

Preventing Perpetrators

How to go from protection to prevention of sexual violence in war?

An acute problem regarding sexual violence in war is that far too few perpetrators are stopped. While both the rhetoric of protection and policy measures are important, they may have overshadowed the role of the *perpetrators* of crimes of sexual violence and the need to focus on preventive measures. It is therefore time to shift the political discussion from the responsibility to protect to the responsibility to prevent sexual violence from occurring. This can be achieved through three decisive approaches at different levels:

- by increasing focused research on individual perpetrators and their backgrounds (individual focus);
- by holding military leaders responsible for crimes of sexual violence committed by soldiers under their command and ensuring that all soldiers, as well as aiders and abettors, understand that acts of sexual violence in war are criminal acts and not an integral part of a military culture (group focus); and
- by fostering military cultures in which perpetrators of sexual violence are exposed and condemned (cultural focus).

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From a victim-centred focus ...

War, rape and rape in war are concepts that are strongly interconnected historically, mythologically and culturally. War is a setting in which looting and rape are two sides of the same coin. Rape in war is both a metaphor for the barbarism of war and a direct manifestation of the misuse of power and violence unleashed by war.

Rape is a metaphor for political acts. The attack of the city of Nanking in 1937 is often referred to as the Rape of Nanking, but as an act in itself rape is often described using other metaphors such as the biblical formulation that 'you may enjoy the spoil of your enemies' Rape as a metaphor and metaphors of rape have been part of historical accounts and other forms of the documentation and depiction of war for centuries, yet the way in which rape in war is analysed and understood as a political weapon in conflict settings has been characterized by reformulations and dismissal.

While there is little scholarly documentation of the use of rape in wars before World War II, this does not mean that it did not take place. The fact that the activities of looting, pillaging and raping, historically and well as literally, constitute the core activities of war achieves two things:

- First, it renders the victims of war-rape experiences indistinguishable from the victims of other wartime crimes. Sexual violence crimes are significant only insofar as they occur in conjunction with other crimes, and it is the combination of these acts that constitutes warfare.
- Second, characterizing warfare as acts of looting, pillaging and raping clearly defines the soldier as male. These behaviours, and thereby warfare as such, are seen as masculine actions.

Marginalizing the phenomenon of sexual violence in war as a women's problem, a private problem and/or something too shameful to address has kept the victims and their stories and experiences at arm's length from policy and research analysis.

As a consequence, we have, historically, known very little about the ways in which rape is used in different wars; why this is the preferred form of violence in certain settings; how the victims and their societies live with these experiences after the war has ended; and what political impact these acts of violence might have during and after a conflict.

The historical silence, however, has been disrupted by the voiced experiences of survivors from many conflict zones, including Bosnia, Rwanda, Kosovo, East Timor, Sudan, Sierra Leone, Liberia and the Democratic Republic of the Congo, to mention just a few. The voicing of these experiences has constituted what Nicola Henry (2011) refers to as a counter memory of war, and she argues that it is the International Criminal Tribunal for the former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR) and the International Criminal Court (ICC) that have been the major sites for the creation of these counter-memory accounts.

Yet, before the creation of these bodies, a massive documentation effort on the part of the international NGO and UN community was instrumental in bringing about the attention required to move the international community to establish the above-mentioned courts and to ensure that more political attention was given to women's wartime experiences, particularly sexual violence in war. These criminal prosecution efforts came about owing to an unprecedented focus on the victims of sexual violence and their protection needs. The motivations of the perpetrators, however, were generally assumed rather than researched.

... to a perpetrator-centred focus

Understanding mass atrocities is a delicate endeavour. Often, in attempts to understand the perpetrators of such acts, individuals are shown to be fallible and thereby human. For many, this can be uncomfortable.

It is easier to dehumanize evildoers and thereby differentiate them from those who do not commit atrocities. However, there exists a rich scholarly literature on the perpetrators of crimes of sexual violence within various academic fields, including psychology, law, criminology and sociology. Much of this literature focuses on the perpetrator in times of peace, exploring what individual, social and circumstantial elements might have led a given person to become a perpetrator of such crimes.

Likewise, there is a rich literature on perpetrators of war crimes and genocide that provides similar kinds of explanations: examining the individual, social and circumstantial elements that push people over the edge to commit evil acts. For efforts to understand the perpetrator of sexual violence in war, however, both bodies of scholarly literature fall short: the literature on the peacetime perpetrator of sexual violence does not help us conceptualize the particular coercive environment of an armed conflict, while the literature on perpetrators of war crimes and genocide does not adequately explain why sexual violence appears to be preferred over other forms of violence in given situations and by certain individuals.

In order to come closer to an understanding of the sexual violence perpetrator in war, it is important to understand the interconnection between the personal and the social in a particular coercive environment. In other words, understand how the context of war can change the ways in which individuals reason and behave.

In addition to the documentation literature (i.e. reports produced by various fact-finding missions and organizations), there is also a growing academic literature on crimes of wartime sexual violence. But, within these analyses, it is predominantly the victims who are given a voice and are analysed. The perpetrator is a secondary character, one whose intentions and motivations are assumed but remain unexamined.

In other words, the ways in which sexual violence in war has been theorized up until now have been based on empirical data from only one of the groups involved in this violent coercive relationship: the victims.

