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Torture of women in armed conflict

In all the armed conflicts investigated by AI in 1999 and 2000, torture of women, including rape, was reported. Torture by soldiers of vanquished women has a long history — a history of subjugation, terror and revenge. Armed conflicts are not only about men in battlefields, nor are they gender-neutral exercises

Sierra Leone. This 38-year-old woman had her arm cut off by rebel forces who attacked her farm in 1997. She is now at the Murray Town camp for amputees in Freetown, where she has been fitted with an artificial arm and is relearning skills such as planting.

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Bosnian Muslim women in the Tuzla refugee camp (northeast Bosnia). These women were systematically raped by Serb militiamen during the war which ripped the former Yugoslavia apart between 1991 and 1995. They agreed to be photographed in order to ensure that "the world knows the truth" about the war in Bosnia.

Democratic Republic of the Congo, many women killed in the most recent bout of conflict (1999-2000) are reported to have been found completely naked and bearing signs of having been raped.

In Guatemala, during the civil war of the 1970s and 1980s, massacres of Mayan villagers were preceded by the rape of women and girls. In December 1982, for example, Guatemalan soldiers entered the village of Dos Erres, La Libertad, in the northern department of Petén. By the time they left three days later, it is estimated that more than 350 people — men, women and children — had been

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Torture and ill-treatment of women

in destruction. Evidence gathered by human rights organizations and by international and national tribunals indicates that women are targeted because of their gender, and that the forms of abuses inflicted upon them tend to be gender-specific.

Women are frequently singled out for torture in armed conflicts because of their role as educators and as symbols of the community. Tutsi women in the 1994 genocide in Rwanda, and Muslim, Serb, Croat and ethnic Albanian women in the former Yugoslavia, were tortured because they were women of a particular ethnic, national or religious group.

Most abuses committed against women in armed conflicts involve the use of sexual violence. Sexual violence is often a gruesome, ritualized prologue to murder. In the east of the



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killed. The women and girls had been subjected to mass rape before being slaughtered. The investigation into this massacre has been hampered by repeated death threats and acts of intimidation against relatives of the victims and members of forensic teams. Eighteen years later, no one has been brought to justice, despite detailed eyewitness accounts.

In Algeria, hundreds of women have been abducted and tortured since 1993 by armed groups which define themselves as "Islamic groups". Especially in rural areas, women have been

Argentinian women, representing the Mothers of the Plaza de Mayo, demonstrate outside the Naval Mechanics School (ESMA), in Buenos Aires, notorious for having been used as a torture centre in Argentina in the 1970s and early 1980s. The women are protesting against a plan to destroy the building and replace it with a monument to national unity.

abducted from their homes by armed groups, held captive, raped and subjected to other forms of torture — such as beatings, burning with cigarettes and death threats. Many were subsequently killed and some left permanently disabled. Some victims were raped by more than one member of the armed group.

Rape and other forms of sexual violence against girls and women by rebel forces have been systematic and widespread during the nine-year internal armed conflict in Sierra Leone. Mutilations (especially deliberate amputations) committed during the conflict have received considerable international attention, but sexual violence has been even more prevalent. Almost all the thousands of girls and women who have been abducted by rebel forces have been raped and forced into sexual slavery. Sexual violence has been directed at women of all ages, including very young girls. An 11-year-old girl abducted from Freetown when rebel forces attacked the capital in January 1999 was freed seven months later. She described being dragged from her home and then joined by scores of other girls as rebel forces went from house to house. Girls who were not selected to be the "wife" of a rebel commander were repeatedly raped by countless other rebel combatants.

Almost all rape victims in Sierra Leone have required medical treatment for physical injuries inflicted during their ordeal. A 29-year-old woman who fled the town of Makeni in Northern Province in May 2000 told AI representatives a month later: "I'm still breast-feeding but five RUF rebels raped me. I'm still bleeding". Most rape victims have contracted sexually transmitted diseases, and many are suspected of having contracted HIV/AIDS. No one knows how many pregnancies and childbirths have resulted.⁵⁶

Acts of torture in armed conflict are committed within a context characterized by the breakdown of the policing or judicial system. The normal restraints on acts of violence against women are therefore missing. Hardship and deprivation also force women to "submit" to non-consensual sexual relations. Armed conflicts and ensuing displacement lead to an increase in all forms of violence, including domestic violence against women.⁵⁷

'Disappearances'

In war-torn regions many women have lost relatives, either because they have been separated and lost, because they have been killed, or because they have "disappeared" — taken into secret custody, with the authorities concealing their fate and whereabouts. Women are unable to discover what has happened to their family members, where they might be, or even if they are alive or dead. The search for the truth may last for years; in some cases it never ends. Many women face severe financial hardships if the main breadwinner "disappears". They often cannot dispose of property to sustain the family, and cannot remarry, because their status is unclear.

