

Genocide and Sexual Violence in Darfur: Mapping the Nexus

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DOI: <https://dx.doi.org/10.47772/IJRISS.2023.7622>

Received: 04 May 2023; Revised: 20 May 2023; Accepted: 23 May 2023; Published: 27 June 2023

ABSTRACT

Now that many of conflicts have moved from traditional battlefields to villages, involving both organised armies and scrambling militias fighting amidst civilians, women and children are more vulnerable to assault by perpetrators from within their own communities and beyond. The Darfur conflict, stretching for over a decade now, is no exception. Once Darfuri women fall prey to a mass campaign of rape and other sexual violence by belligerents they are being ostracised by their families and societies. Also, such gruesome blitzes leave babies born of war in a state of uncertainty and insecurity, as they are, too, abandoned by their mothers fearing social stigma. Based mainly on secondary data and situation analyses, the paper explores how sexual violence during a conflict gnaws away at the fabric of a community and its future generations with a focus on the ongoing conflict in Sudan's Darfur.

Keywords: Darfur; Genocide; Conflict; UNAMID; Sexual Violence; Women

INTRODUCTORY REMARKS

“I was sleeping when the attack on Disa [a village in West Darfur] started. I was taken away by the attackers, they were all in uniforms. They took dozens of other girls and made us walk for three hours. During the day we were beaten and they were telling us: ‘You, the black women, we will exterminate you, you have no God.’ At night we were raped several times. The Arabs guarded us with arms, and we were not given food for three days (Kjos, 2004).”

This testimony by a rape survivor of the Masalit village in West Darfur of Sudan echoes hundreds of others, indicating how women and girls fall victim to a systematic campaign of sexual violence in war-torn Darfur by the Sudanese government and state-sponsored militias including Janjaweed. Previously, wartime sexual violence was considered a spinoff of conflicts, but the discourse widened its meaning with the advent of Darfur conflict, in which sexual assault — such as gang rape, abduction and sexual slavery — is so well planned and being carried out on such a mass scale as to cleanse Darfur of its ethnically distinct non-Arab African population. There is, however, no specific statistics as to how many women and girls have so far been subjected to sexual violence, because they are hardly allowed to speak to the press and rights activists. Despite women suffering from grisly perils, efforts undertaken by the international community to protect them from being further persecuted have proven to be of little avail in many cases, with sexual violence still looming large. In October 2014 alone, the African Union – United Nations Hybrid Operation in Darfur (UNAMID) documented 117 incidents involving over 200 rape victims aged between four and 70 (UN Security Council, 2015). The United Nations also documented a case of a child conceiving after rape, which resulted in the marriage of her to the perpetrator as a form of a traditional settlement.

Victims of sexual assault suffer severe physical and mental consequences. The Darfurian women who attempt to escape or defy are assaulted, dismembered, and killed. Women are raped in front of their families or neighbours, leaving them with serious emotional damage in a highly conservative Darfurian society.

Stigmatised by their societies, survivors are often seen found living separately from their families. On top of this, war babies, born as by-products of wartime rape, in Darfur rarely have any future in their mother's ethnic groups. Such worrying trends in sexualised violence must be understood against the backdrop of a highly insecure atmosphere beleaguered by ethnic conflicts, cultural gender stereotypes, social stigma, and domestic legal quagmire. This paper centres on understanding patterns of assault facing women in Darfur. It also identifies major barriers to eradicating sexual violence that include judicial quandary, culture impunity, and gender stereotypes.

Research Objectives

Exploring the extent, to which the discourse of sexual violence describes the ongoing campaign of assault on women in Darfur and understanding the linkages between genocide and sexual onslaught.

Research Questions

The paper addresses the following key research questions;

1. To what extent does the discourse of sexual violence describe the systematic campaign of sexual violence against women in Darfur?
2. What are the factors that perpetuate sexual assault on them in the area?

RESEARCH METHODS

The research is based on a qualitative method involving mainly secondary means of data collection. Secondary data have been collected from both academic sources like books, e-books and journals, and non-academic sources such as newspapers. Constrained by time and distance, I have held discussions with military officials of the Bangladesh Army to grasp the real scenarios and patterns of violence against women in Darfur. The veteran officials gained hands-on experience while working as UN peacekeeper in the war-torn area.

