has explicitly acknowledged men and boys as direct victims of conflict-related rape, despite the fact that both men and women have been documented perpetrating sexual violence against men and boys during conflict, which “is committed ... more frequently than is often thought.”³¹ This is an all-too-common move: replacing “women” with “gender,” while at the same time failing to address what specifically about conflict-related rape is gendered other than the sex of the perpetrators and victims.³² On the surface it may appear that the UN S/RESs address rape as a form of gender-based violence, but the resolutions use the categories of “gender” and “women” synonymously, and in effect, abandon any substantive meaning of the term *gender*-based violence.

It is important to note that although the mechanisms addressed above refer to crimes of rape and sexual violence, definitions of the crimes were not present in international law until *Akayesu*. In the trial of Akayesu, the ICTR defined rape as a “physical invasion of a sexual nature,

²⁹ UN Security Council, *Security Council Resolution 2106 (2013) [on sexual violence in armed conflict]*, June 24, 2013, S/RES/2106 (2013).

³⁰ In their macro analysis of the treatment of conflict-related sexual violence, Baaz and Stern find a similar shift from rape being understood as “sexed” (driven by biological urge) to “gendered” (driven by processes of gender and militarization). They attribute this shift to growing feminist research, which focuses on the relationship between masculinization and militarization, but I would also emphasize the role of international and transnational feminist movements that advocated for women’s human rights.

³¹ Cohen, “Explaining Sexual Violence during Civil War”; Dustin A. Lewis, “Unrecognized Victims: Sexual Violence against Men in Conflict Settings under International Law,” *Wisconsin International Law Journal* 27, no. 1 (2009): 1–49; Sivakumaran, “Sexual Violence against Men in Armed Conflict,” 253; Wood, “Armed Groups and Sexual Violence: When Is Wartime Rape Rare?”

³² For example, the Rome Statute defines gender as “two sexes, male and female, within the context of society,” while explicitly excluding other meanings of gender: “the term “gender” does not indicate any meaning different from the above.”

committed on a person under circumstances which are coercive”; whereas sexual violence was defined more broadly, as “any act of a sexual nature which is committed on a person under circumstances which are coercive. Sexual violence is not limited to physical invasion of the human body and may include acts which do not involve penetration or even physical contact.”³³ However, what is or is not considered being “of a sexual nature” (particularly the perceived gravity of the violence), oftentimes depends on the sociocultural context. As previously mentioned, rape is typically considered gendered due to the biological sex of the individuals involved (male perpetrator/female victim) and the sexual nature of the violence, but the dynamics of the violence may also be gendered. For example, rape may be “a violent act ... against female sexed bodies,” but it may also be used “against the ‘enemy’” with the intent to effeminize the victim using “logics of gender.”³⁴

Regardless of the shortcomings discussed above, developments in the treatment of rape in international law have been fundamental to a normative shift away from conceptions of rape as a form of violence against women—incidental to or ubiquitous during war—to conceptions of rape as a form of sex *and* gender-based violence that frequently accompanies armed conflict, at least in theory. For example, these instruments provided the foundation for: drafting the UN “Declaration of Commitment to End Sexual Violence in Conflict” (2013), creating the “Prevention of Sexual Violence in Conflict Initiative” launched by former foreign secretary William Hague and Angelina Jolie (2014), and commemorating June 19 as the “International Day for the Elimination of Sexual Violence in Conflict” (2015). Moreover, in the first decision of its kind, a Bosnian court ordered

³³ Rape and sexual violence are often grouped together under the umbrella of “sex and gender-based violence,” which includes violence of a sexual and nonsexual nature perpetrated on the basis of biological sex, gender, and/or sexuality. The definition further stipulated that the “act must be committed: (a) as part of a widespread or systematic attack; (b) on a civilian population; (c) on certain catalogued discriminatory grounds, namely: national, ethnic, political, racial, or religious grounds.” *The Prosecutor v. Jean-Paul Akayesu (Trial Judgment)*, paras. 598, 688.

³⁴ Baaz and Stern, *Sexual Violence as a Weapon of War?: Perceptions, Prescriptions, Problems in the Congo and Beyond*, 27.

compensation to a woman who was a victim of conflict-related rape during the 1992-1995 armed conflict.³⁵ The international legal framework discussed above, as well as legal precedence established by International Criminal Tribunal for the former Yugoslavia (ICTY) and the ICTR, paved the way for judgments such as the Bosnian court's decision.

2.2 Prosecuting Conflict-Related Rape

On April 6, 1994, at 8:30 P.M., a plane carrying Rwanda's president, Juvénal Habyarimana, and Burundi's president, Cyprien Ntaryamira, was shot down over the Kigali International Airport. Within 24 hours individuals began mobilizing and the Rwandan Genocide began. Over the course of one hundred days, approximately 200,000 Rwandans participated in the genocide leaving an estimated 500,000 to 2,000,000 people dead.³⁶ It is difficult to know exactly how many Tutsi and Hutu were killed, but estimates range from a 250,000 to 500,000 Tutsi, and between 50,000 and 500,000 Hutu.³⁷ There were an estimated 250,000 to 500,000 victims of sexual violence, but "some

³⁵ Julian Borger, "Bosnia Rape Victims May Claim Compensation for First Time; Bosnia Courts to Decide on Financial Compensation for Victims of Rape and Sexual Violence during 1990s War but Concerns over Who Will Pay," *The Guardian*, June 30, 2015.

³⁶ Phillip Gourevitch estimated around one million people were killed; whereas, in a Human Rights Watch Report, it was estimated that at least 500,000 people were killed. One UN estimate was 800,000, and a recent report by Association des Etudiants Réscapes du Génocide suggests that nearly two million people were killed. Scott Straus, "How Many Perpetrators Were There in the Rwandan Genocide? An Estimate," *Journal of Genocide Research* 6, no. 1 (2004): 93; Phillip Gourevitch, *We Wish to Inform You That Tomorrow We Will Be Killed with Our Families: Stories from Rwanda* (Picador USA, 1998); Des Forges, "*Leave None to Tell the Story: Genocide in Rwanda*."

³⁷ Christian Davenport and Allan Stam, "What Really Happened in Rwanda?," *Miller-McCune*, October 6 (2009): 36.

observers believe that almost every woman and adolescent girl who survived the genocide was raped.”³⁸

After failing to prevent or intervene in the genocide, the international community called for a tribunal to prosecute those who orchestrated the violence once the Front Patriotique Rwandais (FPR) gained control of the government mid-July.³⁹ Within a few months the UN established the ICTR to prosecute “persons responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda and ... in the territory of neighbouring States, between 1 January 1994 and 31 December 1994.”⁴⁰ Included in the ICTR’s mandate was the ability to investigate and prosecute crimes against humanity, genocide, and war crimes.⁴¹ And in 1997, the ICTR commenced with its first trial, *Akayesu*.

Building off of the previous section, which discussed the historical inclusion and treatment of rape in international law, this section examines how rape is prosecuted under international law and the elements necessary for rape to be treated as an international sex crime. When crimes of rape are prosecuted as crimes against humanity, genocide, and/or war crimes, I argue that the “type” of violence (rape) becomes detached from the “form” of violence. Rape becomes equated with other

³⁸ It is important to note here that estimates regarding the prevalence of rape are incredibly problematic: contemporaneous evidence collection is difficult, if not impossible, during many armed conflicts; victims of sexual violence are less likely to report the crime than other victims of violence due to stigma; and individuals may falsely report being victimized to access resources earmarked for sexual violence victims. Rhonda Copelon, “Surfacing Gender: Re-Engraving Crimes Against Women in Humanitarian Law,” *Hastings Women’s Law Journal* 5 (1994): 243; Binaifer Nowrojee, Dorothy Thomas, and Janet Fleischman, *Shattered Lives: Sexual Violence during the Rwandan Genocide and Its Aftermath*, vol. 3169 (Human Rights Watch, 1996), 2084.

³⁹ International aid organization, such as CARE, threatened to withdraw support for refugees and displaced persons unless the UN set up an international tribunal to address the violence, in part because of allegations that French troops were providing safe passage for *génocidaires* into Zaire.

⁴⁰ UN Security Council, *Security Council Resolution 955 (1994)*, 8 November 1994, S/RES/955 (1994).

⁴¹ A category that includes grave breaches, as well as violations of Article 3 common to the Geneva Conventions, discussed in the previous section. UN Security Council, *Security Council Resolution 955 (1994)*.

types of violence used during armed conflict to achieve the same ends. The figure below illustrates the various pathways rape (or rape as torture) is prosecuted under international law.

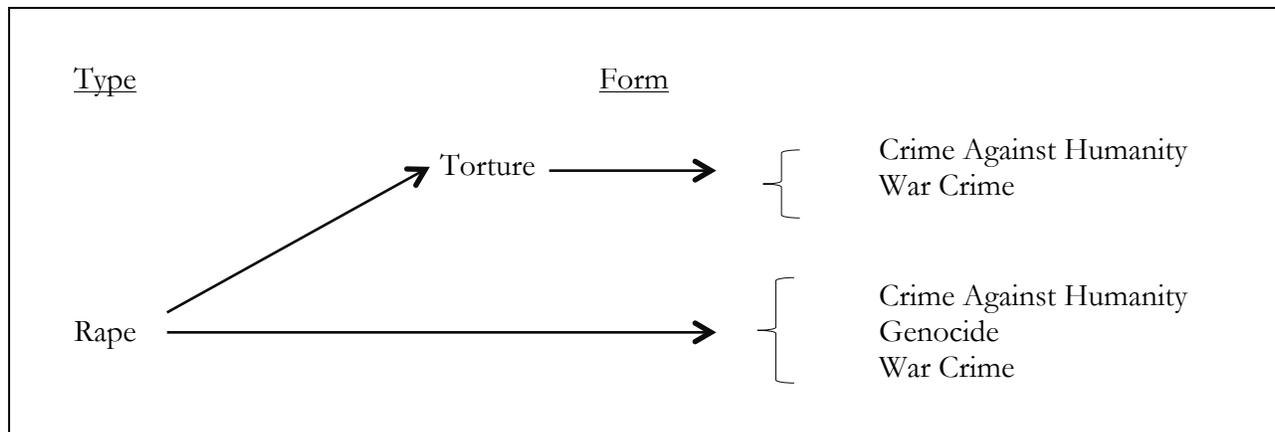


Figure 2.1: International legal classification of rape

The figure highlights the distinction between the “type” versus the “form” of violence, where type refers to the kind of violence and form refers to the manifestation of the violence. For example marital rape, statutory rape, and prison rape all involve rape, but the form is determined by the circumstances surrounding the violence (perpetrator’s relationship to victim, age of perpetrator/victim, perpetrator’s profession/position, etc.). Analogously, certain elements must be present for a situation of rape to constitute a crime against humanity, genocide, and/or war crime.

The figure also outlines the various pathways rape (or rape as torture) is prosecuted as a violation of international humanitarian law. In the late 1980s and early 1990s, scholars and practitioners debated what did and did not constitute torture. International legal feminists, in particular, advocated for all situations of rape to be treated as torture, regardless of the fact that “not every instance of rape constitutes torture.” If torture happens to men and rape happens to women, they argued, then “equating the seriousness of the harm with male conceptions of torture rather than as grave human rights violations in their own right” would legitimize women’s experiences of

violence during armed conflict and provide recourse to rape victims.⁴² Ultimately the Office of the Prosecutor of ICTY did pursue particular situations of rape as torture, while recognizing that "... rape and torture each contain one materially distinct element not contained in the other; rape requires sexual penetration, while torture requires that harm be inflicted for a prohibited purpose."⁴³ Given that the fundamental component of torture is political intent, when rape is prosecuted as torture the political component takes priority over the sexual and gendered components.⁴⁴

In order for rape to be prosecuted as torture, as depicted in the upper pathway of the figure, it must first satisfy the conditions of torture: inflict a high degree of pain or suffering (mental, psychological, and/or physical); be perpetrated with political intent; and be perpetrated by a public official or an individual acting in an official capacity.⁴⁵ Beyond satisfying the conditions of torture, rape must also have the characteristics of a crime against humanity and/or a war crime, to be prosecuted as such. For rape (or rape as torture) to be prosecuted as a war crime, the violence must intentionally cause unnecessary death or other serious injury.⁴⁶ For rape (or rape as torture) to be prosecuted as a crime against humanity, it must be "... against any civilian population, or

⁴² Blatt, "Recognizing Rape as a Method of Torture," 833.

⁴³ This distinction reflects an earlier belief that rape is a domestic crime, concerning the family, and torture is a political crime within the realm of the state. *The Prosecutor v. Mlado Radic, et. al. (Trial Judgment)*, IT-98-30/1-T, International Criminal Tribunal for the former Yugoslavia (ICTY), November 2, 2001, paras. 546-561; *The Prosecutor v. Zdravko Mucic aka "Pavo", Hazim Delic, Esad Landzo aka "Zenga", Zejnil Delalic (Trial Judgment)*, International Criminal Tribunal for the former Yugoslavia (ICTY), November 16, 1998, paras. 306; *The Prosecutor v. Laurent Semanza (Judgment and Sentence)*, ICTR-97-20-T, International Criminal Tribunal for Rwanda (ICTR), May 15, 2003, paras. 506.

⁴⁴ For example, other types of sexual violence, such as administering electrical shocks to an individual's genitalia, are not formally recognized as torture unless perpetrated with political intent.

⁴⁵ UN General Assembly, *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, 10 December 1984, United Nations, Treaty Series, vol. 1465, p. 85; Evelyn Deborah Blatt, "Recognizing Rape as a Method of Torture," *NYU Review of Law and Social Change* 19 (1991): 828; Mary Aswad, "Torture by Means of Rape," *Georgetown Law Journal* 84 (1995): 1922.

⁴⁶ "Unnecessary," here, refers to the legal use of force in war, which allows for violence to be used with the intent to defeat the enemy or to achieve a military objective with proportional collateral damage to civilian persons and property. Violations of the legal use of force, i.e. non-proportional violence, violence targeted at civilians, opportunistic violence, etc., constitute war crimes.

persecutions on political, racial or religious grounds ... carried on in execution of or in connection with any crime against peace or any war crime.”⁴⁷

In 1996, the International Law Commission revised the definition of crimes against humanity to include additional conditions, such that the act must be committed in a “systematic manner or on a large scale.”⁴⁸ This was an attempt to separate everyday criminal activity from violence deemed to have international importance, given that the category “crimes against humanity” encapsulates violence in both war and peace. The implications of these additions were two-fold: for rape to be systematic, it needs to be premeditated and part of an overall plan, policy, or strategy of violence; and for rape to be widespread, it needs to affect more than one individual (either through direct victimization or symbolically, through spectacle).⁴⁹

As depicted in the lower pathway of the figure, rape can also be prosecuted as a component of genocide, where genocide is defined as:

...any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: killing members of the group, causing serious bodily or mental harm to members of the group, deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part, imposing measures intended to prevent births within the group, forcibly transferring children of the group to another group.⁵⁰

Rape as a component of genocide can take many forms; for example, genocidal rape may be used in an attempt to destroy a particular group by attacking the group’s symbolic honor, force migration

⁴⁷ UN General Assembly, *Formulation of the principles recognized in the Charter of the Nürnberg Tribunal and in the judgment of the Tribunal*, 21 November 1947, A/RES/177.

⁴⁸ UN High Commissioner for Refugees, *The Exclusion Clauses: Guidelines on their Application*, 2 December 1996.

⁴⁹ Phillip Hwang, “Defining Crimes against Humanity in the Rome Statute of the International Criminal Court,” *Fordham International Law Journal* 22 (1998): 466–7; *The Prosecutor v. Tibomir Blaskic (Trial Judgment)*, IT-95-14-T, International Criminal Tribunal for the former Yugoslavia (ICTY), March 3, 2000, paras. 203; UN General Assembly, *Formulation of the principles recognized in the Charter of the Nürnberg Tribunal and in the judgment of the Tribunal*, 21 November 1947, A/RES/177.

⁵⁰ UN General Assembly, *Convention on the Prevention and Punishment of the Crime of Genocide*, 9 December 1948, United Nations, Treaty Series, vol. 78, p. 277.

through rape campaigns, or intentionally impregnate women to destroy kinship structures.⁵¹ Additionally, genocidal rape may be accompanied by mass murder to achieve broader extermination. Women are targeted during genocide, not only because of their gender, but also because of their (or their husband's or male relatives') national, ethnic, racial, or religious affiliations. They "are targets not simply because they 'belong to' the enemy ... they are targets because they too *are* the enemy."⁵²

Defining rape as genocide suggests that an individual falls victim to rape and sexual violence solely due to his or her identity or affiliations. Catharine Mackinnon, however, argues that rape perpetrated during war should be classified as genocidal in and of itself, rather than a component of genocide, only when it is used strategically.⁵³ She sees rape as an everyday tool that men use to dominate women, but argues that genocidal rape is exceptional: "If men do this all the time, especially in war, how can one pick a side in this one? And since all men do this all the time, war or no war, why do anything special about this now? This war becomes just a form of business as usual. But genocide is not business as usual—not even for men."⁵⁴ If women are potentially subject to rape and victimized simply because they are women, then rape could be understood as violence directed at a social and/or cultural population group and prosecuted as a standalone human rights violation.⁵⁵

⁵¹ Carpenter highlights two types of genocidal rape: forced impregnation and forced maternity. The former is used to impregnate, but may not result in a live birth; whereas the latter is used to force the woman to carry the child to term, and subsequently mother the child. Robyn Charli Carpenter, "Forced Maternity, Children's Rights and the Genocide Convention: A Theoretical Analysis," *Journal of Genocide Research* 2, no. 2 (2000): 215.

⁵² Copelon, "Surfacing Gender: Re-Engraving Crimes Against Women in Humanitarian Law," 207; Karen Engle, "Feminism and Its (Dis) Contents: Criminalizing Wartime Rape in Bosnia and Herzegovina," *American Journal of International Law*, 2005, 787.

⁵³ Catharine A. MacKinnon, "Rape, Genocide, and Women's Human Rights," *Harvard Women's Law Journal* 17 (1994): 9.

⁵⁴ *Ibid.*, 11.

⁵⁵ Hwang, "Defining Crimes against Humanity in the Rome Statute of the International Criminal Court," 473.

As it stands, though, individuals must be raped as part of a campaign to destroy a population group, which “lead[s] to calls for political intervention on behalf of some women but not others.”⁵⁶

In sum, then, for rape (or rape as torture) to be (1) a crime against humanity, rape must be widespread or systematic and directed as a specific political, racial, or religious (civilian) population group; (2) a war crime, rape must cause unnecessary loss of life or serious injury within the context of war; and (3) a component of genocide, rape must be perpetrated with the intent to destroy national, ethnic, racial, or religious population group. When rape is categorized as torture, political intent trumps the gendered and sexualized dimensions of the violence. When rape is categorized as a crime against humanity, it is artificially separated from “everyday” instances of rape or opportunistic violence. This inadvertently creates a hierarchy of victimization such that widespread or systematic rape is regarded as the most significant, overshadowing other instances of rape.⁵⁷ And when rape is conceived of as genocide, the crime is perceived as an attack on an identifiable population group, rather than violence against an individual because of their gender and other identities.

The forms of violence addressed above—crime against humanity, war crime, and genocide—account for egregious violence against particular population groups, but they discount “how men and women are (and are not), heterosexuality is (and is not), and how gender works (and does not work) in and upon communities and individuals.”⁵⁸ Without understanding the gendered and sexualized dimensions of rape that are central to its use, rape becomes just another type of violence used during armed conflict to achieve the same ends. It assumes that all rape, if perpetrated intentionally and strategically, will be efficacious regardless of the context in which it is perpetrated.

⁵⁶ Pascale Bos, “Feminists Interpreting the Politics of Wartime Rape: Berlin, 1945; Yugoslavia, 1992–1993,” *Signs* 31, no. 4 (2006): 997.

⁵⁷ I address this idea in Chapter Three of the dissertation. Clare McGlynn, “Rape as ‘Torture’? Catharine Mackinnon and Questions of Feminist Strategy,” *Feminist Legal Studies* 16, no. 1 (2008): 75–77.

⁵⁸ Baaz and Stern, *Sexual Violence as a Weapon of War?: Perceptions, Prescriptions, Problems in the Congo and Beyond*, 55.