In order to advance our understanding of this area, we need to incorporate empirical data that bring the perceptions and voices of the perpetrators into the equation.

This is necessary not to somehow justify the actions of the perpetrators but to seek insights into why and how this type of behaviour can be understood as a social practice that constitutes war and gender, as well as to help identify preventive remedies. There are three different ways in which the relevant knowledge can be sought.

Individual focus: Perpetrator personalities

There is a difference between the perpetrators of acts of sexual violence in war and those who commit acts of sexual violence in times of peace. This means that the existing body of knowledge on perpetrators of sexual violence might have little applicability to the perpetrators of wartime sexual violence. The setting of war represents an extreme break with the norms and values that guide peaceful coexistence between people(s) – as illustrated by the very fact that killing is permissible under certain conditions in war.

Are particular personalities more prone to sexual violence behaviour in war? This seems highly likely, and thus military recruitment processes need to be attentive to sexual-violence-prone individuals. These could include people with the following characteristics:

- psychopathologies such as deviant sexuality;
- traumatized individuals, i.e. people with a history of trauma, which may include experiences of sexual abuse and/or extreme violence;
- dysfunctional individuals who are seeking misplaced emotional comfort;
- ideological dispositions that would render the person prone to dehumanizing others;
- paranoia, delusions, sadistic personality traits.

Group focus: Responsibilities in extraordinary contexts

Part of the training that soldiers undergo in regular armies is geared toward learning what actions are permissible under international law given particular sets of circumstances.

In other words, soldiers are trained to recognize and analyse in which settings certain forms of violence are legitimized. These settings require clear distinctions to be made between civilians and military personnel, and involve a set of parameters that regulate relationships between military forces on the battleground.

When a person in a war situation kills without violating the rules of war, he or she is usually not regarded as a murderer in the aftermath of war, and quite likely will never kill again. Likewise, a perpetrator of sexual violence in war may not be a rapist with a history of offences involving sexual violence prior to the war, and that violence may or may not have a bearing on his or her behaviour after the war.

However, there is a clear distinction between killing and committing acts of sexual violence in war: **killing can be legitimized under certain conditions, whereas sexual violence cannot.**

Nevertheless, it is possible to regard sexual violence in war as part of a repertoire of actions that *appear* permissible because the circumstances of war are extraordinary and because such behaviour elicits no consequences, punishment, or condemnation from the military leadership.

In addition, wars are confusing settings, because frontlines are blurred, and the distinction between military and civilian is unclear. It is therefore likely that the propensity for extreme violence in all its forms increases simply because the opportunity for such violence is present. James Waller (2007) argues that men are implicated in extreme violence more often than women simply because they find themselves more often in situations where such acts can be carried out, and war presents a wealth of such situations.

In order to avoid this group dynamic, it is therefore imperative that the **military leadership is held accountable in national as well as international courts for sexual violence behaviour by soldiers under its command.**

Cultural focus: Militarized masculinities

The stereotypical image of a soldier found in popular culture and historical accounts is more often that of a gentleman than that of a villain. With the increased focus on sexual violence in war, however, this image has become harder to maintain. Some have even argued that the display of hegemonic (and militarized) masculinity should be seen as pathological, and the response should not be a privileged status but potential international criminal prosecution (Hutchings, 2008). Which effects might this view point have for the use of sexual violence in war? What does this new way of thinking mean for perpetrators of crimes of sexual violence? How do they make sense of their actions and their punishment, and in terms of which masculinity and from which subject positions will they view their experiences and criminal actions?

A quote by Mirsolav Barlo, who was convicted of crimes of sexual violence by the ICTY, is illustrative:

I tried to be proud of my actions and to think that they were actions of a successful soldier. Today I am ashamed of all that, ashamed of my conduct and ashamed of how I behaved.

(http://www.icty.org/x/cases/bralo/cis/en/cis_bralo.pdf – Statement of Miroslav Bralo)

We need to understand the roles and experiences of men and women, masculinity and femininity, victims and perpetrators in order to move from an exclusive focus on protection to a more engaged focus on prevention.

Emerging studies on perpetrators, military recruitment and coercive environments in war indicate that these themes will be further explored in the years to come. ■

Useful resources and links

For information on legal cases in which the perpetrators of crimes of sexual violence may be studied, see the work of:

- The International Criminal Tribunal for the former Yugoslavia (ICTY) on crimes of sexual violence, at: <http://www.icty.org/sid/10312>
- The International Criminal Tribunal for Rwanda (ICTR), at: <http://www.unictr.org/>
- The International Criminal Court, at: http://www.icc-cpi.int/EN_Menu/icc/Pages/default.aspx

For studies of perpetrators of sexual violence also in wartime, see:

- Baaz, Maria Eriksson & Maria Stern (2008) 'Making sense of violence: Voice of soldiers in the Congo (DRC)'. *Journal of Modern African Studies* 46: 57–86.
- Baum, Steven K. (2008) *The Psychology of Genocide: Perpetrators, Bystanders, and Rescuers*. New York: Cambridge University Press.
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- Hutchings, K. (2008) 'Making sense of masculinity and war'. *Men and Masculinities* 10: 389–404.
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Rapists & Other Sex Offenders. New York: Basic Books.

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THE PROJECT

This policy brief is a product of the Sexual Violence and Armed Conflict (SVAC) project, funded by the Norwegian Ministry of Foreign Affairs.

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