Genocide and Sexual Violence: Conceptualization

Polish-Jewish lawyer Raphael Lemkin coined the term "genocide" in 1944 to describe the Nazi policy of systematic murder of the Jews. He coined it by combining the Greek word "genos" (race or tribe) with the Latin word "cide" (to kill) (BBC, 2016). Genocide thus refers to violent crimes committed against certain groups with an intent to raze their existence.

In 1946, the United Nations General Assembly (UNGA) adopted a resolution to declare genocide a crime under international law but did not provide any definition. In 1948, two years later, the UNGA adopted the "Convention on the Prevention and Punishment of the Crime of Genocide" that for the first time defined genocide in legal terms. Pursuant to article 2 of the convention, genocide is defined as any of the following "acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group (BBC, 2016);

1. Killing members of a group
2. Causing serious bodily or mental harm to members of the group
3. Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part
4. Imposing measures intended to prevent births within the group
5. Forcibly transferring children of the group to another group"

On the other hand, the term “sexual violence” is an all-encompassing, non-legal term that refers to such crimes as sexual assault, rape, and sexual abuse, which are a violation of human rights. Among the crimes, rape has been considered an “integral part of the process of destruction” in an International Criminal Tribunal verdict on the case of Jean-Paul Akayesu in Rwanda (ICTR, 2012). Sexual violence is defined in the World Report on Violence and Health as any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or otherwise directed, against a person’s sexuality using coercion, by any person regardless of their relationship to the victim, in any setting, including but not limited to work and home (Krug EG et al, 2002).” Sexual violence is, however, a powerful and cost-effective weapon/tactic employed in armed conflicts to terrorise, dehumanise and break down individuals, families as well as communities. Swiss and Giller (1993, 612-615) say sexual violence results in physical harm, reproductive trauma, the communication of sexually transmitted diseases (including HIV), pregnancy, and feelings of helplessness and humiliation that persist as post-traumatic stress disorders. Rape during warfare or societal disintegration is used as a means of controlling reproduction. Such offensive on vulnerable sections of societies is pursued for the following general purposes;

- Destroying communities and families: Hirsch (2012) says rape is used to terrorise and break down social structures, causing people to flee their homes and women to be scorned by their families. Driven out of their families and communities, rape survivors are compelled to live alone in shanties far away from their beloved ones.
- Terrorising women: Campaign of mass rape is also applied to terrorise women and girls as they remain anxious about falling prey to perpetrators (Kruger, 2011). It is meant to leave a permanent mark on women, tearing them from a sense of security, even within their own bodies.
- Genocide as a tool of ethnic cleansing: Dominant ethnicities always attempt to hold sway over minorities by bringing them under its sphere of influence. In so doing, women are raped so that their “inferior” wombs are occupied with “superior” sperm or forced to have abortion or sterilisation in order for their reproductive capacity to end. Scheffer (2008) says rape of a woman is considered in certain communities as a rape of the entire tribe. On top of that women are also subject to sexualised political torture of forcing them to bear babies of perpetrators to spoil their will (Hirsch, 2012).

Genocide and Sexual Violence Nexus

Sexual violence during armed conflicts is one of the most destructive tools of mass killing, while some researchers term it a cornerstone of genocidal campaigns because of the worrying impact it leaves on victims and their community as a whole (Reid-Cunningham, 2008). It meets perpetrators’ objectives through destroying communities, breaking down identities of the victims and driving them out of their homes. For example, incidents of genocide in Rwanda in 1994, in Bosnia from 1992-95 and in Darfur since 2003 are the most prolific cases, where sexual assault was and is strategically committed as a weapon by assailants. According to the United Nations, some 250,000 women and girls in Rwanda were raped and 60,000 in the Bosnian genocide (Holocaust Museum Day Trust, 2014). Given the devastating effect of sexual assault, the UN Security Council in 2008 expanded the definition of genocide in its Resolution 1820, which states that “rape and other forms of sexual violence can constitute war crimes, crimes against humanity or a constitutive act with respect to genocide.

Prelude to Darfur Conflict: Causes

There are multiple explanations for the origin of Darfur conflict. One involves environmental factors, e.g., resource deflation, competition over resource extraction, entrenched land disputes between semi-nomadic pastoralists and those who practise sedentary agriculture, etc. Though these were the apparent causes of the conflict, the ongoing carnage resulted from a long history of ethnic marginalisation as well as a chronic problem of bad governance that has plagued Sudan since its independence from the British colonial rule in 1956.