For example, when the ICTR prosecuted rape as genocide, they had to discount the “sexual characteristics of rape,” such that “the rape of one person” translated “into an assault upon the community.”⁵⁹ Depicting rape in such a manner reinforced traditional (read: patriarchal) beliefs that women’s value resides in their biological, ideological, and cultural reproductive capacities to maintain, transform, and retain distinct ethnic and national differences. Furthermore, instrumentalizing rape as a component of genocide collapses the effects of sexual assault on an individual with the physical and mental destruction of a community.⁶⁰

2.3 International Criminal Tribunal for Rwanda and “Elements” of Conflict-Related Rape

Prior to the creation of the ICTY and the ICTR, the International Military Tribunal for the Far East was the only international court to prosecute any international sex crimes (as crimes of honor and inhumane treatment), meaning there was little precedent for prosecuting rape in international ad-hoc tribunals.⁶¹ So which situations of rape did the ICTR determine were strategic, that is, which situations constituted genocide, crimes against humanity, and/or war crimes? An overview of ICTR cases involving sexualized crimes shows that the ICTR emphasized the magnitude, severity, and the target of the violence as a way to infer perpetrator motivations and organizational strategy. In particular, ICTR only prosecuted cases where the perpetrator was a male, and the victim was a Tutsi female, who was targeted for membership in that group.

⁵⁹ Dean Adams, “The Prohibition of Widespread Rape as a Jus Cogens,” *San Diego International Law Journal* 6 (2004): 373; Binaifer Nowrojee, Dorothy Thomas, and Janet Fleischman, *Shattered Lives: Sexual Violence during the Rwandan Genocide and Its Aftermath*, vol. 3169 (Human Rights Watch, 1996), 2.

⁶⁰ Nira Yuval-Davis, Floya Anthias, and Jo Campling, *Woman, Nation, State* (Macmillan, 1989), 7.

⁶¹ Margaret M. DeGuzman, “An Expressive Rationale for the Thematic Prosecution of Sex Crimes,” *Thematic Prosecution of International Sex Crimes*, Morten Bergsmo, Ed., Torkeel Opsahl Academic EPublisher, 2012, 37.

Oftentimes the strategic use of rape is regarded as “self-explanatory through its implied universalized storyline of gender and warring,” but as is problematized above, historical understandings and international legal statutes prioritize crimes against population groups, rather than individuals, and relegate the gendered and sexualized dimensions of rape to the margins.⁶²

Take the ICTR case against the “Media” as an example. Ferdinand Nahimana, Jean-Bosco Barayagwiza, and Hassan Ngeze established and operated the pro-Hutu radiobroadcasting company, Radio Télévision Libre des Milles Collines (RTLM), and newspaper, Kangura, whose sole purpose was to spread anti-Tutsi propaganda. RTLM regularly broadcasted the Hutu Ten Commandments, which described Tutsi women not only as inferior to Hutu women, but also as *femmes fatale*, forbidding any Hutu men from having a Tutsi woman as a secretary, concubine, mistress, or wife.⁶³ Moreover, comics printed in Kangura depicted Tutsi women engaging in anal intercourse, cunnilingus, and fellatio with United Nations Assistance Mission For Rwanda (UNAMIR) soldiers. These acts are considered taboo in Rwandan society, and the comics implied that Tutsi women were willing to use their hyper-sexuality to enlist external armed actors in their fight against the Hutu.⁶⁴ Regardless of the fact that Tutsi women’s sexuality “play[ed] a disproportionate part in Hutu

⁶² Recall from the Introduction Chapter that rape is considered “strategic” when it is directed against a particular population group and manifests as part of a broader military strategy; whereas “opportunistic” rape is considered to be unrelated to armed conflict, perpetrated against an individual, and motivated by personal antagonisms. Baaz and Stern, *Sexual Violence as a Weapon of War?: Perceptions, Prescriptions, Problems in the Congo and Beyond*, 4.

⁶³ *The Prosecutor v. Ferdinand Nahimana, Jean-Bosco Barayagwiza, Hassan Ngeze (Judgment and Sentence)*, ICTR-99-52-T, International Criminal Tribunal for Rwanda (ICTR), December 3, 2003, paras. 139.

⁶⁴ Rene Lemarchand, *The Dynamics of Violence in Central Africa* (University of Pennsylvania Press, 2009), 62.

discourse (and iconography),” the charges against Nahimana and others for persecutions as a crime against humanity did not “encompass the incitement to sexually attack Tutsi women.”⁶⁵

And as eluded to in the introduction, in *The Prosecutor v. Emmanuel Rukundo*, the trial chamber prosecuted Rukundo for sexually assaulting a Tutsi girl, which was later overturned on appeal. The appeals chamber maintained that even though the act was “highly degrading and non-consensual,” the act did not meet the requirements of genocidal intent, stating “while taking place during a genocide... [the appeals chamber, Judge Pocar dissenting] finds no reasonable trier of fact...that Rukundo possessed genocidal intent in relation to the sexual assault of Witness CCH.”⁶⁶ Without genocidal intent, this sexual assault could have been prosecuted as a crime against humanity. All of the elements required for the sexual assault to be constitutive of torture were present: Rukundo, was a military chaplain for the Rwandan Army; the assault was part of a widespread or systematic assault; and the assault caused Witness CCH “serious mental harm.”⁶⁷ However, the indictment only contained charges for crimes against humanity for murder and extermination, not torture.⁶⁸ “Media” and *Rukundo* exemplify how the ICTR prioritized the perpetrators motivations as a means to decide whether the violence was efficacious or not, and as a result, minimized the role that gender and sexuality played in the perpetration and construction of violence during the genocide.

The case against the “Media” is also indicative of additional problems with the ICTR. Although the ICTR’s mandate was not limited specifically to crimes of genocide, the Court was regularly criticized for neglecting allegations that FPR members and individuals affiliated with the

⁶⁵ Magali Maystre and Nicole Rangel, “Analytical and Comparative Digest of the ICTY, ICTR and SCSL Jurisprudence on International Sex Crimes,” in *Understanding and Proving International Sex Crimes* (Torkel Opsahl Academic EPublisher, 2012), 689; Lemarchand, *The Dynamics of Violence in Central Africa*, 61.

⁶⁶ *Emmanuel Rukundo v. The Prosecutor (Appeals Judgment)*, paras. 227-238.

⁶⁷ The situation does not meet the requirements for rape—penetration of vagina, anus, or mouth—and therefore, cannot be prosecuted as rape as a crime against humanity. *The Prosecutor v. Emmanuel Rukundo (Indictment)*, para. 13,

⁶⁸ *The Prosecutor v. Emmanuel Rukundo (Indictment)*, para. 1.

current Rwandan President, Paul Kagame, and his administration were responsible for perpetrating rape and sexual violence during the genocide. To date, “fewer than 40 FPR soldiers have been tried” for any crimes committed during the genocide, and “most of those convicted were of lower ranks or were ordinary soldiers.”⁶⁹ Furthermore, in May 2008, the Rwandan government transferred cases of genocidal rape from conventional courts to *gacaca*⁷⁰ courts, where the crimes were “prosecuted as violations of the Rwandan penal code, not as violations of international humanitarian law.”⁷¹ An ICTR case against Benard Munyagishari, which included charges for rape as a crime against humanity and rape as genocide, was also transferred from the ICTR to the Rwanda High Court in 2012.⁷²

The ICTR has also failed to address violence that Hutu experienced during the genocide. Only recently, as evidenced by Emmanuel Karezi Karake’s June 2015 arrest on a 2008 indictment from Spanish Judge Fernando Andreu, has there been any attempt to rectify the injustices Hutu faced during and after the genocide.⁷³ Several ICTR indictments encompassed rapes perpetrated against Hutu women, but largely for the impact their victimizations had on Tutsi populations and only in conjunction with cases that were already addressing rapes perpetrated against Tutsi women and girls. In *The Prosecutor v. Jean de Dieu Kamuhanda*, for example, the indictment included rapes of

⁶⁹ Human Rights Watch, “Rwanda: Justice After Genocide: 20 Years On,” March 28, 2014.

⁷⁰ *Gacaca*, Kinyarwanda for “grass or ground courts,” are a local form of conflict resolution in Rwanda. The proceedings take place outside and exclude professional judges and lawyers. The *gacaca* court system expanded post-genocide to help with the overflow from ICTR. The mandate of the *gacaca*, however, only included crimes committed by Hutu against Tutsi, but excluded crimes committed against Hutu.

⁷¹ Moreover, the *gacaca* proceedings were held in community spaces and open to the public, which left “many rape victims [feeling] betrayed by [the] loss of confidentiality.” Human Rights Watch, “Law and Reality: Progress in Judicial Reform in Rwanda,” July 15, 2008; Human Rights Watch, “Rwanda: Mixed Legacy for Community-Based Genocide Courts,” May 31, 2011.

⁷² Munyagishari was the Secretary General of the MRND political party for Gisenyi town, and the President of the *Interahamwe* for Gisenyi préfecture. *The Prosecutor v. Benard Munyagishari (Referral)*, ICTR-05-89-R11bis, International Criminal Tribunal for Rwanda (ICTR), June 6, 2012.

⁷³ Karake is the current Rwandan Director General of the National Intelligence and Security Service, as well as the former head of the Directorate of Military Intelligence before and during the genocide.

Hutu women who were married to Tutsi men.⁷⁴ Kamuhanda, however, was acquitted of rape as a crime against humanity by the trial chamber.

Similarly in *The Prosecutor v. Sylvestre Gacumbitsi*, the Court found Gacumbitsi responsible for the rape of Witness TAS,⁷⁵ as well as the rapes of seven other Tutsi women and girls. The trial chamber reasoned that the women and girls were “chosen because of their Tutsi ethnic origin,” or in the case of Witness TAS, because of her “relationship with a person of the Tutsi ethnic group,” which constituted a crime against humanity.⁷⁶ Gacumbitsi’s role in perpetrating the rape against Witness TAS only qualified as a crime against humanity because he had instigated widespread and systematic attacks, including rape, against Tutsi civilians. Without rapes perpetrated against Tutsi, the Court likely would have found no connection between Gacumbitsi and the rape of Witness TAS.⁷⁷

In *The Prosecutor v. Mikaeli Muhimana*, the Court found Muhimana guilty of rape as a crime against humanity for raping two Tutsi women and “accidentally” raping a Hutu woman, Witness BJ-K, at Mugonero Hospital on April 16, 1994, apologizing to the Hutu woman after he raped her, saying it was a “mistake.”⁷⁸ It is unclear if the Court would have found Muhimana guilty of rape as a crime against humanity if he had not also raped two Tutsi women. And finally, in *The Prosecutor v. Édouard Karemera*, the Court found Karemera responsible for the rape of a Hutu woman and several

⁷⁴ Hutu women, who were married to Tutsi men, were raped and killed for “refusing” to marry Hutu men, while Tutsi women, who were married to Hutu men, were raped and killed for being Tutsi. In both scenarios, the woman, irrespective of ethnicity, was punished for her connection with Tutsi. *The Prosecutor v. Jean de Dieu Kamuhanda (Indictment)*, ICTR 99-54A-I, International Criminal Tribunal for Rwanda (ICTR), September 27, 1999, paras. 6.81-6.82.

⁷⁵ To protect their identities, witnesses could choose to use their initials, or be assigned a three-letter identifier, rather than their name.

⁷⁶ The appeals chamber affirmed the charges of rape as genocide (count 1) and as a crime against humanity (count 5). *The Prosecutor v. Sylvestre Gacumbitsi (Trial Judgment)*, ICTR 01-64-T, International Criminal Tribunal for Rwanda (ICTR), June 17, 2004, paras. 321-333.

⁷⁷ *The Prosecutor v. Sylvestre Gacumbitsi (Trial Judgment)*, paras. 329.

⁷⁸ Many cases equate rape and sexual violence perpetrated against “female refugees,” with the assumption being that all female refugees were Tutsi. This case demonstrates, however, Hutu women were among refugee populations, as was the case of Witness BJ-K. *The Prosecutor v. Mikaeli Muhimana (Revised Amended Indictment)*, ICTR-95-1B-I, International Criminal Tribunal for Rwanda (ICTR), February 3, 2004, para. 6.

Tutsi women near Karonzi Hill in Kibuye préfecture. However, the indictment only covered assault perpetrated in Kibuye préfecture from May to June 1994, and this assault occurred in April. Therefore these assaults were only admissible as background, and Karemara was let off on a technicality.⁷⁹

The only indictment that included sexual violence against a Hutu woman and not Tutsi women was *The Prosecutor v. Colonel Théoneste Bagosora*. Following the murder of Agathe Uwilingiyimana, a Hutu and then prime minister of Rwanda, a bottle was inserted into her vagina.⁸⁰ The trial chamber found Bagosora responsible for the sexual assault and guilty of other inhumane acts as crimes against humanity. When Bagosora appealed the conviction on the grounds that a sexual assault can only be perpetrated against a living person, the appeals chamber contended that sexual assault perpetrated after death constitutes an assault on human dignity; however, the indictment only encompassed sexual crimes perpetrated before Uwilingiyimana's death, not post mortem, and reversed the conviction on these grounds.⁸¹

The cases discussed above reveal that the ICTR deliberately prosecuted rapes perpetrated against a single population group (Tutsi) rather than rapes perpetrated against all population groups (Tutsi, Hutu, Twa, etc.) or individuals, strategic or otherwise. In other words, the ICTR prioritized which incidents they prosecuted based on the amount of people victimized, and whether or not the incident was part of an overall strategy to perpetrate violence against a community. Of the few cases, however ancillary, that addressed the sexual violence Hutu experienced during the genocide, most cases neither resulted in a conviction nor were not held up on appeal. The ICTR also did not

⁷⁹ *The Prosecutor v. Édouard Karemara (Trial Judgment)*, International Criminal Tribunal for Rwanda (ICTR), February 2, 2012, para. 1394; *Édouard Karemara v. The Prosecutor (Appeals Judgment)* International Criminal Tribunal for Rwanda (ICTR), September 29, 2014, paras. 1394.

⁸⁰ *The Prosecutor v. Colonel Théoneste Bagosora (Trial Judgment)*, International Criminal Tribunal for Rwanda (ICTR), December 18, 2008, paras. 720, 723-724, 938-939, 2219-2224, 2258.

⁸¹ *Colonel Théoneste Bagosora v. The Prosecutor (Appeals Judgment)*, International Criminal Tribunal for Rwanda (ICTR), December 14, 2011, paras. 723, 728-729.

address rape and sexual violence perpetrated against Tutsi or Hutu men and boys, aside from the murder and castration of Assiel Kabanda (a prominent Tutsi coffee trader).⁸²

Beyond the ICTR, *The Prosecutor v. Anto Furundzija* is the only ICTY or ICTR case where an individual was charged with a crime against humanity for sexually assaulting one individual, rather than multiple assaults against a population group. Furundzija subjected Witness A to multiple rapes and sexual assaults, and Witness D was forced to watch the attacks perpetrated against Witness A, whom he knew. Witness D was also subjected to physical attacks during interrogation. While *Furundzija* is often understood as a case based upon a sole individual's sexual victimization, it could easily be argued that they were both victims of sexual crimes: direct (Witness A) and indirect (Witness D) victims.⁸³

2.4 Conclusion

This chapter analyzed the treatment of rape in international law. An overview of the inclusion and definition of rape in international law underscores how international legal mechanisms such as the Fourth Geneva Convention, CEDAW, and various UN S/RESs have reinforced the problematic assumption that rape is biologically driven and heteronormatively perpetrated by men against women for sexual reasons, rather than acknowledging that rape is a type of violence used to express gendered social and political power. International legal statutes, which have shaped our contemporary understandings of the use and effects of conflict-related rape, are laden with similar assumptions. As it stands, rape is prosecuted under international law if the violence (1) is widespread or systematic and directed at a specific political, racial, or religious (civilian) population group (crime against

⁸² Rape and sexual violence perpetrated against Tutsi and Hutu men/boys, and Hutu women is under-researched. *The Prosecutor v. Eliézer Niyitegeka (Judgment and Sentence)*, ICTR-96-14-T, International Criminal Tribunal for Rwanda (ICTR), 16 May 2003.

⁸³ *The Prosecutor v. Anto Furundzija (Trial Judgment)*, IT-95-17/1-T, International Criminal Tribunal for the former Yugoslavia (ICTY), 10 December 1998.

humanity); (2) causes unnecessary loss of life or serious injury (war crime); and (3) is perpetrated with the intent to destroy national, ethnic, racial, or religious population group (genocide).

Political intent trumps the gendered and sexualized dimensions of rape. Everyday criminal activity is separated from widespread or systematic “conflict-related” rape, and rape perpetrated against identifiable population groups (defined in national, ethnic, racial, or religious terms) is prioritized over rape perpetrated against an individual because of their gender and other identities. The case analysis examined the application of international law in sex crimes cases prosecuted by the ICTR, and revealed two important findings. First, the ICTR deliberately prosecuted “strategic” rapes perpetrated against population groups, rather than rapes, strategic or otherwise, perpetrated against individuals. Second, the Tribunal prosecuted rapes perpetrated against one population group (Tutsi) and not violence perpetrated against other groups (Hutu, Twa, etc.).

This chapter has shown that when crimes of rape and sexual violence are categorized and prosecuted as torture, crimes against humanity, and genocide, the particular gendered and sexualized nature of the crimes is obscured. The *type* of violence (rape) becomes detached from the *form* of violence (torture, genocide, and crimes against humanity). In this regard, rape—absent of gendered and sexualized dimensions—inadvertently becomes equated with other forms of violence used during armed conflict to achieve the same strategic ends. When treated instrumentally, it is impossible to know why rape is efficacious during war.

* * *

In the next chapter, I attempt to add gender and sexuality back into the analysis, so to speak. I outline a contextual approach using the case of wartime sexual violence in Sierra Leone. Rather than emphasizing magnitude, severity, or the target of the violence as an instrumentalist approach does in

order to infer perpetrator intents from the effects of violence (and in turn, hold them accountable), my contextual approach starts with the basics. It asks, what is rape? And how does the context of the violence affect its meanings and uses? By adding gender and sexuality back into the analysis, I am able to show that rape is efficacious during war not when a perpetrator's motivations are strategic and then those strategic aims are accomplished (in terms of magnitude, severity, or target), but when it violates norms of sex and sexual exchange.

CHAPTER TWO

SETTING STRATEGY ASIDE AND TAKING A CONTEXTUAL APPROACH: WARTIME RAPE IN SIERRA LEONE

The housing compound was built from concrete, which made it difficult to decipher where the sounds were coming from. Could it be a baby crying? A group of friends laughing and drinking beer? Or just a pack of dogs wrestling in the night? Two days earlier, my “houseboy” had been arrested for stealing, and was replaced by another man, Abdul,¹ who had worked for this house in the past and came with good references. “Houseboys,” as they are referred to in Sierra Leone, are young men in charge of maintenance and security for larger housing compounds typically located in the West End of Freetown where many Sierra Leonean Lebanese and expats live.

As the concrete started to amplify the sound, I realized it was not the usual background noise of the West End; it was a woman shouting, crying, screaming. Once outside, I could tell the screams were coming from the apartment Abdul and his wife had moved into at the back of the house, just two days earlier. I started to call out his name over and over, “Abdul! Abdul! Abdul!” but there was no response.

I panicked. Over the span of a few seconds, which felt like hours, I debated whether to enter the apartment. In the past, when confronted with a similar situation, I froze. I always wondered what would have happened if I would have fought. Would things have ended differently? Fleeing did not seem like an option then, nor did it now, so I decided to intervene.

¹ The names of the people involved have been changed to protect their privacy.

When I entered the apartment, Abdul pulled a knife on his wife² and tried to stab her. She grabbed the knife as he tried to press it to her throat; then she pushed him and fled. Abdul lunged at me with the knife, and then turned to chase after her. I yelled for Aiah, the houseboy who worked for the adjacent compound. He came out immediately, and separated Abdul from his wife, leaving her with me.

Abdul's wife and I walked back to the house, where I called a friend to ask for advice about how to dress the burns, bite marks, and deep lacerations on her hands, neck, and face. The lack of after-hours medical care meant my travel first aid kit and ingenuity would have to do. Thankfully a fellow graduate student had given me a couple tubes of iodine that I remembered to pack with me. While I was dressing her wounds, the young woman disclosed that Abdul had confronted her about spending time with an uncle, beat her, and forced her to have sex. Even though I asked her to stay in the house for the night, she insisted on staying with Abdul in their apartment.