Under international human rights law, relatives and dependants of a "disappeared" person are also considered to be victims of the crime of "disappearance". In the majority of the cases, those relatives and dependants are mothers, wives, or daughters. International human rights bodies and tribunals have held that the psychological anguish and distress caused to the relatives of people who have "disappeared" is itself a violation of the prohibition against torture and other cruel, inhuman or degrading treatment or punishment.⁵⁸

Violence against women is not an accident of war: it is a weapon of war used for such purposes as spreading terror; destabilizing a society and breaking its resistance; rewarding soldiers; and extracting information. Violence against women, including torture, has also been used as a method of "ethnic cleansing" and as an element of genocide. In most of the situations investigated by AI, there is evidence that the military has used violence against women for several of these purposes.

Women who have been tortured in conflicts are often unable to gain access to medical and legal remedies. Investigations conducted in areas including the former Yugoslavia, northern Uganda, eastern Congo and India have demonstrated that most victims fail to admit they have been raped for fear of being stigmatized by society or rejected by their husbands. Evidence also shows that this fear is well-founded: women who have been raped have been unable to find marriage partners, and those who were married are often deserted by their husbands.

Torture of women escaping conflict

For many women and girls, there is no safe way to escape from war zones. Women who leave in boats are frequently attacked

by pirates. Women who travel by road are assaulted by bandits, security forces, border guards, smugglers and other refugees. Refugees are often forced to turn to smugglers as the only way to cross the border and escape. Women in this situation are frequently abused by smugglers who offer to help them in exchange for sex.

Internally displaced and refugee women living in camps may face sexual and physical abuse. Camp guards and male refugees may look upon unaccompanied women and girls as common sexual property. Women who have already been raped may be treated as having lost their virtue and may therefore be preyed upon. They also have to bear the physical and psychological damage of the trauma they have suffered without adequate medical support or counselling.⁵⁹ Often, domestic violence against women escalates in refugee camps. In many camps the physical conditions increase the likelihood of violence against women: camps may be overcrowded and their design and location can render women particularly vulnerable to attacks both from within and outside the camp. Discrimination against women in the

Women and children reaching safety at a reception centre in Eritrea for internally displaced people fleeing renewed fighting in May 2000 in the Ethiopia/Eritrea border. Most of the world's refugees and internally displaced people are women and children.

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distribution of goods and services may lead to sexual abuse of refugee women rendered vulnerable by hardship.

Women who reach other countries and apply for asylum face continuing difficulties in their search for safety. Many governments, eager to avoid their responsibility to provide protection for refugees, are applying an increasingly restrictive definition of who qualifies for refugee status. A number of countries deny refugee status to people persecuted by armed opposition groups, and few countries grant asylum where the state has failed to protect against torture by private individuals.

Women asylum-seekers

- The definition of a refugee in international refugee law (the 1951 Convention relating to the Status of Refugees and its 1967 Protocol) remains applicable in situations where an entire group has been displaced and members of the group are at risk of human rights violations because of some shared characteristic.
- International protection is due to those whom the state is unwilling or unable to protect from abuses, including abuses committed by armed groups and private individuals.
- Sexual violence and other gender-related abuses constitute a form of persecution within the meaning of the 1951 Convention. No one should be returned to a country where he or she is likely to face torture or persecution.

Ending impunity?

Impunity for violence against women is a problem in all circumstances. But access to justice for women victims of human rights abuses in areas of armed conflict is particularly difficult. The reasons are mutually reinforcing, creating a virtually unbreakable web of impunity. They include the overall climate of indifference towards many forms of violence against women; the tacit acceptance of rape and other forms of sexual violence as an unavoidable part of war; threats and reprisals against those who reveal abuses; the existence of special national legislation which prevents prosecutions for crimes committed in war; and amnesty laws as part of peace-making "deals". Added to this is the unwillingness of governments to meet their obligations under international humanitarian law, notably

universal jurisdiction. According to this principle any state can and should bring to justice those presumed responsible for torture, crimes against humanity, war crimes, and genocide, regardless of the place where the crimes were committed, the nationality of the person responsible and the nationality of the victim. All states also have the obligation to cooperate in the detection, arrest, extradition and punishment of people implicated in these crimes.