Post-colonial governments were dominated by Arabic-speaking elites from the central and the northern parts of Sudan. In addition to concentrating on economic development in their respective regions, the elites tried to forge a national identity based on an ideology of Arabism and Islamism, wreaking a dogged resistance by non-Arab and non-Muslim communities in underdeveloped regions in the South, Nuba Mountains and the Red Sea (Sikainga, 2009). This led to the emergence of ethnic movements in the Cold War period, particularly in the South, where a civil war raged on for decades until it became independent in 2011 (Sikainga, 2009). In Darfur, aggrieved and deprived commoners began to realise the need for a collective effort to get rid of those strings. They formed Darfur Development Front in the mid-1960s to press home their demands for economic development as well as greater autonomy.

Apart from domestic tensions, Darfur suffered from conflicts that had already torn its neighbourhoods, including Chad and Libya, apart. Rebels in Chadian civil wars of the 1980s, in which Libya became heavily involved, had used Darfur as a rear base with borders being porous and ethically intertwined, helping themselves move freely across the borders and making the conflicts ripple through other parts in the region. It is believed that most of the automatic weapons used in Darfur in 2008 were developed with the help of those rebels (Pigott, 2009).

Meanwhile, ambitious Gaddafi of Libya began gathering discontented Arabic-speaking and Tuareg groups into what later emerged as “Islamic Legion” as the spearhead in Libya’s offensives in Chad to ensure its hegemony in the region. Among the Legionnaires were Arabs from Darfur, many of whom were the Mahdist Ansar sect who had been persecuted following a failed coup in 1976 to topple Sudan’s erstwhile president Ja`far Nimeiri. Gaddafi’s hopes were dashed with the Ansar being foiled by Chadian factions in 1988 and the Legion disbanded (Pigott, 2009). He lost interest in the Ansar who, too, no longer needed him. Well trained, mobile and possessed of their Arab “supremacist” ideology, remnants of the Mahdist crossed over to Sudan with their “Arab supremacist” ideology and joined Darfur’s Janjaweed militia which has been accused of committing atrocities. Furthermore, the ongoing conflicts over resource extraction intensified, with a large number of Mahdist members of the now defunct Legion flocking to Sudan following the downfall of Nimeiri’s regime in 1985. Together they formed the political bloc Arab Alliance, took to disseminate their “supremacist” ideology in western parts of the Sudan and exhibited great contempt towards non-Arab communities living there (Sikainga, 2009). Propagating that Arabic-speaking groups had been politically and economically marginalised despite being majority in the region, they called for increasing their representation in the central government. The attitudes of these groups married up with the government’s discriminatory policy subsequently led to the destabilisation of inter-communal harmony in Darfur.

Genocide Begins

In March 2003, after decades of tensions, fighting flared up with rebels, including Sudanese Liberation Army (SLA) and Justice and Equality Movement (JEM), taking up arms against the Sudanese government and state-backed Janjaweed militia, which they accused of oppressing non-Arab people. The government responded with a massive counter-insurgency campaign, claiming lives of as many as 300,000 people and rendering 2.5 million, including substantial numbers of the Fur, Massalit and Zaghawa ethnic groups, homeless (Reuters, 2008). The government troops and their allied militia attacked villages and camps (inhabited by internally displaced persons – IDPs), raped women, maimed children and pillaged their property. In addition to setting fire to houses, the forces systematically poisoned water sources to ensure mass destruction. Expressing their deep concerns over the extent of casualties, some consider the conflict to be an attempt by the Arab-identifying majority to destroy the African minority. The United Nations described it as one of “the world’s worst humanitarian crises” while the United States went so far as to call it a genocide. Though the magnitude of violence somewhat declined after 2005, it has resumed climbing since early 2013.

In the first half of 2014 alone, some 400,000 people were displaced, most of whom were again subjected to rape, torture as well as hunger in protection camps in Darfur and neighbouring Chad (Reuters, 2008).

Atrocities against Women in Darfur

War rape or genocidal rape has been practised since the first war was ever fought. As Littlewood (1997, 7-16) says, Hebrew, Anglo Saxon and Chinese chronicles recognised rape of women as a consequence of defeat in a war, not endorsing the horrors but certainly recognising them as an inevitable part of armed conflicts. Nonetheless, there was a clear lack of documentary evidence of rape as a weapon of warfare prior to genocide in Rwanda and former Yugoslavia. And the notion that rape is used as an orchestrated tactic in armed conflicts has got even clearer in the Darfur conflict in which sexual assault is so well planned as to cleanse Darfur of its ethnically distinct non-Arab African population – eugenic through rape. As per a Doctors-without-Borders report, 28 percent of the women they surveyed reported being raped. Women and girls as young as eight are abducted and held in sexual slavery in militia camps where soldiers continually rape them for hours at a time (NCDSV, 2015).