Being new to town, I did not know how to handle the situation, so the next morning I called the embassy. When I described the situation to the American woman on the phone, she laughed and claimed that it was “not uncommon for a man to beat his wife in the middle of the street ... and for others to stand by and watch.”³ Her response did not come as a surprise to me—it is culturally acceptable to perpetrate violence against women and girls in many countries depending on the context—but her callous tone did.

Shortly thereafter my landlord, a Sierra Leonean human rights journalist, arrived at the house. She insisted on talking to Abdul and his wife separately about what had happened, before we all sat down together. When we sat down together, she told Abdul that his behavior was completely unacceptable and suggested alternative ways to handle jealousy. Then she turned to his wife and told

² I do not reference the woman by name, intentionally. Over the course of the encounter, she was referred to only as Abdul's wife.

³ Field notes (Call to the US Embassy in Freetown, Sierra Leone), February 22, 2014.

her that she could leave Abdul; that we would help her return to her family in the village if she wanted. Finally, the landlord turned to me and told me not to worry, that “some women just love to be beaten; if they are not beaten they don’t feel loved.”⁴

Though marital rape was prohibited in Sierra Leone in 2007, it remains largely culturally acceptable.⁵ According to Amnesty International, “Most cases of violence against women, particularly those cases perpetrated by a husband or other family member, are ‘dealt with’ within families.”⁶ In other words, women and girls who are subjected to sexual and gender-based violence by their husbands or male relatives have little or no recourse to this violence.

In fact, it may not be considered “violence” at all. Customary law in Sierra Leone allows men to “chastise” their wives and children.⁷ Meaning, men may have the “right” to perpetrate violence against their wives under certain circumstances, including if he suspects that she has been unfaithful or she has failed to carry out her domestic responsibilities. In a study conducted by Physicians for Human Rights, “more than half of women reported that their husbands had the right to beat them and that it was a wife’s duty to have sex with her husband even if she did not want to,” even though the majority of the same women agreed that women should have rights protecting them from violence.⁸ Read through this lens, when Abdul beat his wife and forced her to have sex, customarily speaking, he may have had a right to do so.

You are probably asking yourself, what does this have to do with wartime rape? I use this example, because it highlights the hypervisibility and invisibility of sexual and gender-based violence

⁴ Field notes (Conversation), February 22, 2014.

⁵ Via the Domestic Violence Act of Sierra Leone.

⁶ Amnesty International, “Sierra Leone: Women Face Human Rights Abuses in the Informal Legal Sector,” May 17, 2006, 8.

⁷ H. M. Joko Smart, *Sierra Leone Customary Family Law* (Fourah Bay College Bookshop, 1983); Amnesty International, “Sierra Leone: Women Face Human Rights Abuses in the Informal Legal Sector.”

⁸ Physicians for Human Rights, “War-Related Sexual Violence in Sierra Leone: A Population Based Assessment,” June 2002, 61.

in Sierra Leone: hypervisible in the sense that it is well known that SGBV is a fact of everyday life in Sierra Leone, and invisible in the sense that, depending on the context, it may be condoned. One would need to know the characteristics of the perpetrator, of the victim, their preexisting relationship (if any), and the location of the assault, before being able to know whether the violence would be condoned. Alter the context, and the meanings of and responses to the violence would change. Moreover, note that Abdul's wife did not label what happened to her as "rape", meaning context also affects whether the violence is understood as rape in the first place.

If context is central to understanding rape, then why limit our analyses of rape to the actor and their intentions? Is it possible to understand why actors use rape, if we do not understand what "rape" is and how it manifests?

Even though armed conflict scholars "frequently represent conflict-related sexual violence as somehow independent from the relations of its productions," in this chapter I argue that whether rape is efficacious during war depends on the context in which the violence is produced, as well as the manner in which it is perpetrated.⁹ Based on my analysis of twelve years of newspaper coverage during the Sierra Leone civil war, I find that rape is efficacious when its use violates norms regarding who, how, and where rape should be used.¹⁰ This suggests that it is not the actor or their intentions that renders rape efficacious during war, rather it is the context in which rape is perpetrated that determines whether its use is illicit or permissible, prohibited or accepted, politically consequential or not.¹¹

This chapter proceeds in three parts. In the first part, I provide a brief overview of the Sierra Leone civil war, including background on the actors who were involved and general observations on

⁹ Meger, "The Fetishization of Sexual Violence in International Security," 151.

¹⁰ The analysis is bookended by the start and the end of the civil war: beginning with the RUF invasion on March 23, 1991, and ending with President Ahmad Tejan Kabbah's declaration at a peace ceremony in Lungi on January 18, 2002 that the civil war had ended.

¹¹ Meger, "The Fetishization of Sexual Violence in International Security," 151.

violence that was perpetrated. Next, I discuss the media in Sierra Leone, especially the role that newspapers played in framing and disseminating information during the war. Finally, I present my contextual analysis of newspaper articles about wartime rape. I focus on the role that norms regarding sex and sexual exchange—in this case what I call relationality, reciprocity, and visibility—play in producing understandings of rape as illicit or acceptable. I find that rape is considered illicit when the perpetrator violates these norms, regardless of whether they did so intentionally, for example: when the perpetrator has no preexisting relationship with the victim, when the victim is unmarried or sexually inexperienced, and/or when the violence is perpetrated in a public space or in the presence of others.

Rape is particularly egregious when it is perpetrated by someone from outside the victim's community, or when it is perpetrated in public by someone from the victim's community. In the case of the former, the violence is egregious because the perpetrator is not part of a shared group of norms. As such, the violence cannot be mediated through informal community processes that keep the violence relatively private. When the perpetrator is not from the victim's community, the victim's primary means of recourse is through more formal, law enforcement or legal channels. And in the latter case—where rape is perpetrated in public by someone from the victim's community—rape is egregious because it represents a deliberate violation of shared norms, which necessitates a more formal, public response.

Ultimately what this chapter shows is that in order for rape to be efficacious during war, it first has to be understood as rape, and second, it has to violate norms of sex and sexual exchange such that it prompts a more formal, public response. Only when rape is seen as unacceptable can it be efficacious during war.

3.1 Conflict Overview: Sierra Leone Civil War (1991-2002)

On March 23, 1991, a small group of about 100 guerillas invaded Sierra Leone from neighboring Liberia with the goal of overthrowing Sierra Leonean President, Joseph Saidu Momoh, and reinstating a multiparty democracy.¹² The guerillas included Foday Sankoh (a former corporal in the Sierra Leone army) and members of his armed group, the Revolutionary United Front (RUF); most of who were disenfranchised youths turned pseudo revolutionaries. The group also included Liberian and Burkinabe mercenaries, who were part of Charles Taylor's National Patriotic Liberation Front (NPLF).¹³ Though disagreement remains over the root causes of the war, scholars generally point to "lumpen culture and youth resistance"¹⁴ combined with one-party state failure as the catalyst for the conflict.¹⁵ These factors created an environment ripe for revolution and "criminal adventurism".¹⁶ In a sense, the question was not whether Sierra Leone would experience civil war, but when.

¹² Paul Richards, *Fighting for the Rain Forest: War, Youth & Resources in Sierra Leone*. (James Currey Ltd., 1998).

¹³ All groups had ties to Muammar Gaddafi and his *Green Book*, including the RUF. Many have also pointed to the role that neighboring (Liberia) and regional (Libya and Nigeria) played in orchestrating insecurity in the region.

¹⁴ Ibrahim Abdullah, "Bush Path to Destruction: The Origin and Character of the Revolutionary United Front/Sierra Leone," *The Journal of Modern African Studies* 36, no. 2 (1998): 203–35.

¹⁵ Yusuf Bangura, "Understanding the Political Cultural Dynamics of the Sierra Leone War: A Critique of Paul Richard's 'Fighting for the Rain Forest'," *Africa Development/Afrique et Développement* 22, no. 3/4 (1997): 117–48; Yusuf Bangura, "Strategic Policy Failure and Governance in Sierra Leone," *The Journal of Modern African Studies* 38, no. 4 (2000): 551–77; Ibrahim Abdullah et al., "Lumpen Youth Culture and Political Violence: Sierra Leoneans Debate the RUF and the Civil War," *Africa Development/Afrique et Développement* 22, no. 3/4 (1997): 171–215.

¹⁶ Jimmy D. Kandeh, "Ransoming the State: Elite Origins of Subaltern Terror in Sierra Leone," *Review of African Political Economy* 26, no. 81 (1999): 349.

Over the course of the twelve-year civil war, there were countless coup attempts,¹⁷ and dozens of local, regional, and international armed groups became involved. In addition to the involvement of different Sierra Leonean armed forces that corresponded with the political parties (APC, NPRC, AFRC, and SLPP) in control at the time, the conflict was further complicated by the involvement of locally organized paramilitary groups known as Civilian Defense Forces (CDFs),¹⁸ as well as by the involvement of various mercenary and international groups.¹⁹ Many combatants moved between different armed factions during the war, and when perpetrating attacks, some combatants would don the uniforms of other armed factions to avoid being assigned responsibility. Sierra Leonean soldiers, for example, were regularly accused of being “sobels”—soldiers by day and rebels by night—switching their uniforms and fighting for both sides to benefit from the same chaos they created.²⁰

Because the war started in the heavily forested, rural areas of southern and eastern Sierra Leone, the RUF initially focused their attacks on the village level, in an attempt to gain territory on the periphery and bolster their ranks. The president at the time, Joseph Saidu Momoh, cast the RUF’s invasion as a negligible threat to the peace and security of Sierra Leone, insisting that the

¹⁷ Including three successful coups: the first National Provisional Ruling Council (NPRC) coup in 1992, in which Valentine Strasser (NPRC) ousted Joseph Maidu Momoh of the All People’s Congress (APC); the second NPRC coup in 1996, in which Julius Maada Bio (NPRC) replaced brought Valentin Strasser; and the Armed Forces Revolutionary Council (AFRC) coup in 1998, in which Johnny Paul Koroma replaced Ahmad Tejan Kabbah of the Sierra Leone People’s Party (SLPP). Kabbah returned to power in 1998, following intervention by the Economic Community of West African States (ECOWAS). Kabbah was the only president actually elected during the course of the civil war.

¹⁸ The membership in CDF groups generally corresponded with local ethnic groups: Kamajors (Mende), Tamaboro (Kuranko), Kapras (Temne), Donsos (Kono), Gbethis (Temne). The group’s loyalty to the government depended on the leader of the governing party (and their ethnic or tribal identity), as well as the general relationship between that region and the capital.

¹⁹ At different periods in the conflict, Liberian, Burkinabe, South African (Executive Outcomes), and Gurkhan mercenaries were involved, as well as the following international groups: the (predominantly Nigerian) Economic Community of West African States Monitoring Group (ECOMOG) and United Nations Mission in Sierra Leone (UNAMSIL).

²⁰ Rebels would also don military fatigues, which created confusion as to who was responsible for perpetrating violence.

guerilla group was small in size and that the invasion was limited to a few rural areas. But in 1992, Momoh's response (or lack thereof) prompted the first coup. Valentine Strasser (a twenty-six year old commander from the Sierra Leonean Armed Forces) easily ousted Momoh and established the National Provisional Ruling Council (NPRC).

The NPRC took a more aggressive stance towards the RUF, actively engaging in counterinsurgency campaigns to regain some of the territory the RUF had taken during the first year of the insurgency. As a result, the RUF called their first ceasefire in 1993, and once they had regrouped, they started to shift their tactics from village-level attacks to bush or guerilla style warfare. This type of warfare included more (gross) violence against civilians, which worsened the RUF's relationship with communities, ultimately driving them to rely solely on forced conscription as their means of recruitment. As more groups (internal and external) became involved, the conflict spread from the southern and eastern rural areas of the country to the county as a whole, and in 1997, the conflict made its way to Freetown. Even though the strength of the RUF would continue to go through cycles of surging and shrinking, for the remainder of the conflict the RUF mostly resorted to roadside ambushes and perpetrating violence at checkpoints.

Throughout the conflict, both Sierra Leonean state forces and the RUF were documented engaging in violence against civilians, but the RUF gained international notoriety for their brutal practices of mutilating, amputating, and beheading civilians.²¹ Estimates suggest that around 100,000 civilians were mutilated during the war, 50,000 civilians were killed, and half of Sierra Leone's population of four million were displaced.²²

²¹ For example, in Koya, the rebels forcibly circumcised 84 boys. Unisa Deen Kargbo, "Rebels circumcise 84 in Koya and behead 17," *Herald Guardian*, May 27, 1999.

²² Nearly two million people were internally displaced and another half-million people were forced to leave Sierra Leone as refugees. Armed Conflict Database, "Sierra Leone Background," *International Institute for Advanced Studies*, n.d.

In addition to the gross physical violence, the RUF perpetrated high levels of SGBV throughout the conflict. The RUF regularly abducted civilians, and depending on the civilians' age, ability, and gender, they were forcibly conscripted as laborers, fighters, and/or wives. What this meant for women and girls in particular, was that when the RUF attacked a village in the middle of the night, they would capture girls and women, rape them, and conscript them. In fact, as Zoe Marks observed in her research on the RUF, "the majority of girls' and women's time in the RUF began with some form of violent capture, often accompanied by being raped by one or more fighters."²³

3.2 Newspapers and Media in Sierra Leone

This chapter derives its observations about sexual violence from twelve years of newspaper coverage during the Sierra Leone civil war. I selected and analyzed 1,872 newspaper articles from ninety-two different Sierra Leonean newspapers based on four content areas: violence, armed conflict, gender and sexuality, and identity politics (broadly conceived to include topics such as tribalism, regionalism, and nationalism).²⁴ The following table captures the annual number of newspapers in print;²⁵ number of articles I selected as part of the four content areas; and number of articles that report specifically on rape:

²³ Marks refers to this process as "virgination": a phrase her respondents used to describe the encounter. Zoe Marks, "Sexual Violence in Sierra Leone's Civil War: 'Virgination', Rape, and Marriage," *African Affairs* 113, no. 450 (2013): 67–87.

²⁴ The newsprint material was collected at the National Archives of Sierra Leone located at Forah Bay College in Freetown.

²⁵ Given that there were very few daily newspapers, I include newspapers that were printed daily, bi-weekly, and/or weekly.

	Newspapers Published	Articles (Content Areas)	Articles (Rape)
1991	14	77	15
1992	23	26	11
1993	11	170	23
1994	12	137	22
1995	19	181	32
1996	32	147	31
1997	45	390	38
1998	35	211	27
1999	9	123	20
2000	14	260	33
2001	13	149	62
2002	12	1	0
	20 (avg)	1,872 (total)	314 (total)

Table 3.1: Descriptive Statistics on Annual Number of Newspapers and Article Distribution

As you can see in the table, the number of newspapers in print fluctuates dramatically year-to-year. This reflects of a couple of factors. First, the number of newspapers appears to change depending on the regime. Not surprisingly, when the leader at the time was advocating for a transition to multi-party democracy, instead of maintaining military rule, the press generally had more freedom. For example, in 1992—when the NPRC ousted Momoh and the APC—you see a brief upward spike in the number of newspapers. When the Council first took over, they stressed the need to shift away from a one-party system to a multi-party democracy; the press and their freedom were seen as instrumental to that transition. Similarly, the country had a relatively high number of newspapers following the election of Ahmad Tejan Kabbah in 1996, Sierra Leone’s first democratically elected president. Second, the fluctuation in the number of newspapers reflects the nature of the print industry in Sierra Leone. Most newspapers are privately owned and depend on advertising revenue for their survival. The combination of prohibitively high printing costs and unreliable access to electricity made it difficult for newspapers to print consistently and in turn made it difficult to build

a readership base and attract advertisers.²⁶ As a result, many newspapers were regularly closing and opening depending on their revenue streams.

Of the 314 articles that reported specifically on rape—including both conflict-related and non-conflict related (in order to not presume the context of the assault)—the majority of the articles focus on rapes where the alleged perpetrator is believed to be either a rebel or a civilian.²⁷ The following chart highlights the distribution of articles about rape, catalogued by the alleged perpetrator, from 1991-2001:²⁸

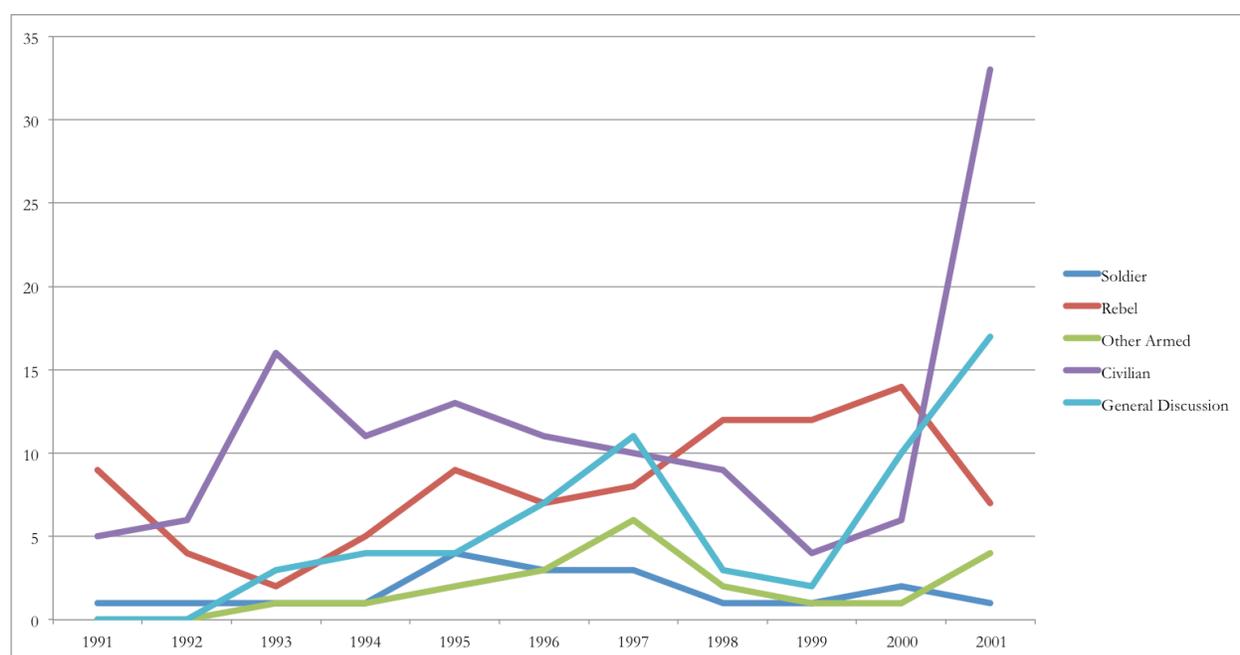


Figure 3.1: Number of Articles (Rape) by Alleged Perpetrator, 1991-2001

²⁶ Except the APC-sponsored *We Yone*, most newspapers are privately owned and independently operated. Journalists and newspapers, however, have been known for accepting money from individuals in exchange for expressing loyalty to particular regimes or for distorting information. Search for Common Ground, “Media Sector Mapping in Sierra Leone,” October 31, 2005, 14.

²⁷ “Other Armed” includes member of other armed groups, security forces, and police; and “General Discussion” includes articles that discussion the use of rape in conflict and non-conflict settings generally.

²⁸ Since the conflict officially ended on January 18, 2002, the year (2002) is excluded from the graph to avoid giving the appearance of a decrease in articles about rape in 2002.

The imbalance in coverage is not indicative of the comparative prevalence of assaults, rather the relatively lower number of reports on soldier-perpetrated rape may again reflect the level of government censorship of the press.²⁹ Voicing opposition or saying something unfavorable about the government—e.g. reporting that soldiers were perpetrating sexual violence against civilians—put journalists and newspapers at risk. Journalists were regularly targeted and attacked during the war, and several newspapers had their offices raided.³⁰

The overwhelming majority of newspaper articles written specifically on rape were derived from one of two sources: police reports or war correspondents.³¹ And the articles produced from these sources range from articles on individual assaults, where the article attempts to reconstruct the assault and comment on how the violence is being handled, to interviews with individuals who directly experienced violence and managed to escape. More general articles report on the annual numbers of reports of rape in a given district, or in conflict-affected areas, report on the types of violence that were perpetrated during any given attack, in which rape was one type of violence used. The assaults reported in the newspapers are a subset of the assaults that are reported to police or correspondents, which are a subset of all sexual assaults, reported and unreported. How newspapers arrive at the decision to cover a particular assault and not another is a project in and of itself. Meaning, I am less interested in the curation process that journalists and editors go through to select articles, and more interested in the output of articles and what they convey or represent individually and as a whole.