The belief that torture of women is an unavoidable part of war has been challenged by women's organizations around the world. That challenge has gained new momentum following proceedings in the International Criminal Tribunals for the former Yugoslavia and Rwanda (Yugoslavia and Rwanda Tribunals). For instance, the Yugoslavia Tribunal has issued an indictment against eight men, several of whom are alleged to have repeatedly raped two Bosnian Muslim women who were detained and systematically raped for more than six months. This is the first trial at the Yugoslavia Tribunal in which rape and sexual enslavement has been treated as a crime against humanity. Both the Yugoslavia and Rwanda Tribunals have filed charges based on sexual violence and rape as constituent parts of the crime of genocide. These charges have been brought against those accused of committing the acts as well as against their superiors. In its decision of 2 September 1998,⁶⁰ the Rwanda Tribunal found that numerous Tutsi women seeking refuge from the massacres were systematically raped by armed local militia. In its judgment, the Tribunal stressed that rape and sexual violence constitute genocide if committed with intent to destroy a particular group, and held that sexual violence was an "integral" part of the process of destruction of the Tutsi ethnic group.

The Rome Statute of the International Criminal Court has incorporated a gender perspective to ensure that women who are victims of the gravest crimes under international law have access to justice and that women play a role in the Court.⁶¹ AI calls on states to ratify the Rome Statute and also to enact legislation permitting their courts to exercise universal jurisdiction over grave violations of international law.

Women in armed conflicts

- Acts of violence against women, including sexual violence, are prohibited under both international human rights law and humanitarian law which governs the conduct of war (the Geneva Conventions and their Additional Protocols).
- Under customary international law, many acts of violence against women committed by parties to a conflict (whether international or internal) constitute torture. These include rape and gang rape, abduction and sexual slavery, forced marriage, forced impregnation and forced maternity, sexual mutilation, indecent assault and many other forms of physical violence.
- Rape and other forms of sexual violence by combatants in the conduct of armed conflicts are now recognized as war crimes.
- As set out in the Rome Statute of the International Criminal Court, the crime of rape includes situations where the victim provides sex to avoid harm, to obtain the necessities of life, or for other reasons which have effectively deprived her of her ability to consent.
- When sexual violence is committed on a systematic basis or a large scale, or as part of a widespread or systematic attack directed against a civilian population, it is a crime against humanity.
- Torture of women in armed conflict constitutes a grave breach of the Geneva Conventions.
- Torture of women may constitute an element of genocide, as defined in the Convention on the Prevention and Punishment of the Crime of Genocide.
- Acts of violence against women amounting to torture, war crimes, crimes against humanity and genocide are subject to universal jurisdiction.

4: Recommendations

The patterns, methods, causes and consequences of the torture of women are decisively influenced by the victims' gender. In order to be effective, therefore, a plan of action to combat the torture of women has to be based on a perspective that takes into account gender issues.

Torture of women is a fundamental violation of human rights, condemned by the international community as an offence to human dignity and prohibited in all circumstances under international law. Yet it persists, daily and across the globe. Immediate steps are needed to confront and eradicate the torture of women.

AI calls on all governments to implement the following recommendations. It invites concerned individuals and organizations to join AI in its campaign to ensure that they do so. These recommendations are drawn from a range of sources. Some are found in international human rights standards including the UN Convention against Torture and the UN Convention on the Elimination of All Forms of Discrimination against Women. Some are drawn from examples of good practice already put in place by some governments. Most arise from the experiences of non-governmental organizations which make up the global women's movement, and who are at the forefront of exposing and addressing acts of violence against women as human rights violations.

AI believes that governments have the power to implement these recommendations. Most do not need a huge investment of resources, but they do require political will and the conviction that torture of women can no longer be allowed to continue. AI believes that the implementation of these measures would be a positive indication of a government's commitment to end torture of women and to work for the eradication of violence against women worldwide.

However, these measures will not eradicate the torture of women unless discrimination on grounds of gender is addressed. In this, AI believes that everyone has a part to play — governments, political parties, religious groups, all elements of civil society and individuals. Everyone has a responsibility to