²⁹ An extended discussion of the role of newspapers during the war in Sierra Leone can be found in Appendix A.

³⁰ Thirteen journalists were killed during the Sierra Leone civil war, according to the Committee to Protect Journalists.

³¹ As the conflict progressed, more international organizations became involved in humanitarian efforts. Journalists would draw from reports produced by organizations such as Human Rights Watch and Amnesty International in their articles.

Regardless of the source or the focus of the article (individual versus general reporting), newspaper articles encompass a wealth of information regarding the ways sex and sexual “exchange” manifests, as well as how these manifestations are perceived. The language used to describe perpetrators, victims, and the violations themselves elude to broader sociocultural constructions of violence, as well constructions of gender and sexuality. Typically, the articles include information regarding the perpetrator’s sex, age, affiliation, and relation to the victim. Articles also include information on where the assault took place and who was involved. Equally important are the exclusions of certain types and forms of sexual violence from this forum.

By conducting a thorough newspaper analysis, I am able to I situate wartime rape within a broader context of violence and inequality. Meaning, a contextual approach allows me to elucidate patterns in the meanings, uses, response to, and perceptions of sexual and gender-based violence, rather than presume them. It is only then that I am able to ascertain boundaries that delimit when sexual and gender-based violence is considered normative (i.e. acceptable) and the thresholds of those types of violence (in terms of acceptability). In particular, what can the relationship between the perpetrator and victim tell us about the meanings and responses to violence? Are there patterns in the types of victims afflicted that the newspaper chooses to cover? How does the location of the assault affect responses to the violence?

3.3 Contextual Analysis: Normative Rape and Thresholds of Acceptability

In September 1994, a journalist asked six men in Freetown: would you divorce your wife if she were raped in your presence? Their responses ranged from “I won’t” to “Of course” and “It depends.”³² The reasonings behind their responses exhibited a similarly broad range. For example, the man who

³² Sorie Sudan Sesay, “Would you divorce your partner if raped in your presence,” *Concord Times*, September 6, 1994.

responded, “I won’t,” stated that he would not divorce his wife if she were raped, regardless of whether the rape happened in his presence, because “it would not have been her fault. I only know one meaning for the word rape. That is when someone is forced to have sex against her wish.” This idea—that women are not responsible for rape—however, did not carry over to other responses. In particular, two men responded saying their wives would have to prove that it was not an “unholy affair,” and that “she was truly raped by vandals,” only then would they not seek divorce. In other words, the woman could plausibly claim rape if the violence was perpetrated by vandals or other strangers, but if the woman knew the perpetrator, it would be much more difficult for her to convince her husband that it was rape and not infidelity. Depending on the perpetrator’s relationship (if any) to the victim affects whether the violence can be understood as rape.

In another response, a man said, “Of course,” he would divorce his wife if she were raped in his presence. “It would be very shameful for me,” he said, “to continue to love such partner and walk arm-in-arm with her. Those who respect me will look down on me.”³³ Another man, however, responded, “it depends” on the situation.³⁴ If he were the only witness to his wife’s rape then he would not divorce her, but if she were raped “in the presence of more than one person” or “in the presence of a big crowd” he would have “no other choice but to divorce her instantly.” Both of these responses tap into similar reasoning: if other people know about the assault he would have to divorce her, but if no one else knew, the social costs could potentially be mitigated or avoided. This concern about social costs points to the collective shame associated with rape. In Sierra Leone, it is the duty of a father or husband to ensure the honor of his family, which is intrinsically tied to the sexual purity of the girls and women who are a part of that family. Rape, therefore, represents a violation of that honor, but only if others know. As Adama Conteh wrote in the *New Shaft*, “Family

³³ Ibid.

³⁴ An additional man responded that if he did not “love her,” that he would use the rape as an excuse to leave her, but if he loved his wife, he would not divorce her if she were raped in his presence.

honour is defined, almost exclusively, in terms of the sexual purity of the societies' women. The modesty code functions to regulate, safeguard, and preserve family purity.”³⁵

The reasonings behind these responses indicate that whether the perpetrator knows the victim and whether others know about the assault affects the social costs of the violence, as well as how the violence will be mediated. The reasonings were characteristic of trends I identified across the articles that reported specifically on rape.

In this section, I draw from an array of newspaper articles to outline a contextual framework, which consists of the three dimensions highlighted by the article discussed above. The dimensions point to a number of boundaries that delimit when rape is considered normative (i.e. acceptable) and the thresholds of violence (in terms of acceptability). The first dimension, what I call “relationality,” concerns the perpetrator’s preexisting relationship (if any) to the victim, which affects how the assault will be responded to: formally or informally. The second dimension concerns how sexual exchange is negotiated, which has less to do with consent and more to do with, what I call “reciprocity.” The third and final dimension, “visibility,” concerns the possible spectacle of the violence. In particular, I examine how the location and involvement of individuals other than the initiator of the violence affect the individual’s (and family’s) ability to keep the violence hidden.³⁶

I find that rape is considered illicit when the perpetrator violates these norms, regardless of whether they did so intentionally. Moreover, only when the violence is both understood as rape and violates one of these norms—which elicits a public response and implies a social cost—can rape be efficacious during war.

³⁵ Adama Conteh, “Female Circumcision: A Woman’s View,” *The New Shaft*, January 13-20, 1992.

³⁶ I expand on this later in the paper, but it is worth noting that individuals may become involved accidentally (in the case of witnessing or intervening), voluntarily (in the case of participating in violence, but not initiating), and/or involuntarily (in the case of being forced to witness or participate in the violence).

3.3.1 *Relationality*

Three types of articles emerged in the newspapers. The first type involved a male perpetrator who occupied a position of authority who knew the victim prior to the assault (teacher, religious leader, health worker, etc.);³⁷ the second, a male perpetrator who did not know the victim; and the third, a combatant³⁸ who also did not know the victim.³⁹ This is not to say that these are the only types of sexual violence that happened, but rather to say that these are the types of rape the newspapers decided to focus on.⁴⁰ It is important to note that females were rarely portrayed as perpetrators of rape in the newspapers.⁴¹ If involved in an assault, their role was to lure other girls and women to a particular location. Rape was portrayed as a form of violence perpetrated by men and boys against women and girls.

The emergence of these three types of perpetrators in newspaper coverage of rape, as well as the language used to describe them, suggests that rape becomes less acceptable the farther the perpetrator is outside of the victim's community. You would think that it would be more egregious the closer the perpetrator is to the victim, but the assault is actually less acceptable if it is perpetrated by someone who is outside the victim's family or community. But why is this the case? As the

³⁷ I am adopting the term "position of authority" from U.S. criminal law. In some states, if the perpetrator occupies a position of authority or trust, and then uses that position to assault someone, the assault is seen as more severe. For example, whether the perpetrator is in a position of authority is one of the factors that separates second from third degree sexual assault in Wyoming. The position of authority doctrine was also fundamental to the development of the doctrine of commander responsibility in international law.

³⁸ In articles involving combatants, the perpetrator is overwhelmingly reported to be a rebel, which is indicative of the hyper-focus on rebel rather than soldier activity (as discussed earlier).

³⁹ In cases of proxy rape—where an individual is forced to perpetrate violence—I do consider both the relationship between the direct perpetrator (who, in this case, is also a victim of violence) and the victim, as well as the relationships between the initiator of the violence and the victim

⁴⁰ Though much less prevalent, there were some instances of molestation reported where a father, stepfather, or other male family member rapes their daughter or niece. But these cases are only reported when the girl conceives as a result of the molestation, and/or when the man is in a position of authority and is societally seen as occupying a moral high ground.

⁴¹ Only one explicit instance appeared in the newspapers, where a man and woman were charged with the attempted rape of a pregnant woman. Christiana Coker, "2 Charged with Rape," *Unity Now*, April 1, 1996.

opening anecdote highlighted—where Abdul forced his wife to have sex—the violence is more acceptable when the perpetrator knows the victim, for a number of reasons. Violence against women is culturally acceptable within the context of marriage, as long as it is not too severe. Moreover, rape perpetrated within the family or community (e.g. marital rape) can be handled privately between families and within communities. But when the perpetrator is from outside the victim’s family or community, the violence is less acceptable, and more often includes outside involvement by the police and/or courts. In short, the relationality between the perpetrator and the victim affects the response to the violence and in turn, the ability to contain it.⁴²

The following figure depicts the spectrum of acceptability, when it comes to the relationship between the perpetrator and victim:⁴³

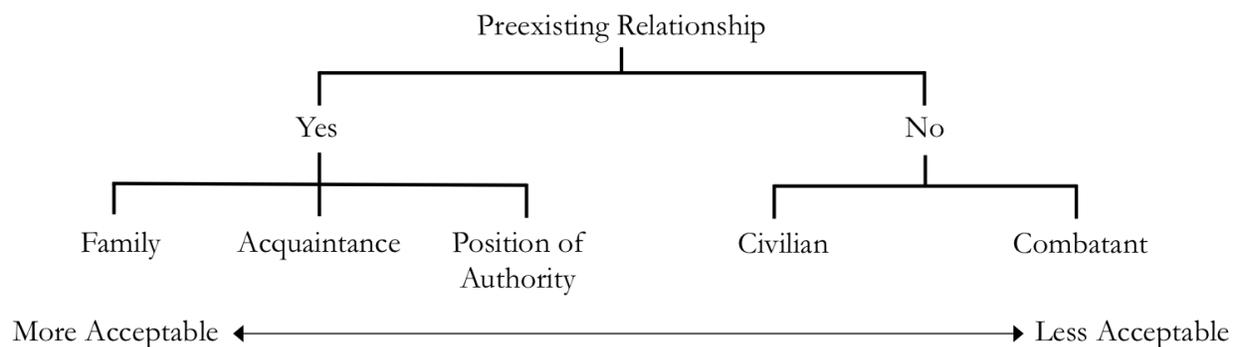


Figure 3.2: Perpetrator’s Relation to Victim

⁴² Holly Porter documented a similar trend, albeit in a very different context, in her work in northern Uganda. In her sample, nearly three quarters of survivors knew their victim, though very few of these assaults became public, let alone made it to the courts. She found that “the more distant the relationship between the woman and the man who raped her, the harsher the woman thought his punishment should be.” She found this to be the case regardless of whether the perpetrator was a civilian or combatant. Holly Porter, “After Rape: Justice and Social Harmony in Northern Uganda” (The London School of Economics and Political Science (LSE), 2013), 122.

⁴³ “Acquaintance” includes non-family members who share a residence with the victim, neighbors, and other community members. The three preexisting relationships can also be thought of as familial, communal, and institutional.

As the figure shows, assaults where the perpetrator and victim have a preexisting relationship, the assault is more acceptable, and conversely, the farther the perpetrator is from the victim's family and community, the more egregious the offence.

This is evident in the language used to describe the perpetrators in the articles. If the perpetrator had a preexisting relationship with the victim, the perpetrator was described as unable to control himself, sexually; he was not described as someone who forced another person to have sex against their will. This language helps to reinforce cultural notions that women and girls should be sexually available to men, all the while denying any wrongdoing if the man forces a girl to have sex without her consent.⁴⁴ For example, one journalist wrote that the perpetrator “could not control himself,” because the victim was “tantalisingly irresistible.”⁴⁵ He had no choice but to rape her. Another journalist went so far as to commend perpetrators for being “clever,”⁴⁶ for “ravaging their prey by turns,” when men were able to take advantage of girls and women they already knew.⁴⁷ And older men who raped much younger girls were described as being “really desperate to have sex with young girls.”⁴⁸ It was “keen nose for female strangers”⁴⁹ preventing them from “sparing any female[s]”⁵⁰ from their attacks. The subtext being that these men had habitually targeted and sexually

⁴⁴ A woman can use birth control without her husband's consent, but she should remain “sexually available, responsive and cooperative.” And in one village, “when women...didn't want to have sex with their husbands they were accused on infidelity.” Ibrahim Foday Mansaray, “Islam, Contraceptives and Abortion,” *Afro Times*, November 23, 1994; “I was a slave, not a wife!” *For Di People*, September 10, 1996.

⁴⁵ Another article also advocated for the government to try to control the “unbridled sexual conduct of men.” “Childless Wife becomes another Juju Victim?” *Weekend Spark*, December 6, 1991.

⁴⁶ “Women beware,” *Weekend Spark*, September 18, 1998; Jeremy Stone, “Changing Sexual Attitudes to Develop II,” *The Daily Mail*, October 27, 1994.

⁴⁷ “By turns” is a reference to multiple perpetrator rape. In another case, a soldier attempted to rape his cousin and killed three people trying to find her after she fled. His behavior was labeled by the military as “undisciplined,” and he received no punishment for either the attempted sexual assault or the murders. “New Sex Pattern in City,” *Weekend Spark*, June 25, 1993; “Soldier goes on a rampage, Kills 3 in Bo,” *The Chronicle*, July 12, 1991.

⁴⁸ “City Hawker Sex ‘Wahala’ 13 yr. old Girl Says it All,” *Weekend Spark*, May 1, 1998.

⁴⁹ “Raped to Death! – Suspect Arrested?” *Weekend Spark*, May 10, 1991.

⁵⁰ Max Jimmy, “5-Year-Old Raped,” *Liberty Voice*, May 5, 1994.

preyed on young girls for an extended period of time. For instance, when an herbalist raped a ten-year-old girl neighbors reported that he had not dated “mature girls...for the past 20 years.”⁵¹ And in yet another case where a traditional healer raped an eight-year-old he was treating for epilepsy, he was reported as being “known for his love of *women*” (my emphasis added).⁵²

On the other hand, if the perpetrator did not have a preexisting relationship with the victim, the perpetrator was described as “inhuman”⁵³ and barbaric: only someone who was not human would be capable of perpetrating such acts.⁵⁴ In an article reflecting on the atrocities committed over the course of the war, one journalist wrote that rebels were “suffering from ‘psychoses’, becoming ‘temporarily insane.’”⁵⁵ So much so that the rebels “would commit unimaginable atrocities [including rape], even against their own mothers, and afterwards they would have no memory of what they had done. Chilling!! Demons in human flesh.” This type of language was regularly used to describe rebels who perpetrated rape against civilians. Rebels were referred to as “sex maniacs,”⁵⁶ who were “trigger-happy ‘dogs of war’ ... turning religious houses into brothels.”⁵⁷ They were “cocaine-addicted beasts,”⁵⁸ that behaved “like suicide squads,”⁵⁹ and perpetrated sexual violence “mercilessly.”⁶⁰

⁵¹ H.H. Yansaneh, “Rapist of 10 year-old girl caught,” *For Di People*, February 24, 2001.

⁵² “Jujuman rapes 8 year-old patient,” *The New Breed*, September 30-October 6, 1992.

⁵³ Desmond S. Conteh, “Junta rebels devastate Biriwa Chiefdom,” *The Herald Guardian*, June 29-July 1, 1998.

⁵⁴ Another article also reported that civilians “are not barbarians like the rebels,” as well as referred to the rebels’ campaign of violence as “sustained barbarities.” Jamestina Pratt, “The People are Crying Out: ‘We Want Arms!’” *The Patriot*, June 9-14, 1991; “Charles Taylor Threatens Sierra Leone Again!” *The Vision*, November 13-20, 1991.

⁵⁵ Oswald Hanciles, “Understanding our war,” *Concord Times*, June 6, 2001.

⁵⁶ “Rebels Expose Secrets: Watch Out for the Ladies with the Wigs,” *The Vision*, June 5-12, 1991; “Sexual Harassment at Checkpoints? Drivers Complain: we’ll hike fairs,” *Weekend Spark*, July 8, 1998.

⁵⁷ “Rebels without a Cause?” *The Chronicle*, May 21-26, 1991.

⁵⁸ “Rebels Rearm as Foday Sankoh Panics!” *For Di People*, March 10, 2000.

⁵⁹ “Held by Taylor’s Rebels...Hostages Tell Their Stories,” *We Yone*, April 19, 1991.

⁶⁰ “Rebels Still Slaughter Children Every Day for Big Feast,” *Weekend Spark*, August 2, 1993.

The different language highlights how the perpetrator's relation to the victim affects the acceptability of rape.⁶¹ Maria Baaz and Maria Eriksson Stern also find evidence for the different language used to describe perpetrators. They argue that such differences are used to separate "humans from beasts, the normal from the abnormal, ... [and the] 'we' from a strange and terrible Other."⁶² The language represents an attempt to separate acceptable violence from illicit violence: acceptable violence being violence where the perpetrator knows the victim and unacceptable violence being violence where the perpetrator does not know the victim.

In addition to the portrayal of the perpetrators, articles frequently eroticized accounts of rape, as well as lauded perpetrators of rape. Articles regularly use phrases like "made advances," "pounced on," "played with," "forced her into an affair," and "have fun with," to describe instances of rape.⁶³ For example, in an article that reported on a 77 year-old man who raped a 16 year-old displaced girl that he was sheltering, the journalist wrote, "He started off fondly like a little boy, wend[ing] his way to the teenager's pointed breasts." The article explained that the man's assault was due to an uncontrollable desire for daily "teenage sex," and praised "his powerful 'horse power,'" which made him a source of "envy [for] young men."⁶⁴ In another article recounting one of the founding myths of the different ethnic groups in Sierra Leone, a man "pounced" on a woman he

⁶¹ There was, however, one notable exception to the dichotomous portrayal of the perpetrators. When a perpetrator was young, his behavior was excused, because he was either "too small to think about sex let alone indulge in it," or he was "not capable" of perpetrating rape. "7 year-old Boy Rapes 2 year-old," *Weekend Spark*, March 1, 1996; "3 Juveniles Rape 7 year-old girl," *For Di People*, May 30, 2001.

⁶² In particular, Baaz and Stern argue that the differences in language reflect entrenched racialized, colonial hierarchies that disproportionately portray sexual violence in conflicts in the global south as particularly barbaric. Baaz and Stern, *Sexual Violence as a Weapon of War?: Perceptions, Prescriptions, Problems in the Congo and Beyond*.

⁶³ "Form 1 Pupils Raped—two teachers in police probe," *We Yone*, April 8, 1991; Gabriel Momoh, "Prophet rapes 11-year-old girl," *The New Breed*, February 10-16, 1993; Sorie Sudan Sesay, "MAD Woman raped at cemetery," *Concord Times*, January 1, 1994; "People's Peep: Awards," *For Di People*, September 16, 1997.

⁶⁴ "When Desperate Grandpa 77, Went Wild on 16 year-old Girl," *Weekend Spark*, July 23, 1993.

regularly saw in the forest “like a dog and laid her on the grass and violently made love to her several times.”⁶⁵

3.3.2 Reciprocity

Despite variation in types of adult male perpetrators portrayed in the newspapers, the victim was almost always the same: an unmarried and sexually inexperienced young girl.⁶⁶ Meaning, adult females and married females were absent from newspaper coverage.⁶⁷ Male victims were also not mentioned, as they are not considered to be victims of rape.⁶⁸ And given that homosexual sex (consensual or not) is taboo in Sierra Leone, even if a man or boy were raped, it would not be discussed publicly. What does this focus on young, unmarried girls tell us about norms of sex and sexual exchange? Who should be engaging in sex, for what purposes, and how should it manifest? And what would constitute a violation of those norms?

⁶⁵ The rape resulted in the impregnation of her 3,600 pubic hairs. During the naming ceremony for the 3,600 offspring (which reached adulthood one week after birth), they split them into groups and named them via their surroundings. These groups eventually became the different ethnic groups in Sierra Leone. Randy Wright, “Death Trap for Men,” *Daily Mail*, April 19, 1997.

⁶⁶ Victims ranged from 1-70 years old with the average among reported ages being 10-11 years old. The average age of the perpetrator was 34 years old.

⁶⁷ Exceptions include instances where the marital status was unknown/unreported (especially in coverage of rebel attacks where rape was listed as one of several types of violence perpetrated during the attack, e.g. “women and girls were raped”), and a single article that reported on marital rape that appeared in the entertainment section of a newspaper. “He raped me after our son was born,” *Independent Observer*, June 17, 2000.

⁶⁸ There were two exceptions to this trend. One article reported on a male-male rape in London, and another article reported that inmates at Pademba Road (a maximum-security prison) reported sexual harassment from the guards. Homosexuality was regularly discussed in the newspapers as one of the adverse effects of democracy and modernization. “E Don Pan Play: Man Rape Man in Broad Day-Light in City,” *Weekend Spark*, March 19, 1993; Sulaiman Momodu, “Revealed: Homosexual Acts in Pademba Prisons,” *Concord Times*, January 24, 1997.

In general, sex in Sierra Leone should be heterosexual, unpaid, for the purposes of procreation, and occur in the context of marriage in a private place with no onlookers.⁶⁹ Moreover, sexual relations between adult men and adolescent or prepubescent girls are widely acceptable and very common in Sierra Leone, so long as they occur within the context of marriage. A 1985 census, for example, showed that “90 percent of women and 20 percent of men [were] married by 24 years” of age.⁷⁰

This imbalance between the ages at which men and women marry is indicative of broader, gendered cultural attitudes and practices towards marriage and reproduction. Generally, a girl’s parents “arrange marriage before or immediately after [she reaches] puberty.”⁷¹ “Value [is] attached to virginity as a bridal asset,” and the longer a girl remains unmarried the higher the risk of her being sexually promiscuous.⁷² If a girl is “not a virgin” when the families negotiate the marriage, then the girl’s parents “have to scale down their expectations regarding bridewealth and marriage prospects.”⁷³

This window between pre- and post-puberty for a girl’s family to marry her off is short;⁷⁴ if a girl child is not married right after puberty, her “chances of doing so may become slimmer and [she]

⁶⁹ Though marriage negotiations involve bridewealth payments, which are transactional in a sense, other forms of paid or transactional sex are frowned upon. It is seen as sex in the pursuit of pleasure, not procreation. For example, in one article, a journalist wrote, “For when a woman sells her pride, what else remains of her?” Moreover, if sex happens outside of marriage, individuals are encouraged to use protection to prevent pregnancy out of wedlock, and because of the moment in time, to prevent the transmission of HIV/AIDS and other STIs. Tigi Kamara, “Prostitution: A Critical Appraisal,” *Unity Now*, November 11, 1996.

⁷⁰ Solomon Rogers, “Why Are Our Adolescents Getting Pregnant,” *Daily Mail*, July 20, 1998.

⁷¹ “Femail Magazine: Passing From Girlhood to Womanhood,” *Daily Mail*, December 29, 1994.

⁷² *Ibid.*

⁷³ Mariane C. Ferme, *The Underneath of Things: Violence, History, and the Everyday in Sierra Leone* (Univ of California Press, 2001), 100.

⁷⁴ In one article, two cases of early marriage were juxtaposed. One where “Twelve year old girls are given in marriage to octogenarians ... sex maniacs unleash[ed] on twelve year old babies,” and the other where an “energetic, able, willing and ready sixteen year old girl [is] given into marriage.” “Double Tragedy of Sexual Torture,” *Weekly Echo*, June 23, 1993.

will be stuck with [her] family forever.”⁷⁵ Families, therefore, force their girl children “into early marriage with...much older m[e]n,”⁷⁶ who are “old enough to be their fathers [or] grandfathers,”⁷⁷ right after they are circumcised and initiated into secret, “bondo” societies.⁷⁸ Though not surprising, boys are not forced to marry early. Men typically marry much later in life, as a man’s family has to raise funds to pay bridewealth. “For a man,” Mariane Ferme writes, “finding a wife is virtually synonymous with paying bridewealth.”⁷⁹ Many men go on to have multiple wives if they can afford to.

What this means is that a girl’s first and subsequent sexual encounters have less to do with her consent, and more to do with families negotiating bridewealth payments. In fact, “a girl’s first sexual encounter is usually unplanned and unwanted.”⁸⁰ Girls “have limited capacity [control] over their sexual and reproductive lives ... [and] any relationship can sometimes lead to ... being sexually exploited.”⁸¹

⁷⁵ Ibrahim Labor Fofana, “Adolescent Pregnancy Shoots Up!” *Tablet*, June 22, 1999.

⁷⁶ “Mainly for Women: The Painful Odds for Women in the Sa. Leone Society,” *Weekend Spark*, September 15, 1995.

⁷⁷ Ola Johnson, “Consequences of Early Marriage,” *Liberty Voice*, April 16, 1994.

⁷⁸ Once a girl is married, she is expected to start having children immediately. As one journalist wrote rhetorically, “Can you imagine a girl becoming a mother of three or four children even before reaching her 21 birthday?” Moreover, one study found that “72.7 percent of all pregnant women visiting the Princess Christian Maternity Hospital ... were teenage married women between the ages of 12 and 19 years,” from 1992-1994. Solomon Rogers, “Why Are Our Adolescents Getting Pregnant,” *Daily Mail*, July 20, 1998; “Women in big crisis,” *For Di People*, September 28, 1996.

⁷⁹ Ferme’s work centers on Mende-speaking areas of southeastern Sierra Leone, but practices of early marriage, circumcision, and secret, gendered societies extends beyond this region. Mariane C. Ferme, *The Underneath of Things: Violence, History, and the Everyday in Sierra Leone* (University of California Press, 2001), 99.

⁸⁰ “Femail Magazine: Passing From Girlhood to Womanhood,” *Daily Mail*, December 29, 1994.

⁸¹ In addition to the potentially non-consensual nature of early marriage and the sexual relations that are a part of that, many girls experience violence within these relationships. “During the first night of marriage, [many] young girls have had to be rushed ... to [the] hospital ... as a result of excessive bleeding.” Ola Johnson, “Consequences of Early Marriage,” *Liberty Voice*, April 16, 1994; Kotah Contey, “Adolescent Pregnancy Rates in Sierra Leone: Ugly Trends,” *Weekend Spark*, July 17, 1998.

Even though “consent is generally the key factor that distinguishes sex from rape,” Holly Porter writes, “notions of consent and rape are social.”⁸² If girls and women lack power “to determine where, when, and how sex takes place,” this suggests that something other than the individual’s consent may be mediating meanings and responses as to what rape is and how it manifests.⁸³ If it is not an individual’s consent that is being violated when an individual is raped, what is?

Newspaper coverage of sex and sexual exchange suggests that if a victim is young, unmarried, and sexually inexperienced this violates the expectation of “reciprocity” that is at the root of marriage negotiations. Marriage, and by extension sex that is a part of marriage, are subject to the initial exchange of wealth and family ownership over the bride. Raping a girl who is young and unmarried or sexually experienced, therefore, directly impacts the family’s negotiating power for her marriage; whereas, raping a woman who is already married or sexually experienced does not. In other words, rape becomes less acceptable when the family’s financial prospects for their daughter are at their highest. Rape, in this sense, is a violation of reciprocity, not defined solely by consent.

When the family’s financial prospects are less likely to be impacted by the violation, this does not mean that rape is necessarily more acceptable, rather it highlights that the meanings of rape and the social costs attached to it depend on the context, which in this case is the victim’s social status. Recall from the article where men were asked if they would divorce their wives, that rape brings shame to the male family members that surround the victim, in that case, her husband.⁸⁴ Because the woman is already married, bridewealth is not a concern. Meaning, depending on how the girl or woman’s body is valued impacts the meaning of a violation of her body. And in this context, the social significance of rape is attached to the girl’s/woman’s age, marital status, and virginity.

⁸² Porter, “After Rape: Justice and Social Harmony in Northern Uganda,” 204.

⁸³ Abdul Karim Koroma, “AIDS Kills 371 in Salone,” *Independent Observer*, December 1, 2000.

⁸⁴ If the victim were unmarried, the shame would be cast upon her father.

The following figure highlights how the different aspects of a victim’s identity affect the relative acceptability of her victimization:

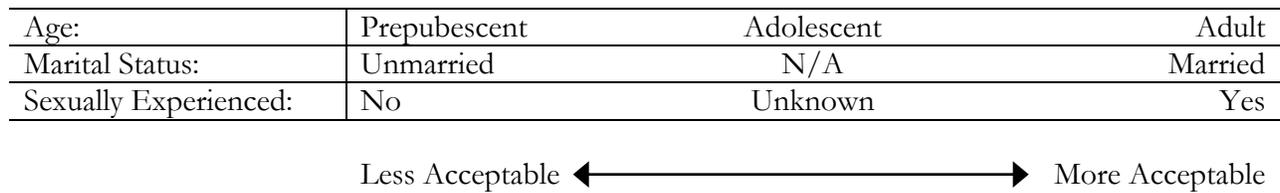


Figure 3.3: Victim’s Social Status

As the figure depicts, factors such as age, marital status, and sexual experience may affect understandings and responses to rape. Of particular concern is how the victim is socially situated as someone who can or should be engaging in sex, and in what types of sex.

The concept of reciprocity may also apply in other Muslim-majority countries where a similar value is placed on female sexuality in marriage negotiations.⁸⁵ But thinking outside of these contexts, any contextual framework should examine the norms of sex and sexual exchange—who should be engaging in sex, for what purposes, and how that should manifest—in order to understand what qualifies as a violation of these norms. The emphasis being on what exactly is being *exchanged* in sexual exchange. “Reciprocity”, as a concept, has a tremendous amount of explanatory potential given that it can apply to the exchange of pleasure, consent, wealth, and so forth.

⁸⁵ The directionality of financial obligations in marriage negotiations—the difference between whether community practices bridewealth (where the groom’s family pays the bride’s family) or practices dowry (where the bride’s family pays the groom’s family)—certainly impacts understandings of rape. Moreover, reciprocity may be a productive concept in non-Muslim-majority countries that place a similar value on female sexuality, even in the absence of formal marriage negotiations between families.

3.3.3 *Visibility*

Going beyond the characteristics of the perpetrator and victim, the final dimension of the contextual framework concerns the role that space plays in the ability to contain the violence. Recall that assaults covered in the newspaper were derived from police reports and/or war correspondents. Most of the incidents reported to the police involve cases where someone intervened during or after the assault. Moreover, aside from the possibility of directly witnessing the violence, most of the incidents reported by war correspondents were drawn from individuals who had directly experienced or witnessed violence.

Observations from the newspapers suggest that rape that is perpetrated in a private space with few or no onlookers is more acceptable than rape that is perpetrated in a public space and is “visible” to others. By “visibility” I mean a couple things. First, if violence involves individuals other than the initiator of the violence and the direct victim, there is an audience for the violence, so to speak.⁸⁶ These additional individuals may be involved during or after the violence, and their involvement may be accidental, voluntary, or forced. For example, individuals may become involved in the violence by intervening, by witnessing, by participating (directly or indirectly), or by being subjected to violence.⁸⁷ It is through the involvement of other individuals that the violence becomes visible, becomes a spectacle.

Second, the visibility of violence is compounded by the space where the violence was perpetrated. Similar to the involvement of additional individuals, the space where rape is perpetrated impacts whether it happens in the open or is concealed, for others to see, hear, know of. Given that sex should occur in a private place, not in a public space, sex that occurs in a public space is seen as

⁸⁶ The idea of the visibility of violence is not limited to “seeing” violence. Violence that is heard or otherwise sensed can contribute to its visibility as well.

⁸⁷ Direct involvement includes perpetrating or receiving violence, as well as forced participation or forced witnessing of violence. Indirect involvement includes intervening or witnessing violence, which can happen during or after the violence.

illicit, and sex that occurs in a private space, acceptable. Rape that is perpetrated in a private not public space is more acceptable. The following figure summarizes how the two aspects—space and spectacle—affect the visibility of the violence and in turn, its acceptability:

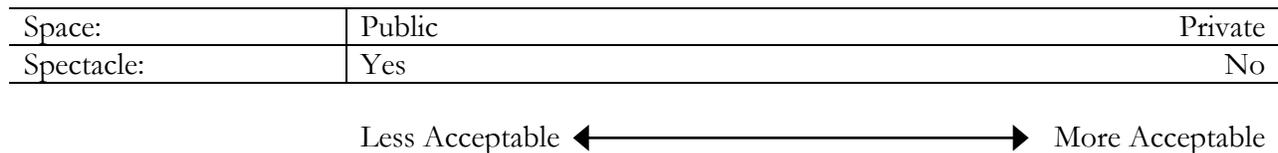


Figure 3.4: Space and Spectacle

Rape that is perpetrated in a public space with the involvement of others is more unacceptable than rape perpetrated in a private space with no individuals other than the direct perpetrator and victim of the violence.

Rapes that involve forced participation are also visible regardless of space. Though not the direct perpetrator of the violence, individuals forced to participate serve as witnesses to the violence. In December 1995, for example, the RUF attacked a village in Pujehun District in the middle of the night.⁸⁸ As part of the attack, rebels abducted Fatmata,⁸⁹ a young girl. Fatmata reported to *For Di People* that during the attack a rebel captured her and immediately took her to the bush to rape her.⁹⁰ While he was raping her, the rebel told his five wives to watch and “sing to counter [her] cries.”⁹¹

⁸⁸ Pujehun shares its southeastern border with Liberia, and was also one of the areas where the conflict began.

⁸⁹ Despite her full name being printed and publically available to reference in the newspaper, I have used a synonym to protect her privacy. Newspapers typically include names, and sometimes photos, of the victims, but they only include the name of the alleged perpetrator(s) sporadically.

⁹⁰ “My bitter sex life with the RUF!” *For Di People*, August 10, 1996.

⁹¹ During some female circumcision rituals, women sing and/or bring noisemakers to drown out the sound of a girl's cries while she was being circumcised. “My bitter sex life with the RUF!” and Celia W. Dugger, “Harsh African Passage to Womanhood Endures,” *For Di People*, August, 1996.

Instrumentalist approaches to wartime rape tend to use examples of multiple-perpetrator (or what they call “gang” rape) and public rape as a way to distinguish conflict-related from non-conflict rape. But if we approach multiple-perpetrator or public rape in terms of visibility, the severity of the violence has less to do with the number of perpetrators or victims, or their supposed coordination, and more to do with the fact that someone has witnessed the violence. I would argue that rapes where multiple perpetrators or multiple victims were involved are always visible, regardless of the space it is perpetrated in. There is always a witness to the violence, who is also perpetrating or being subjected to violence.

In this sense, rape that is perpetrated in a private space ultimately becomes public, or visible, when others are involved.⁹² In May 2000, for example, the *Independent Observer* reported that ten to twelve rebels raped two young women in Makeni. One of women had given birth less than a week before. During the assault, one rebel forced his wife to hold up a lamp, telling her to “let everyone come and witness” the young women being raped. Though the assault happened in a private space, concealed from view, the assault involved multiple perpetrators and forced other individuals to participate in the violence. And in another example, the night before rebels were set to release a group of captives as a show of good faith for ceasefire efforts, they raped “most of the women...in front of their husbands.”⁹³ One man who was interviewed after their release stated, “I was asked by commando Lamzo to stand naked whilst my wife was stripped naked and raped in front of me and I was later asked to follow suit.” Central to sheer brutality of this violence is the visibility of it. In a single instance, the rebel sexually humiliated the man by forcing him to strip naked in front of others, the rebel forced the man to watch his wife being raped, and then he forced the man to rape his wife (proxy rape). The visibility of the assault created a spectacle of violence.

⁹² Pregnancy may also play into visibility of violence, especially in cases of incest or molestation, when the victimization is only apparent once the victim’s pregnancy starts showing.

⁹³ Emmanuel Turay, “850 captives freed by RUF rebels,” *Expo Times*, October 1996.

Rape that is visible—meaning rape that is perpetrated in a public space or involves individuals other than the initiator of the violence—is more unacceptable than rape perpetrated in a private space with no individuals other than the direct perpetrator and victim of the violence. Rape that is visible is necessarily public, which merits not only a more formal response (as opposed to a more informal, private response) and also implies a social cost for the victim and their family, and in some cases, their community.

3.4 Conclusion

This contextual analysis reveals several findings. It is less acceptable if the perpetrator is outside of the individual's community or is in a position of authority within that community, because of the response that entails: formal or informal. If it happens within a family it will be dealt with informally and privately; if it is perpetrated from outside of the family, it will be dealt with formally, perhaps within the courts.⁹⁴ Second, rape is less acceptable when the family's financial prospects for their daughter are at their highest, and more acceptable when the family's financial prospects are unlikely to be impacted by the violation. The social costs attached to rape depend on the context, which in this case is the victim's social status understood in terms of age, marital status, and sexual experience. Rape is not only a violation of consent, but also a violation of reciprocity expected via marriage negotiations. And finally, the space where rape is perpetrated and the involvement of individuals other than the initiator of the violence affect the visibility of the violence. Violence that is perpetrated in private and involves no individuals other than the direct perpetrator and victim, is more acceptable than rape that is perpetrated in a public space, or is made visible via the participation of others.

⁹⁴ In addition to customary and criminal justice systems, the individual could report the violence to another third party and pursue alternative dispute resolution.

The three dimensions discussed above should not be thought of as mutually exclusive, but rather as a web of understandings of violence and their respective acceptabilities. The dimensions delimit when rape is considered normative (i.e. acceptable) and the thresholds of those forms of violence (in terms of acceptability). In order for rape to be efficacious during war, it has to both be understood as rape and violate norms of sex and sexual exchange. When this is the case, the violence is more likely to be mediated formally and be public, and the social costs of the violence are more likely to extend beyond the individual to their family and their community. It is under these conditions that rape can be efficacious during war. If we contrast the dimensions of the contextual approach to the dimensions of the instrumentalist approach discussed in Chapter One (magnitude, severity, and group targeting), it is possible to understand how constructions of gender and sexuality affect the meanings, effects of, and responses to rape.

* * *

Typically, instrumentalist approaches causally connect violence via the perpetrator's identity and motivations, but as Chapter Two suggested, violence may be efficacious during war even when the perpetrator is not an armed combatant. In Chapter three, I challenge the facile assumption that "political" actors are the sole perpetrators of "political" violence by examining the root causes that link violence to conflict. I use evidence from over sixty interviews with girls who were forced into prostitution—a form of violence that is often regarded as external to armed conflict—during the Lord's Resistance Army insurgency (1987-) in northern Uganda. I argue that forced prostitution and rape within the context of forced prostitution are not easily disaggregated from so-called "conflict-related" rape. In fact, the conditions that forced girls into prostitution are created, if not also exacerbated, by the presence of an armed conflict.

CHAPTER THREE

CONNECTING CAUSES TO CONFLICT: THE CONTINUUM OF SEXUAL VIOLENCE IN NORTHERN UGANDA

A young girl walks into a small pub on the skirts of Gulu, Uganda. She usually frequents the larger clubs in town, but tonight she wants a low-key night close to home. The makeshift building is constructed from sheet metal and dried bamboo poles, and inside is a series of wooden benches, a pool table, and a television playing sexually explicit videos and blaring music. As she enters the pub through its only door, she sees that the benches are lined with rows and rows of men, blankly staring at the television. Other men are playing pool, and the more inebriated are stumbling, throwing punches at one another. Most of the men are soldiers in the Ugandan Army (UPDF), still dressed in their uniforms.¹ She walks toward the front of the pub unfazed by men grabbing her arms, pulling her in different directions, to find a seat among the only girls at the pub. After some time conversing with the other girls, a soldier approaches her and asks if she would like to “go for a short time.”² They negotiate. She agrees to have sex with him under the conditions they discuss, and they head towards his residence. When they arrive at his hut, she finds there are “three, four men inside.”³ She tells him this is not what they agreed to, and when she refuses to have sex with all of them, they hold her at gunpoint, rape her, and send her home.

On the surface, the dynamics of this violence suggest that it could be related to the civil war happening at the time: the perpetrators are a group of soldiers, the victim is an unarmed civilian, and the soldiers force the young girl to have sex against her will while using lethal force. However, peace

¹ Formerly known as the National Resistance Army (1981-1995). Now known as the Ugandan People’s Defence Force (1995-).

² Commonly used euphemism among sex workers, meaning, “to have sex.”

³ Interview with a sex worker (respondent no. 37), February 2015.

and conflict scholars commonly refer to the violence that Grace⁴ experienced as “opportunistic,” “indirect,” or “societal” violence. In other words, the violence was not directly perpetrated as part of the armed conflict. But why is this the case? In order to unpack the difference between conflict-related⁵ and societal rape let us consider alternative interpretations of Grace’s experience.

One way to differentiate Grace’s experience of societal rape from conflict-related rape is to remove the presence of an armed conflict entirely. Unfortunately this type of violence is not uncommon in this area, especially for girls and women that work at night. If there were no insurgency, the violence would, by default, be seen as societal rape. However, when you add the insurgency back into the equation it becomes more difficult to decipher.

Another way to approach the difference is to examine the perpetrators’ intents. One could say that the men were simply interested in having sex with the young girl, and when she refused, they decided to rape her. One could also say that the men knew from the outset that they were going to rape her. The sequence of events—a man propositions a girl at the bar and brings her back to his hut, where multiple men are waiting for their return—suggests coordination, an attempt to isolate her and prevent her from calling for help. Whether they wanted to have sex with her for the purposes of sexual satisfaction, to sexually objectify or dominate her, or both, is beside the point. What does matter—in differentiating situations of societal rape from conflict-related rape—is whether the violence was perpetrated as part of a broader attack against enemy forces, in this case, against the Lord’s Resistance Army (LRA) and its supporters. Short of interviewing the perpetrators

⁴ In order to protect the privacy and safety of the respondents, their names and some details of their stories have been changed. This includes excluding the date when girls were forced into prostitution.

⁵ “Conflict-related rape” is defined by the United Nations as rape “perpetrated against women, men, girls or boys that is linked, directly or indirectly (temporally, geographically or causally) to a conflict. This link may be evident in the profile of the perpetrator; the profile of the victim; in a climate of impunity or State collapse; in the cross-border dimensions; and/or in violations of the terms of a ceasefire agreement.” UN Security Council, *Conflict-related sexual violence: report of the Secretary-General*, 23 March 2015, S/2015/203.

involved in the assault, it is hard to determine whether Grace's experience was societal or conflict-related rape.⁶ It could easily be either.

Finally, consider a scenario in which the soldiers raped Grace alongside a road, not in one of their huts. Assuming the soldier's hut was located in the barracks, access not only to the hut, but also to the surrounding area would have been restricted.⁷ The perpetrators would have been able to control who participated, including preventing outsiders from witnessing the rapes. If, however, Grace had been raped alongside a road, the soldiers would not have been able to control who witnessed the rapes. Anyone could be within eye or earshot. The point here being not that the perpetrators want to prevent people from witnessing, but that the perpetrators have less control over who witnesses when rape is perpetrated in public. Recall from Chapter One that in order to prove conflict-related rape, witnesses are often needed to corroborate a victim's account or provide an account in lieu of the victim,⁸ and from Chapter Two that rape perpetrated in "public" is more likely to elicit a formal response.

Grace's experience highlights the precarious separation of societal and conflict-related rape. How do we differentiate conflict-related rape from societal rape? And, what are the political implications of doing so? Peace and conflict scholars have long argued that armed conflict violence differs dramatically from day-to-day violence. For example, conflict-related rape is distinct from

⁶ Furthermore, relying on soldiers' accounts of the assault assumes that they knowingly perpetrated the assault for a specific purpose or purposes, and that it is possible to exclude post-hoc rationalizations for perpetrating rape. In their research on the eastern Democratic Republic of Congo, Maria Eriksson Baaz and Maria Stern found that soldiers frequently cited unpaid or mediocre salaries as justifications for raping women. This line of reasoning could easily be applied to civilians who perpetrate rape, whose economic stability has undeniably been affected by armed conflict. Even when the perpetrator's intents are known, the line between societal and conflict-related rape remains unclear. Baaz and Stern, *The Complexity of Violence: A Critical Analysis of Sexual Violence in the Democratic Republic of Congo (DRC)*, 31.

⁷ The respondent did not specify whether or not the soldier's hut was located in the barracks.

⁸ Even though the ICTR explicitly adopted rules that do not require corroboration of a victim's testimony in cases of sexual violence. Ralph Gustav Steinhardt, Christopher N. Camponovo, and Paul Hoffman, *International Human Rights Lawyering: Cases and Materials* (West, 2009), 413.

societal rape due to its potentially strategic nature; the increased likelihood of proxy, multiple perpetrator, and/or public rape; and the duration of victimization. Societal rape, however, is much more likely to manifest in intimate-partner relationships, such as spousal or date rape, occur in a private place (with few or no onlookers), and be initiated by the perpetrator him/herself. Moreover, while men suffer the majority of human rights violations and violence during armed conflict, including more likely to be killed, women are disproportionately affected by humanitarian crises during and following armed conflicts.⁹ The presence of armed conflict causes traditional social and cultural structures that typically regulate sexual relations (however (in)effectively) to dissolve, making women especially vulnerable to sexual and gender-based crimes during conflict and in post-conflict societies.¹⁰ But war does not take place in isolation, and the society where the conflict is situated and the conflict itself are often inseparable. As such, “it is of great value to seriously examine crimes and their redress in ways that do not sharply separate wrongdoing by civilians and combatants or in “ordinary” and war-related situations.”¹¹

In this chapter, I use the case of forced prostitution during the LRA insurgency in northern Uganda to examine this distinction between societal and conflict-related rape. I show that forced prostitution and rape within the context of forced prostitution are not easily disaggregated from so-called “conflict-related” rape. In fact, the conditions that forced girls into prostitution are exacerbated, if not created, by the presence of an armed conflict. At first glance, this form of violence may not seem to be efficacious during war, but my analysis shows that it may destabilize larger sociocultural structures that regulated sex and sexual exchange. Forms of violence that may not be seen as directly efficacious for an armed group may significantly undermine long-term post-conflict security and recovery.

⁹ The focus on direct violence, itself, is gendered.

¹⁰ During my field research, I also noticed that the breakdown in these social and cultural structures has had long-term effects on sex, sexual exchange, intimacy, and relationships, in general.

¹¹ Porter, “After Rape: Justice and Social Harmony in Northern Uganda,” 67.

The chapter is organized in four sections. The first section provides a brief historical overview of the armed conflict in northern Uganda, and situates my project in the literature on forced sex and armed conflict in the context of Uganda. The second section details my methodology and study design. The third section presents my findings on the root causes that forced girls into prostitution during the LRA insurgency, and the occurrence of rape within these settings. The final section discusses my findings, particularly the political implications of treating this violence as societal violence.

4.1 Conflict and Post-Conflict Realities in Northern Uganda

The post-independence period in Uganda (1962-) has been wrought with armed conflict, political violence, and displacement. During the 1970s, Uganda's third president, Idi Amin, expelled tens of thousands of foreign nationals, and ordered members of the political opposition—those loyal to former president Milton Obote (ethnically Lango)—to be tortured and killed. Of the estimated 80,000 to 500,000 people killed, the majority belonged to Lango and Luo ethnic groups from the Acholi Sub-region¹² in northern Uganda.¹³ In 1980, Amin was overthrown and Obote was reinstated in 1980, after Amin was overthrown. In 1985, the National Resistance Army overthrew Obote's successor, Tito Okello,¹⁴ and Yoweri Museveni was named president in 1986. The violence continued.

¹² The Acholi Sub-region is located in the northern region of Uganda, and includes the districts of Agago, Amuru, Gulu, Kitgum, Lamwo, Nwoya, Omoro, and Pader.

¹³ Will Ross, "Forgiveness for Uganda's Former Rebels," British Broadcasting Company, 25 October 2004; Mamadou Tall, "Notes on the Civil and Political Strife in Uganda," *African Issues* 12, no. 1–2 (1982): 41–44; International Commission of Jurists, "Uganda and Human Rights," 1977.

¹⁴ Idi Amin ousted Milton Obote in a military coup in 1971. After Amin was overthrown in 1979, the presidency changed hands four times before Obote was reinstated. Obote's successor, Tito Okello, was ethnically Acholi and also from northern Uganda.

The current conflict in northern Uganda perpetuates this long-standing, post-independence divide between the southern and northern regions, and involves the LRA, whose goal, crudely, has been to oust President Museveni and reinstitute an Acholi-led, religious fundamentalist-based government. Since the beginning of the insurgency, neither the LRA nor its predecessor, the Holy Spirit Movement, garnered much popular support from the local Acholi population. In fact, I would maintain that the insurgency is best thought of as a proxy war being fought between the Ugandan Army and the LRA, with violence being targeted towards the Acholi Sub-region, in general, and ethnically Acholi people, in particular.¹⁵ Since the insurgency began in 1987, the LRA has destroyed and looted property, and perpetrated violence against civilians, including forced conscription, mutilation, rape, torture, and murder.¹⁶ In an attempt to protect civilians and to sever LRA supply routes, the Ugandan army forcibly and violently relocated residents of the northern region (90% of the Acholi population) into “protected villages” or “protected camps” starting in 1998.¹⁷ The Acholi population saw the protected villages as yet another attempt by the government to exterminate their group, given that the villages lacked basic standards of living, the inhabitants’ movements were controlled, and inhabitants were subjected to violence not only from the LRA when the camps were left unprotected, but also from the Ugandan Army. At the height of the war, more than 1,000 inhabitants of the camps were dying each week.¹⁸

In her study of protected camps, Jessica Anderson found that women were forced to engage in survival sex for food with UPDF soldiers in order to feed their families and to fulfill their

¹⁵ Sudan (Khartoum) has long aided the LRA’s effort to destabilize northern Uganda. Mamadou Tall, “Notes on the Civil and Political Strife in Uganda,” *African Issues* 12, no. 1–2 (1982): 41–44.

¹⁶ International Criminal Court, “Warrant of Arrest Unsealed Against Five LRA Commanders,” 13 October 2005.

¹⁷ The army’s forced relocation campaign started in 1998 and ended in 2006. Jeannie Annan and Moriah Brier, “The Risk of Return: Intimate Partner Violence in Northern Uganda’s Armed Conflict,” *Social Science & Medicine* 70, no. 1 (2010): 153.

¹⁸ World Health Organization and Ministry of Health (Uganda), “Health and Mortality Survey among Internally Displaced Persons in Gulu, Kitgum and Pader Districts, Northern Uganda,” 2005.

caregiver roles.¹⁹ She also found evidence that UPDF soldiers regularly attacked and raped civilians who were gardening, collecting firewood, broke curfew, and so forth. The LRA, on the other hand, was much more restricted in their use of rape. Annan and Brier found that “non-abducted civilians were seldom raped,” and sex outside of marriage was forbidden.²⁰ Women and girls were largely abducted to serve as “bush wives” to the combatants, “with the aim of producing children.”²¹

While these studies shed light on rape perpetrated during the insurgency in northern Uganda, they fail to capture the experiences of individuals who, to avoid being forcibly relocated, fled to urban areas. Girls in urban areas, such as Gulu, were regularly forced into prostitution in order to survive. This differs from the LRA practice of abducting and forcibly marrying girls to commanders, because the girls forced into prostitution continue to live in their community.²² The LRA practice of forced marriage, which includes domestic, sexual, and other labor, incorporates a contextually different type of subjugation than forced sexual labor alone, given that the individual is forced to engage in sex work, and also held against her will. That being said, sex workers are at greater risk of rape than girls and women who do not participate in sex work, mainly due to how sex workers move around, where they work, and the unlikelihood of being able to leave sex work.

According to the Uganda Penal Code, prostitution—including soliciting and facilitating—is a criminalized, punishable offense.²³ Sex workers are also subject to the “Idle and Disorderly

¹⁹ Jessica L. Anderson, “Gender, Local Justice, and Ownership: Confronting Masculinities and Femininities in Northern Uganda,” *Peace Research*, 2009, 64–65.

²⁰ Annan and Brier, “The Risk of Return: Intimate Partner Violence in Northern Uganda’s Armed Conflict,” 153.

²¹ *Ibid.*, 152, 156.

²² The girls live with their relatives, with other girls who were also forced into prostitution, or with their managers.

²³ Information on laws relating to sexual offenses in Uganda obtained from Annan and Brier, “The Risk of Return: Intimate Partner Violence in Northern Uganda’s Armed Conflict,” 153; Uganda Penal Code, Sections 126, 130, 134, and 136-39.

Conduct” code that prohibits loitering on the grounds that it is a “breach of peace.”²⁴ Though the Penal Code does not use sexed language to denote sex workers as male or female, Section 123 explicitly references women and girls as victims of rape, not males. Section 123 also prohibits any “unnatural offenses,” which among the Acholi in northern Uganda generally means sex that is “unable to result in children, such as masturbation, anal sex, and same sex relationships.”²⁵ This is important to note, because this section of the Penal Code defines who can be raped (women and girls), and what sexual behavior is considered acceptable (heteronormative, procreative sex) in the eyes of the law.²⁶ Furthermore, sex work is not criminalized because of the transactional nature of the sex, rather deviant sexualities are criminalized because they are seen as immoral.

The extent to which these laws are enforced in northern Uganda varies. Because prostitution is technically illegal, sex workers face violence from clients and police,²⁷ unequal access to reproductive healthcare²⁸—including contraception, and STD and HIV/AIDS testing and treatment—general social stigma, and employment discrimination. In fact 74% of my respondents disclosed that they had been forced to have sex under conditions that they had not previously agreed to, and 80% disclosed that clients had been physically violent toward them, yet none of them went

²⁴ Human Rights Network Uganda (HURINET), “Rule of Law in Multiparty Dispensation: An Analysis of Selected Provisions of the Uganda Penal Code ACT CAP 120,” n.d.; Uganda Penal Code, Section 167.

²⁵ Somewhat paradoxically, Uganda is also signatory on multiple international treaties that protect sex workers’ labor rights and outline rights for sex workers to be free from exploitation and discrimination. Human Rights Network Uganda, “Rule of Law in Multiparty Dispensation: An analysis of selected provisions of the Uganda Penal Code ACT CAP 120,” *HURINET-U*: 13-15; Uganda Penal Code, Section 167.

²⁵ Similarly, pre-marital sex is encouraged among the Acholi, but only to prove that both individuals are capable of procreating. Porter, “After Rape: Justice and Social Harmony in Northern Uganda,” 177.

²⁵ Ibid.

²⁶ It does not follow that girls and women are able to consent to sex, and that, therefore, rape is a violation of one’s sexual autonomy. A girl or woman’s consent is mediated by legal and social interpretations.

²⁷ Audacia Ray, “It is not just violent clients who hurt sex workers,” *The Guardian*, 15 December 2010.

²⁸ Evelyn Matsamura Kiapi, “Why waste ARVs on sex workers,” *Inter Press Service*, 7 December 2010.

to the police.²⁹ The women did not see going to the police as a viable option, not only given the illegality of prostitution, but also because of the risk of possibly being subjected to additional violence.

The openness of sex work, however, suggests a normalization of prostitution in the area. Sex workers can easily be observed soliciting clients. Many of my respondents commented that they rarely have nights where they are unable to get work, which suggests that they have a large client base. Altercations with the police, my respondents reported, typically happen when sex workers are moving on foot to the bar or returning home, or when a third party—client, family member, neighbor—contacts the police to have the woman arrested. Several times a year the police actually broadcast messages on the local radio stations to warn girls and women who sell sex at the bars that they are going to conduct a “sweep”³⁰ starting on a certain date. The irony being that the warnings deter girls and women from going to the bars in the first place, and a week or two after the broadcast sex workers return back to the bars, and police, by-in-large, leave them alone.³¹ One of my respondents said that the police would only arrest or chase girls that look “very young,” or prepubescent, away from the bar,³² though, this was quite rare. These examples suggest that rather than strictly illegal, sex work is carefully regulated in northern Uganda.³³

²⁹ Additionally, 98% of my respondents reported that they had been forced to have sex without a condom.

³⁰ In this context, “sweep” clearly refers to police raiding local establishments and arresting sex workers. Interestingly though, my respondents also referenced scenes on popular soap operas broadcast on Uganda’s NTV that depicted older women with brooms “sweeping” sex workers and other sexually deviant individuals out of a community, to describe a police sweep.

³¹ These sweeps undeniably affected my ability to work with my respondents. After a broadcast, many (and sometimes all) of my interlocutors and respondents would go into hiding for fear of outsiders collaborating with the police.

³² Interview with a sex worker (respondent no. 31), February 2015.

³³ Moreover, in 2015 the national parliament considered decriminalizing prostitution in an attempt to reduce sexual assault rates in the country. Godfrey Olukya, “Uganda MPs Mull Legalising Prostitution to Curb Sexual Offence Rates: East & Horn Africa,” *The Africa Report*, December 18, 2015.

In sum, then, for about twenty years the urban center in northern Uganda, Gulu, was situated amidst a civil war where armed groups used rape for various purposes, and a burgeoning sexual economy where prostitution was illegal, yet regulated.³⁴

For the purposes of this chapter, I understand sexual labor as existing in a broader system of gender inequality, where “women are generally poorer than men, they do not own land, they are less likely to have an education or access to healthcare, they are often less mobile due to cultural constraints, and they have less of a political voice;” and are, therefore, less likely than men to have access to productive resources other than sex.³⁵ This is certainly true in northern Uganda. My respondents reported engaging in different types of sexual labor at different times,³⁶ including, long-term intimate relationships that may or may not primarily be rooted in material transactions. Rather than assume that sexual labor is subsistence, consumption, and/or pleasure-driven, I situate these transactional sex exchanges within everyday “gendered material inequalities” that affect an individual’s options;³⁷ such that, engaging in transactional sex sometimes “constitute[s] an attempted means of escape from even more profoundly violating social conditions.”³⁸ Within this context of sexual labor, this chapter is interested the root causes that forced girls into prostitution during the

³⁴ From 1987 to 2007, the LRA and UPDF had a large presence in Gulu. The LRA insurgency continues, but the armed group has reduced in size, and relocated near the shared borders of Democratic Republic of Congo, Central African Republic, and South Sudan.

³⁵ Jacqui True, *The Political Economy of Violence against Women* (Oxford University Press, 2012), 161.

³⁶ Including survival sex and consumption sex. Survival sex is the exchange of sex for subsistence goods such as food, water, medicine, shelter, and so forth. For example, a woman may be forced to use sex to procure goods from peacekeepers, humanitarian aid workers, soldiers, and/or other individuals in order to survive. Consumption sex, on the other hand, is understood as a “means for young women to fulfill their consumption appetites and pursue images of modernity and success in the context of globalization.” Yanga Z. Zembe et al., “‘Money Talks, Bullshit Walks’ Interrogating Notions of Consumption and Survival Sex among Young Women Engaging in Transactional Sex in Post-Apartheid South Africa: A Qualitative Enquiry,” *Globalization and Health* 9, no. 1 (2013): 3.

³⁷ Mark Hunter, “The Materiality of Everyday Sex: Thinking beyond prostitution,” *African Studies* 61, no. 1 (2002): 105.

³⁸ Bernstein’s analysis is primarily concerned with commercialized sex in post-industrialized countries. Jacqui True, *The Political Economy of Violence against Women* (Oxford University Press, 2012), 161.

LRA insurgency and the occurrence of rape within these transactional sex settings. Rather than establishing a causal link via the perpetrator's identity and motivations with their use of violence, I link the causes of violence with the conflict.

4.2 Interviewing Survivors of Violence

This chapter focuses on girls who were forced into prostitution during the LRA insurgency.³⁹ While researching this chapter, I visited Gulu, Uganda, in 2012 and 2015. With the help of a research assistant, I conducted interviews with sixty-two sex workers. I asked the women about their backgrounds, the circumstances that led them into sex work, and their experiences as sex workers. I also asked them about work conditions, clientele, barriers to leaving sex work, and community perceptions of sex work. Broad indicators were used to ask women about their exposure to and experience of violence. I never directly asked my respondents about rape, unless they first disclosed that they or someone they knew was raped.⁴⁰ All interviews were conducted out of earshot in secluded spaces—personal residences or on mats under mango trees—to ensure that respondents felt safe and comfortable. The interview included the respondent, research assistant, and myself, though occasionally an infant was present, if the woman was still nursing. During the interview I intentionally positioned myself at eye-level with the respondents, a gesture that indicates equivalent social status among the Acholi.

³⁹ There is no evidence from my fieldwork, or in general, to suggest that boys and men were forced into prostitution during the conflict. Men and boys were among the victims of conflict-related sexual violence during the LRA insurgency, but not forced into prostitution, specifically. Chris Dolan and the Refugee Law Project are spearheading further research on the prevalence and manifestation of male-male rape during armed conflict in Uganda. UNICEF, “Suffering in Silence: A Study of Sexual and Gender Based Violence in Pabbo Camp, Gulu District, Northern Uganda,” June 15, 2005, 9–10.

⁴⁰ This is an essential component of trauma-informed interviewing, which recognizes the risks of retraumatizing victims by asking them directly to recount their experience.

In addition to the interviews, I accompanied several of my respondents to various establishments where they worked. This participant observation allowed me to build rapport with my respondents, and offered rich perspectives regarding their general work environment, including how the women solicited and negotiated with clients. My presence as a white, Western, female in the bars certainly affected the climate of the establishments, particularly at small neighborhood bars like the one described in the introduction.⁴¹ That being said, several men solicited me for sex as if it were nothing but ordinary. Women at the bars, in large part, are sex workers.⁴² Later, I returned to several of the establishments on my own, when appropriate and safe.

With regards to the terminology—prostitution or sex work—I use both terms. Where possible, I employ the terms that reflect the respondents’ categorization of their experience. When my respondents talk about their personal experience they largely use the term “sex work;” whereas, when they discuss community perspectives of women who engage in transactional sex, they mostly used the term “*malaya*,” a derogatory Bantu word meaning “a prostitute.”⁴³ When my respondents describe their entry into prostitution, however, they use language of “conditions” and “force.”⁴⁴ Here, I apply the term “forced prostitution.”

⁴¹ On one occasion, a bar manager informed me that I was the first “mzungu” (i.e. White person) to enter his establishment.

⁴² With one exception, there is a club in central Gulu that is a popular spot for young women who are not sex workers. Unlike neighborhood bars where sex workers are the only women and they move freely in and out of the bar, sex workers at larger clubs are typically outside the bar soliciting men to take them inside (because the bar requires an entrance fee for locals, but not whites)

⁴³ “*Malaya*” is also used colloquially to mean whore, bitch, or hooker. The term “malaya” is derived originally from “Malay”, a tribe native to Indonesia. The Portuguese used Malay women in their business with the coastal Swahili (bantu-speaking) people in east Africa. Abdulaziz Lodhi, “Oriental Influences in Swahili,” *A Study in Language and Culture Contacts*, 2000.

⁴⁴ Though my respondents’ first language was generally Acholi Luo (a Nilotic language), they often used Bantu words, such as “hali” or “sharti,” and “nguvu” to refer to “conditions” and “force,” respectively.

4.2.1 *Ethics Statement*

At the beginning of each interview, I provided information about the aims of the project and obtained consent.⁴⁵ For each follow up interview, I provided the same information about the project and renewed consent. In accordance with my ethics approval, all of my subjects were eighteen years of age or older.⁴⁶ Interviews were digitally recorded and transcribed. Transcripts were compared with the recordings to check for accuracy before being erased, and then analyzed using a qualitative coding schematic. The research was conducted in conjunction with local partners including the Refugee Law Project (2012) and Gulu Women’s Economic Development and Globalization (2015-), and approved by the University of Chicago Institutional Review Board and the Uganda TASO Research Ethics Committee.

4.2.2 *Study Design*

This study utilized a snowball sampling method. Initial respondents were identified through interlocutors. These respondents, in turn, identified additional sex workers who were then screened and interviewed. My research assistant⁴⁷ had previously worked with a program that targeted sex

⁴⁵ Respondents were reimbursed for their transportation, and given a resource packet, which included my local contact information and three condoms (that were provided and available, for free, by a nearby women’s health clinic). No other compensation was provided.

⁴⁶ Even though “adulthood” for females in northern Uganda is not based strictly on age. One of my respondents referenced age 18 as an indicator of adulthood, but in general, the transition to adulthood begins when a girl starts puberty and ends when she gives birth. Meaning a female who is prepubescent is culturally understood as a girl, and a female who has both went through puberty and given birth is culturally understood as a woman. When my respondents were forced into prostitution, they spanned this spectrum of transitioning to adulthood.

⁴⁷ My research assistant is an ethnically Acholi, middle-class, northern Ugandan woman.

workers in the area.⁴⁸ In 2012, she arranged meetings with two sex workers who had participated in the program, and the women agreed to introduce me to other sex workers. When I returned to Gulu in 2015, my research assistant and I attempted to follow up with the respondents, but we were only able to locate six of the eleven women. One respondent had died, allegedly from HIV/AIDS. Another respondent had recently given birth and was living in the village, taking a hiatus from sex work. And four respondents were still participating in sex work: one in Nimule (in South Sudan, on the border with Uganda), one in Juba (the capital of South Sudan), and two in Gulu.

As a result, in 2015, we identified additional interlocutors to recruit participants for the study. Research was conducted in three of the four urban sub-counties in Gulu town—Layibi, Bardege, and Laroo. The fourth urban sub-county, Pece, was not explicitly included in the study.⁴⁹ Residential areas in Pece are relatively low-density, meaning accommodations are more expensive, and therefore, less accessible to women who participate in sex work. The following map highlights the sub-counties where I conducted research, and the locations where my respondents work:

⁴⁸ The project—piloted by an international non-governmental organization—provided sex workers with information pertaining to sex workers’ rights, and offered referrals for mental and reproductive health services. Outwardly, the project assisted sex workers who wanted to continue doing sex work, or wanted to leave sex work entirely. However, many of the employees that worked on the project were biased against sex workers and encouraged girls and women to leave sex work. When the pilot project was expanded to include all sexually marginalized groups, including members of the LGBT community, several of the project participants were arrested. The project was eventually disbanded.

⁴⁹ A few of my respondents were temporarily residing in Pece Sub-county.

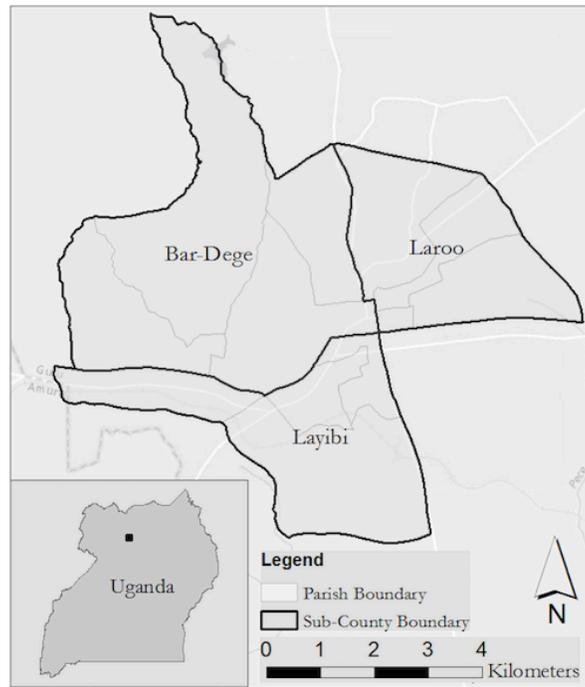


Figure 4.1: Interview Sampling Areas in Gulu Town, Northern Uganda⁵⁰

⁵⁰ Map by David Bates, 2016.

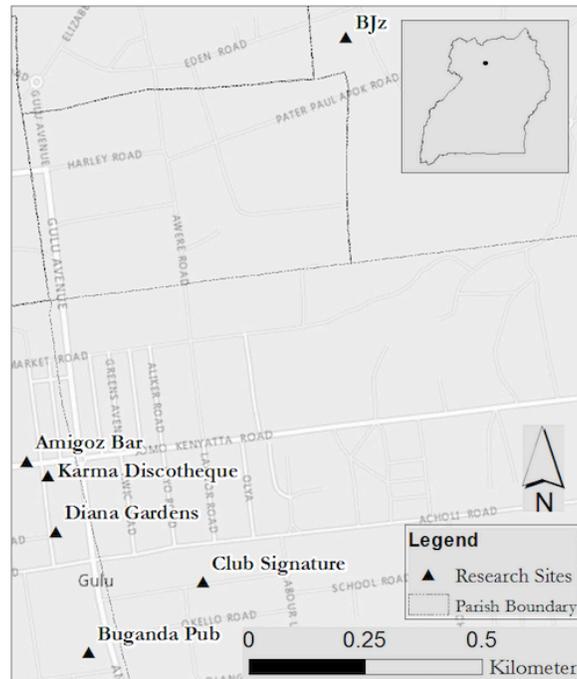


Figure 4.2: Primary Participant Observation Sites in Gulu Town, Northern Uganda⁵¹

In Layibi sub-county, a Local Councilman recruited young women in the area for the study. He was not asked, explicitly, to recruit women who participated in sex work due to the cultural sensitivity surrounding the issue, rather we told him the study was about child mothers and school dropouts. In Bar-dege and Laroo sub-counties, however, two women’s leaders recruited young women who they suspected participated in sex work. Women’s leaders were especially good interlocutors, because they informally adjudicate domestic problems, including domestic violence and sexual assault. Oftentimes, the women’s leaders also supported sex workers, materially and otherwise.

After contacts were made in each of the sub-counties, new respondents were identified via snowball sampling through previous respondents. Once individuals were recruited, the women were

⁵¹ Map by David Bates, 2016.

asked a series of screening questions to determine whether or not they participated in sex work.⁵² The semi-structured interviews centered around eight thematic areas: demographic information, household dynamics, conditions of entry, experience of sex work, work environment, clientele, sex outside sex work, and community perspectives.⁵³ When appropriate, I referred respondents to reproductive and/or mental health providers.⁵⁴

The overwhelming majority of my respondents were originally from northern Uganda, ethnically Acholi, and religiously Christian. The respondents' education level ranged from zero to thirteen years, with an average of seven years, meaning on average my respondents completed primary school, but did not attend secondary school. Two-thirds of respondents were unmarried, and one-third were separated from their partners. Over three-quarters of the respondents had children, with an average of two children. And finally, the age of entry into prostitution ranged from seven to twenty-four years old. With available data, the sixty-two respondents have over 250 cumulative years of experience participating in sex work.

4.3 Pathways to Forced Prostitution

This section presents my findings on the root causes that forced girls into prostitution during the LRA insurgency, and the circumstances surrounding forced sex in these transactional sex settings. I argue that forced prostitution and rape within the context of forced prostitution are not easily disaggregated from conflict-related violence. The circumstances that force girls into prostitution and rape within the context of forced prostitution are created by, if not also exacerbated by, the armed

⁵² If the individual was not in school, was not living with her parents, or had children, I then asked the woman if she had ever worked at the bar. Women who disclosed that they worked in a bar were interviewed.

⁵³ A more detailed account of my interview guide is available upon request.

⁵⁴ I screened and evaluated the providers beforehand to ensure that they had experience working with girls and women who participate in sex work, as well as working with victims of violence who have complex trauma.

conflict. Moreover, a girl's entry into prostitution may have also been her first sexual experience, which was oftentimes non-consensual.

After Margaret's mother died, her father arranged for a place for Margaret and her older siblings to stay in Gulu, and left. Margaret cannot recall how old she was when her siblings abandoned her, but she remembers the sequence of events: she was born in 1998 and her mother died in 2005. She had just finished second grade, and would have been around seven years old. Shortly thereafter, Margaret's sister and brother left her at the house, alone, without a caregiver. After being abandoned, Margaret said, "I had nothing to eat."⁵⁵ That was how Margaret started sex work. She said, "I would see my friends ... with money, with snacks, with what. I said okay, why don't I also do that? So I can get what? Those things." It was her first time having sex.

Among my respondents, Margaret's experience was quite common. When she lost her primary caregiver, rather than her father stepping in, her older siblings were tasked with taking care of her. Her siblings, also children, had limited economic resources to take care of themselves, let alone Margaret.⁵⁶ Before the war in northern Uganda, when a child's parent passed away, other female family members and friends in the family's ancestral village would take care of the child.⁵⁷ However, the insurgency created insecurity throughout the northern region, and campaigns of forced displacement would have made these networks, if they existed, unavailable to Margaret and her family.⁵⁸ Without a caregiver and limited or no economic support, Margaret was forced to sell herself in order to survive.

⁵⁵ Interview with a sex worker (respondent no. 24), February 2015.

⁵⁶ Depending on their ages and education levels.

⁵⁷ Women often return to their home village to give birth and nurse their child. After she is done nursing, she can leave the child in the village to be raised by family members or family friends. The same family members or friends often care for a child if their parent(s) pass away.

⁵⁸ It is difficult for Margaret to recall, however, whether she had extended family members who would have been able to care and provide for her, because of how young she was when her mother died.

Nancy's entry into prostitution was similar to Margaret's. After her father died, Nancy's mother could not take care of her and abandoned her. She was eleven years old. Nancy said, "I started staying alone ... doing my things alone."⁵⁹ She moved in with a group of girls, one of whom she had known from school. Four of the girls were "very young girls," around her age, and one girl was a bit older, around seventeen years old. When she started going to the bars, Nancy said, "It wasn't easy for me. ... I could go out, [and] no man would pick me." The other girls told her to stay home and "keep for us the house." Eventually, Nancy said, "they brought ... a man [to the house for me], ... that was how I started."⁶⁰ Nancy, like Margaret, relied on her friends to find clients for her, which is likely an indicator of their young ages and prepubescent appearances.

After Nancy's father died, she did not have access to productive resources, such as land for farming. The economy in northern Uganda is largely rooted in agricultural production with over 80% of women employed in agriculture.⁶¹ However, land is "owned predominantly by men and transferred down intergenerationally to males," meaning that girls and "women must gain access and user rights to land indirectly, through male family members."⁶² Even if Nancy had access to land, she likely would not have been able to farm, because of insecurity in rural areas surrounding Gulu. The limited economic opportunities for women in northern Uganda are compounded by reproductive, caregiving, and other domestic [unpaid] responsibilities. Moreover, the prevalence of polygynous

⁵⁹ Interview with a sex worker (respondent no. 7), January 2015.

⁶⁰ It was also Nancy's first time having sex.

⁶¹ Being "employed" does not necessarily mean that the women are paid. Overall, 46% of Ugandan women who are employed are not paid for their labor, compared to 18% of men, and women who are paid, typically work "less than two days a week and earn less than 1,250 Ugandan shillings (\$0.75) a day." Economic Policy Research Centre, "Gender and Productivity: Analytic Report," 2009; The Survey of War Affect Youth: Research & Programs for Youth in Armed Conflict in Uganda, "A Way Forward for Assisting Women and Girls in Northern Uganda: Findings from Phase II of the Survey of War Affected Youth," 2008.

⁶² The Republic of Uganda and UNFPA Uganda, "The State of Uganda Population Report 2013: Population and Social Transformation, Addressing the Needs of Special Interest Groups," n.d.; United Religions Initiative, "Mitigating Land Based Conflicts in Northern Uganda: A Must Guide for Stake Holder Mediation, Sensitization, and Reconciliation Processes," 2012.

marriages force women to further “compete for scarce resources and a place in the hierarchy [of the patrilineal society].”⁶³ As a result, she was forced to sell her only, remaining, productive resource: sex.

A group of my respondents also turned to prostitution to provide for their younger siblings, and for their own children. One woman said after her mother died, she didn’t have any other choice, but to start going to the pub. She had a younger sister, who needed to be taken care of, and it was the only way that she could get money.⁶⁴ Another woman started doing sex work after her parents died, so she could put her brother through school.⁶⁵ And a final woman, a child mother, said, “I force myself and I give myself to them. ... Because I want my baby to what? To survive.”⁶⁶ Widowed girls, and girls who had been deserted by their husbands, reported turning to sex work in order to support themselves and their children during the insurgency.

Beyond being forced into prostitution in order to survive, another group of my respondents were forced into prostitution by a third party, including fathers who forced their children, and brothers who forced their sisters. One woman reported that after her father died, “my brothers would just abuse me, use language against me, and make me not feel good.”⁶⁷ One night, one of her brothers forced her to go out and “make money.” She continued participating in sex work, giving the money to her brothers, and eventually became pregnant. Another one of my respondents was forced her into prostitution by her stepfather after her mother was killed by a combatant.⁶⁸

The majority of women who were forced into prostitution by a third party, however, were coerced by female solicitors. These solicitors oftentimes trafficked girls from rural areas, who were

⁶³ Annan and Brier, “The Risk of Return: Intimate Partner Violence in Northern Uganda’s Armed Conflict,” 156.

⁶⁴ Interview with a sex worker (respondent no. 22), February 2015

⁶⁵ Interview with a sex worker (respondent no. 23), February 2015

⁶⁶ Interview with a sex worker (respondent no. 18), February 2015.

⁶⁷ Interview with a sex worker (respondent no. 58), August 2012.

⁶⁸ Interview with a sex worker (respondent no. 57), August 2012.

from the same village or attended the same school as the solicitor. Most of the solicitors were also former sex workers.

Orphans and runaways were extremely vulnerable to being forced into prostitution during armed conflict.⁶⁹ Take for example, Joanna. When her grandmother died, she was around ten years old. With nowhere to go, Joanna left her home district in western Uganda and traveled to Gulu. An older girl who was from Joanna's village, offered Joanna a place to stay in Gulu, but under one condition: she work at the bar. Eventually, her friend brought a man to their house for her. "I followed the instructions that she had given me," Joanna said, "I ask[ed] for money, fifteen thousand, and I asked for [a] condom."⁷⁰ It became clear that her friend was actually a sex trafficker, who had forced Joanna into prostitution. When asked why she "went with the man," Joanna said, "if I had refused ... [she] would chase me away, and I would have nowhere to stay."⁷¹ This was the first time Joanna was paid for sex; it was her first time having sex.

For nearly a decade, Joanna has been living with her manager, along with four other girls. The girls are expected to take care of the house, including cooking, cleaning, and washing the clothes. The manager controls their movements and prohibits the girls from having cellphones or boyfriends. She negotiates on the girls' behalf with prospective clients—who pay her directly—and returns a portion of the earnings to the girls, enough for them to subsist on. Some of my respondents have themselves become managers.

Girls like Margaret and Nancy were forced into prostitution "because of conditions," and remain in sex work today.⁷² The death of a parent, male family member, or spouse—meaning a girl's

⁶⁹ Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ) GmbH, "Armed Conflict and Trafficking in Women," January 2004.

⁷⁰ At the time, fifteen thousand Ugandan Shillings (UGX) was about USD \$8.

⁷¹ Interview with a sex worker (respondent no. 25), February 2015.

⁷² My respondents regularly used "hali" and "sharti" meaning "conditions" or the "state of things," to describe why they started sex work. They also used the Bantu word "nguvu," meaning "force," to imply that their entry into prostitution was not a choice.

primary source of economic support, primary caregiver, or both—combined with conditions created or exacerbated by the insurgency at the time—displacement, poverty, lack of education, and/or limited access to productive resources—forced these girls into prostitution. Girls like Joanna were trafficked into sex work from rural areas to Gulu, under similar conditions. Ultimately, the exploitation of these girls’ economic situations led to their commodification.

Let us return to Grace’s experience, as described in the introduction. When Grace was thirteen years old, she dropped out of school, moved to Gulu with a boyfriend, and started selling sex. She lived with her boyfriend for a couple years, hoping that they would eventually get married, but he left her. Grace is one of my respondents that shared her experience of rape. What happened to her, however, many sex workers would not describe as rape.⁷³ When asked to define rape, one woman captured the consensus among my respondents: “rape is when somebody just grabs you forcefully and takes you into his house and has sex with you.”⁷⁴ I followed up with her and asked whether or not sex workers, in particular, could be raped, and she said, “Sex workers don’t get raped because they always negotiate before.”⁷⁵ This reflects an understanding that once someone consents to one type of sexual activity, she consents to all types of sexual activity. And consent cannot be withdrawn.⁷⁶ As such, given that the interaction between Grace and the soldier began consensually at

⁷³ Recall from the methodological section that I never directly asked my respondents if they had been raped, unless the respondent first disclosed that she had been raped.

⁷⁴ Interview with a sex worker (respondent no. 42), March 2015.

⁷⁵ Another woman also stated that sex workers could not be raped, “because you already negotiated before.” Interview with a sex worker (respondent no. 22), February 2015.

⁷⁶ Some of my respondents, who had worked as house girls, also reported that if you agree to work as a house girl you are expected to have sex with the man of the house. One woman said, “where I was working the man just told me that is the rule in this family. Any house girl that comes, you must what? Also have sex with me.” Moreover, my respondents reported that husbands are entitled to have sex with their wives, regardless of consent, because they are married. These examples suggest that once consent is given, it cannot be withdrawn. Interview with a sex worker (respondent no. 29), February 2015.

the bar, many sex workers would not see her experience as rape.⁷⁷ Only in instances when a woman is walking to or from the bar and is violently attacked by a stranger can a sex worker be raped.⁷⁸ Another respondent disagreed with this perspective, suggesting that sex workers could be raped when they are working; though, her view was in the minority. She said, if “he [the client] has refused to follow what you had agreed on and forced you into something that you had not wanted ... that one would be rape.”⁷⁹ Meaning that this respondent would understand Grace’s experience as rape. But as a final respondent reported, it doesn’t matter if sex workers are raped, because regardless of the situation—being raped alongside the road or by a client—“there is nothing you can do ... you don’t have the power.”⁸⁰

With these different understandings of rape in mind, many of the episodes of rape that women recounted to me only reflect situations where they were raped in public spaces, typically alongside the road by a group of boys when they were on their way to or from the bar. This is despite the fact that 74% of my respondents disclosed that clients had forced them to have sex under conditions that they had not previously agreed to. For example, while walking along the railway line from a bar in town to a disco hall on the outskirts of town, one of my respondents said that “two men came from the bush, they came and they jumped into the road. They grabbed [me and my friend], tied our hands, and had sex with us.”⁸¹ As a result of this attack, she was also infected with HIV. Another respondent shared a similar story. One night while she was out working at the bars, she failed to get any clients. Because she did not have any money, rather than taking a

⁷⁷ For a more in-depth examination of consent, sexual exchange, and rape among the Acholi, see: Porter, “After Rape: Justice and Social Harmony in Northern Uganda.”

⁷⁸ This highlights the challenges associated with thinking of rape solely in terms of consent, as discussed in Chapter Two.

⁷⁹ Another woman also stated that sex workers could not be raped, “because you already negotiated before.” Interview with a sex worker (respondent no. 24), February 2015; Interview with a sex worker (respondent no. 22), February 2015.

⁸⁰ Interview with a sex worker (respondent no. 26), February 2015.

⁸¹ Interview with a sex worker (respondent no. 20), February 2015.

“boda,” a motorcycle taxi, she had to walk home. As she was walking, she said “[a] man started stopping me. I tried to run. I couldn’t run. I was not fast enough. So when he grabbed me, the man raped me along that road. And [then] he took off, left me there ... I came back home.”⁸² A third woman disclosed that she was raped on her way to the bar, “actually gang raped.” She said there was nothing she could do. “They grabbed me on the way, and the five boys all had sex with me.”⁸³

Aside from situations where women were raped alongside the road, one of my respondents shared multiple experiences of rape, including one involving a soldier. While she was at a bar in Gulu, she negotiated with a man, a soldier. “He told me to first escort him out [of the bar],” she said.⁸⁴ He suggested that they go to another club before heading to the lodge to have sex. “Getting to the car, he started raping me. That was rape. Yeah. Not my needs. So he forced me, we had sex in the vehicle. Without even paying.” Another girl disclosed that while she was on her way home from meeting with a client, around five in the morning, a “man just came and grabbed me,” and took her to a house.⁸⁵ “In that house there were pangas [machetes], axes, even guns.” The man threatened the girl, saying “if you refuse me to give me what I want, you seen what I have, I have weapons in my house. I’ll do anything to end your life. You prostitutes we are tired of you.” The man raped the girl through the night.

During my last trip to Gulu, I was out with my respondents at a bar in town. A sex worker who was at the same bar negotiated with a man, and then left to go to the man’s house. But as they were walking to his place, the man walked her to one of the more popular churches in town, where three additional men were waiting for them. They gang raped and killed her.⁸⁶ Several of my respondents, as well as members of the community, told me that incidents like this are not

⁸² Interview with a sex worker (respondent no. 31), February 2015.

⁸³ Interview with a sex worker (respondent no. 35), February 2015.

⁸⁴ Interview with a sex worker (respondent no. 15), February 2015.

⁸⁵ Interview with a sex worker (respondent no. 39), March 2015.

⁸⁶ Many of my respondents referenced this incident, and the victim was in the same social group as one of my respondents. Interview with a sex worker (respondent no. 32), February 2015.

uncommon, and anecdotally reported that, on average, a sex worker is gang raped and killed about once a month. They also said that these types of violence oftentimes go unreported, because the girl involved was a prostitute. It is difficult to validate the claim, however, without official reports. I reference this incident not because it is related to the conflict, but rather to showcase how the raping and killing of sex workers is common and frequently goes unnoticed.

Despite the violence the girls experience they have been able to add value to their situations. Many of my respondents form social groups with other girls in sex work, not only to replace the social and familial networks they lost, but also to create new economic opportunities. When going out to the bar, the girls go together. When one of them leaves with a client, she tells the other girls where she is going. And in the morning, after everyone has returned, they check in on each other, to make sure everyone made it home safely and is okay. If a girl does not get any clients the night before, the other girls cook for her. When community members shame them for the work they are doing, some girls “stand up” to defend themselves and their work.⁸⁷ Some groups of girls even start their own savings circles, where everyone contributes a small amount of money to a collective pot each month. Through these savings circles one of the women I know has been able to start her own business, selling fried cassava on the street. She still works at the bars, but eventually should she would like to expand the business and leave sex work entirely. The loan she received from the savings circle was made possible by her fellow sex workers.

Since the conflict has, in large part, subsided in northern Uganda, several of my respondents have gone to find work in South Sudan, in the border town, Nimule, or in the capital city, Juba. Some women have gone under the guise of “domestic work,” while others have gone voluntarily. Upon arriving in South Sudan, the girls are based in a hotel attached to a bar, similar to (but not quite) a traditional brothel. Their managers—typically Ugandan women married to Sudanese men—

⁸⁷ Interview with a sex worker (respondent no. 9), January 2015.

manage their accommodations, supply them with water, and in some cases offer them protection when they bring clients back to the hotel (when needed).⁸⁸ They work in an environment similar to the one when they first were forced into prostitution, but this time, they have the ability to leave and return to Gulu. Other girls decided to stay in Gulu. They continue to work at the bars, where their clients are mostly soldiers, but increasingly local men and men in town for business or conferences are frequenting the bars and paying for sex.

4.4 Conclusion

I have shown that forced prostitution was temporally, geographically, and causally connected to the conflict.⁸⁹ The violence that these girls have experienced was a direct result of the insurgency. They would not have been forced into prostitution otherwise. But because these girls were forced into prostitution by a combination of coercive third parties and structural conditions created by the insurgency rather than by combatants, it is treated as societal violence.

That being said, one of my respondents who had experience working in Gulu and in Juba, reported that her clients “are all soldiers ... they are all moving with guns.”⁹⁰ While another respondent who had only worked in Gulu said, “Most of the men I meet with, they are soldiers.”⁹¹ An Acholi leader similarly reported to Human Rights Watch, “Often it is UPDF soldiers who

⁸⁸ For a more thorough examination of prostitution in Juba, see: Jolien Veldwijk and Cathy Groendijk, “‘If You Can’t Use Your Hands to Make a Living...’Female Sex Workers in Juba, South Sudan,” *Bubzer and Stern Hope, Pain and Patience* (n.d.): 79.

⁸⁹ Meaning it is conflict-related, according to the United Nation’s definition of conflict-related rape, which requires the violence to be “linked, directly or indirectly (temporally, geographically or causally) to a conflict.” UN Security Council, *Conflict-related sexual violence: report of the Secretary-General*, 23 March 2015, S/2015/203.

⁹⁰ Interview with a sex worker (respondent no. 15), January 2015.

⁹¹ Interview with a sex worker (respondent no. 33), February 2015.

engage in these transactions.”⁹² I want to stress the parallels between “conflict-related” and “societal” sexual violence addressed in the first section of the chapter, and the violence discussed above. Survival sex with UPDF soldiers in forced displacement camps is similar to girls who were forced to sell sex “because of conditions,” as is the LRA practice of forced marriage to girls who were trafficked into prostitution.⁹³ The primary difference being that in the case of forced prostitution though members of armed groups were the primary benefactors of their forced sexual labor, they were not directly responsible for forcing girls into prostitution. The forced prostitution of girl children, though connected to the conflict, was not necessarily part of a wartime strategy.⁹⁴

This distinction between “societal” and “conflict-related” violence is not solely semantic. “There are real incentives for reporting sexual violence as conflict-related because of the services and compensation now targeted at that form of violence.”⁹⁵ In 2006—after an intense campaign of UPDF-led violence against the LRA and before the Juba peace talks commenced—there were more than six hundred humanitarian organizations operating in Gulu.⁹⁶ Of the organizations that provided services specifically to war-affected youth, they focused primarily on former LRA abductees, night commuters, and children who were living in protected camps. For example, World Vision’s Children of War program provided food, shelter, healthcare, education, and vocational training, but only to

⁹² Human Rights Watch, “Abducted and Abused: Renewed War in Northern Uganda,” July 15, 2003, 71.

⁹³ Such that, both forced marriage and sex trafficking incorporate domestic, sexual, and other labor. The girls are forced into sex and their movements are restricted.

⁹⁴ This highlights the limitations of focusing on the efficacy of violence in terms of perpetrators or organizations. The links between the social disruptions created by conflict lead to violence, and then in turn, lead to the development of sexual economies that have the potential to further destabilize social structures, especially cultural institutions that regulate sex and sexual exchange that provide women with economic security.

⁹⁵ Sara E Davies and Jacqui True, “Reframing Conflict-Related Sexual and Gender-Based Violence: Bringing Gender Analysis Back In,” *Security Dialogue*, 2015, 7.

⁹⁶ The counter-insurgency operation was known as Iron Fist, started in 2002. Of the humanitarian organizations, 488 were community-based organizations, 87 were national non-governmental organizations, and 29 were international non-governmental organizations. Stephen Abili, “Uganda: What Are All Those NGOs Doing in Gulu?,” *AllAfrica.Com*, July 16, 2006.

formerly abducted youth. Similarly, a local non-governmental organization, Gulu Support the Children Organization, focused their efforts solely on returnees. This attention to abducted children is due, in part, to the disproportionate number of children afflicted, but overlooks less visible forms of violence.

This trend extends beyond humanitarian assistance to access to justice. Of the five indictments issued by the International Criminal Court (ICC), four include charges for rape and/or sexual enslavement.⁹⁷ However, two of the individuals remain at large and two are deceased. The trial for the final lieutenant, Dominic Ongwen, started in January 2017 and is ongoing. Though we do not have a wealth of case histories to examine, I expect that the ICC will adopt the approach taken by the International Criminal Tribunal for Rwanda, and focus on situations of rape that affected the largest number of people and were directed against a particular group.⁹⁸ Which in this case would mean sexual enslavement or abductions involving sexual violence. If the ICC does choose to address forced prostitution it would expose the significant limitations of an instrumental,

⁹⁷ In 2005, the ICC indicted Joseph Kony and four of his lieutenants. Given that the majority of LRA combatants were forcibly conscripted as children, the indictments remain controversial among northern Ugandans who have largely supported blanket amnesty for those involved in the conflict. As an alternative, northern Ugandans have proffered longstanding, traditional mediation processes that facilitate forgiveness and healing. One such practice, Mato Oput, which is common among the Acholi, consists of the offender accepting responsibility for the act and asking the victim for forgiveness (or the victim's family if the violence resulted in the victim's death). Charles Baguma, "When the Traditional Justice System Is the Best Suited Approach to Conflict Management: The Acholi Mato Oput, Joseph Kony, and the Lord's Resistance Army (LRA) In Uganda," *Journal of Global Initiatives: Policy, Pedagogy, Perspective* 7, no. 1 (2013): 38.

⁹⁸ In addition to the ICC indictments, the Ugandan High Court is pursuing a former mid-level LRA commander, Thomas Kyowelo, who himself was abducted and forcibly conscripted into the LRA at the age of ten. The High Court's case against Kyowelo is the first and only open case against a member of the LRA, and it is uncertain whether the Ugandan Judiciary will pursue additional cases against members of the LRA.

juridical approach that prioritizes accountability by the fact that there are no easily identifiable, responsible political parties, unlike the LRA's practice of forced marriage.⁹⁹

As for traditional justice, there are several things at work here. These processes are particularly valuable not only because of their accessibility, but also because of their significant role in the northern region.¹⁰⁰ Throughout Uganda, formal and traditional justice processes coexist, and decisions from both courts are recognized as valid. As discussed in the first section, sex work in northern Uganda is illegal, yet carefully regulated. Moreover, sex work is considered socially unacceptable, because sex workers exchange sex that is not for the purposes of procreation. Case in point, my respondents reported that people in the community, particularly older women, call them useless *malayas* (prostitutes), and accuse them of spreading disease and destroying Acholi culture. As individuals that engage in “unnatural offences,” sex workers occupy a legal and social position that makes them inherently violable. They cannot seek justice for sexual violations if their sexuality is not culturally seen as something worth protecting.¹⁰¹

While the distinction between societal and conflict-related violence is a useful theoretical tool, the distinction has potentially damning political implications for survivors of violence. It is hard to say what opportunities my respondents would have had, if they had access to humanitarian resources or justice processes, but without these resources most of my respondents will likely remain in sex work and their girl children will become increasingly at risk of intergenerational prostitution. I am not suggesting that all individuals involved in sex work want to leave; rather, I am highlighting

⁹⁹ As I show in Chapter One, international humanitarian law largely deals with sexual violence perpetrated by public officials or an individual acting in an official capacity. Political violence is often defined by the identity of the perpetrators, not the context the violence occurs in, the effects of the violence, or the type of violence.

¹⁰⁰ It is important to note that women are not involved in traditional decision-making processes, including traditional justice processes.

¹⁰¹ This relates to the discussion of “reciprocity” from Chapter Two, where the value attached to a violation of a girl or woman's body depends on her social status.

how access to humanitarian resources and justice processes could potentially offer individuals a choice to remain in or leave sex work, a choice they did not initially have.¹⁰²

Between the trajectories that forced girls into prostitution and combatants raping sex workers, the link to armed conflict becomes visible. What was once a “choiceless choice,” becomes normalized sexual labor. The institution of prostitution obscured the violence at its origins.

¹⁰² That said, the majority of my respondents reported wanting to leave sex work if they were able to find other economically sustainable alternatives.

CONCLUSION

This dissertation offers a new approach to understanding wartime rape. It seeks to bring together comparative politics literature on wartime violence and feminist literature on rape to contribute to ongoing discussions about violence in armed conflict, as well as to produce a theory about how rape, and sexual violence more broadly, can be efficacious during war.

In Chapter One, I examine an instrumentalist approach to wartime rape, using the case of international law. When treated instrumentally, I find when rape is perpetrated intentionally and strategically it is considered efficacious, regardless of the context in which it is perpetrated, so long as it produces the effects that were intended. Given that perpetrator motivations are nearly impossible to discern, international legal mechanisms denote parameters, that when present, strategy can be assumed. If the violence is of a particular magnitude or degree, or targets groups rather than individuals, then it can be assumed that the perpetrator knowingly and intentionally perpetrated violence strategically. As I show in the case of ICTR, approaching rape instrumentally as a weapon or strategy of war both dismisses the gendered and sexualized dimensions of wartime rape that are central to its use, and inadvertently equates it with other forms of non-sexualized violence.

Rape, however, is not like other forms of non-sexualized violence. Take the example of lethal violence. Lethal violence can be both unintentional (e.g. being killed in crossfire), and by definition, always has the same result: death. The same cannot be said of rape: which is always intentional and has a range of effects depending on the context.

As such, in Chapter Two, I look at how rape was efficacious during the Sierra Leone civil war. In order to not perpetuate the assumptions implicit in the existing literature—that violence has to be perpetrated by a political actor in order to be *political* violence, and that the understanding of

rape is universal—I examine what rape is and how the context in which the violence is perpetrated changes the meanings, effects, and responses to violence. I find that rape is efficacious not via perpetrator motivations but when it violated norms of sex and sexual exchange. When rape violates norms of relationality, reciprocity, and visibility, it elicits a public response and social costs associated with the violence are likely to extend beyond the victim to their family and/or community. Rape perpetrated as part of armed conflict is more likely to violate these norms, given who the perpetrators tend to be and where the violence takes place, than rape that is not perpetrated as part of an armed conflict. Moreover, when rape is perpetrated in public, the effects of rape can potentially be reproduced (e.g. fear and displacement) at a much higher rate without necessarily using the violence, only the threat of violence.

Returning to the table in the introduction, we can see how each treatment offers a different understanding as to how rape is efficacious during war:

	Chapter One	Chapter Two	Chapter Three
Treatment	Instrumental	Contextual (Normative)	Contextual (Structural)
Rape is efficacious...	For armed groups	In general	Long-term
When...	Perpetrated intentionally and strategically	Violates norms of sex and sexual exchange	Undermines sociocultural institutions that regulate sex and sexual exchange

Table 5.1: Overview of Treatments of Wartime Rape

By understanding violence as efficacious via the context and not the perpetrator, I am able to identify types of sexual violence that are not typically thought to be part of conflict. Using the case of forced prostitution in Chapter Three, I am able to connect the causes of this type of violence to the conflict, showing that violence can be related to conflict even if it is not perpetrated by or

attributed specifically to an armed group. By developing a contextual approach, I am able to theorize the range of causes and effects of violence related to conflict.

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APPENDIX:

NEWSPAPERS AS A VIABLE SOURCE

It is necessary to understand the role that newspapers played in framing and disseminating information during the war in Sierra Leone. During the war, none of the newspapers had their own printing press, so each newspaper had to take their materials to one of two commercial presses operating in Freetown at the time. What this meant was that very few newspapers operated outside of Freetown, and in terms of coverage, newspapers devoted most of their page space to events in Freetown and the Western Area, not the provinces.¹ As the war spread across the country and Freetown became increasingly affected, however, newspapers started to devote more page space to conflict-related activities, including coverage of rape.²

Due to this Freetown focus, it should come as no surprise that most newspapers are published in English and/or Krio, the preferred lingua franca of the Western Area.³ Among the literate population, a majority reads newspapers once a week and over 40% read a newspaper everyday or almost everyday.⁴ This is complicated by literacy rates that vary immensely across the

¹ During the colonial period, Sierra Leone was divided into Freetown (the Colony) and the provinces (the Protectorate), which were administered separately: the Colony operated according to common law under the British Monarchy, and customary law ruled the Protectorate. The urban population (mostly “tribe-less” Krio people) enjoyed superior social, political and economic development during the colonial and post-colonial periods compared to their rural (tribal) counterparts. This divide bred ethnic and regional resentment that long preceded, yet fed into the formation of armed factions during the civil war.

² To this day most newspapers have a very visible Freetown bias not only in the coverage, but in the anticipated audience as well.

³ Sierra Leone is home to dozens of languages, but English is the official language and Krio is the lingua franca used throughout the country and the region.

⁴ BBC World Service Trust and Search for Common Ground, “Media Use, and Attitudes Towards Media, in Sierra Leone: A Comprehensive Baseline Study,” June 2007; Search for Common Ground, “Media Sector Mapping in Sierra Leone.”

country: from as low as 32% in Jaiama Bongor Chiefdom in Bo Province to as high as 83% in the Western Area.⁵

But if given the option, Sierra Leoneans would choose radio over newspapers as a source of information; Sierra Leoneans trust radio more than newspapers.⁶ But this was not an option at the start of the war. Only two radio stations existed (neither was available on a national level) and the broadcasting company was state owned. Individuals who did have access to a shortwave radio were able to tune into international radio stations, such as BBC's *Focus on Africa*, or much later, the UNAMSIL radio, but it was not until 1996 that "three independent stations [were] set up in Freetown."⁷

So why use newspapers? Are newspapers a viable source? Despite irregular distribution of newspapers and low levels of literacy across the country, newspapers "gained popularity through their reportage on the war. A handful of papers gained great credibility through their war reporting, and were considered to have very incisive and critical analysis of the situation."⁸ Readers could look for "the position and analysis a paper takes on issues, how critical (or not) the papers are of government, and how they craft headlines."⁹ And because they were privately owned, newspapers were the only sector of the media that could speak out openly against the government, particular parties/regimes, and the war. Each article thus represents a unique vantage point, which frames the

⁵ Literacy levels are particularly low "among older age groups, women, and those living outside of Freetown." Half of women are literate compared to 70% of men. BBC World Service Trust and Search for Common Ground, "Media Use, and Attitudes Towards Media, in Sierra Leone: A Comprehensive Baseline Study," 24.

⁶ A household level data set from 2008 suggests that individuals are much more likely to get their information about the government by word of mouth, than to get information from radio or newspapers. Katherine Casey, "Crossing Party Lines: The Effects of Information on Redistributive Politics," *The American Economic Review* 105, no. 8 (2015): 7.

⁷ Search for Common Ground, "Media Sector Mapping in Sierra Leone," 10.

⁸ *Ibid.*, 14. Some newspapers suffered from low levels of professionalization, uncorroborated and/or sensationalized accounts, bias, etc. Francis P. Kasoma, "The Independent Press and Politics in Africa," *Gazette (Leiden, Netherlands)* 59, no. 4 (1997): 295–310.

⁹ Search for Common Ground, "Media Sector Mapping in Sierra Leone," 14.

topic of the article and the context surrounding that topic, as well as provides the author's take on the topic in light of other events. Despite the problems alluded to above, these frames offer valuable insight into how issues are organized, represented, and contested in a public arena.