A common tactic is for Sudan's armed forces, Janjaweed and security agents to lie in wait outside homes and IDP camps to rape or gang-rape women and girls when they are on long treks to fetch firewood, grass and water to cook food (Gadgil, Sosler, and Stein, 2013). "Around 20 men rape one woman. These things are normal [ironically] for us here in Darfur. They rape us in front of our mothers and fathers," a rape survivor said (Scheffer, 2008). While many of such assaults on them remain unreported, international aid organisations estimated that 82 percent of all attacks on women and girls occur when they go outside their homes and camps (Gadgil, Sosler, and Stein, 2013)). This has reached a worrying level so much so that peacekeepers have to lessen the people's dependency on traditional three-stone fires, firewood and outside water sources by making efficient cookstoves and installing water pumps at IDP camps. Rather than kill women after raping them, many of the rapists purposely leave them alive with stab marks on their bodies, apprising others of the rape so that the victims are not accepted by their families or considered "viable" to marry while women not complying are viciously shot to death (Hirsch, 2012).

It is worth mentioning, however, that no numeric figures other than "thousands" are available as to how many females have hitherto been subjected to sexual assault, because they have learnt the hard way not to speak out as perpetrators often strike again if a victim goes public. According to a 2015 report of Human Rights Watch, over 200 women and girls were raped in an organised attack in the North Darfur town of Tabit in October 2014 alone (Human Right Watch, 2015). The UN in 2015 documented a case of a child conceived following rape, which resulted in the marriage of the 14-year-old victim to the perpetrator as a form of traditional settlement (The United Nations, n.d.). As allegations of mass rape surfaced with the Netherlands-based Radio Dabanga airing a report in late 2014, the Sudanese government abnegated peacekeepers' access to the town. Wherever brief access was granted they were barred from carrying out an independent, credible probe.

RESEARCH FINDINGS

Sexual violence in Darfur affects not only individuals, but also their families and communities. The physical repercussions are fatal for rape survivors. The stigma associated with rape destroys their lives. Women are abandoned by their families and forcibly married off to perpetrators, causing them to suffer from severe mental trauma. Some have even attempted suicide. Uncertainty surrounds the welfare of children born of rape. This section of the research describes the major consequences of sexual violence in Darfur. It also identifies barriers to eradicating violence against women.

Section A: Fallout and Ordeal

Corporeal and Psychological Consequences: Sexual assault leaves grievous bodily and psychological effects on victims. As already mentioned, the Darfurian women who attempt to escape or defy are beaten, mutilated and killed. Some of them have reported having their fingernails pulled out or their legs broken by attackers so they cannot escape. A staggeringly large number of women, estimated at 89 percent, in the area have undergone female circumcision or infibulations (NCDSV, 2015). Experts have yet to determine if HIV/AIDS rates have risen due to wartime rape. A recent epidemiological study conducted in some war-torn African countries found that there is “insufficient evidence” that HIV transmission shoots up either during a conflict or in a refugee population (Hirsch, 2012). The study may have been skewed by access restricted to certain urban areas and therefore poorly conducted. There are areas where access by peacekeepers and rights activists is restricted, rendering many incidents unreported. So, there remains a concern that sexual violence may increase survivors’ risk of HIV/AIDS and other contracting diseases in a continent already plunged into sexually transmitted diseases.

Societal Treatment: As quoted a victim earlier, women are purposely raped in front of their families or neighbours, leaving survivors with serious emotional damage in a highly conservative society. Stigmatised by their societies, survivors are often seen being forced to build shacks to live separately from their families. In some cases, they are disowned by their husbands and parents, leading them to even more social, economic as well as physical vulnerabilities. Hirsch (2012) says survivors are sometimes killed by their relatives, or even starve themselves to death rather than face the “shame” of people knowing what happen to them (victims).

Effect on War Babies: War babies are those born as by-products of wartime rape to a native parent or a parent belonging to foreign military force. Such babies in Darfur rarely have any future in their mother’s ethnic group. Because children’s ethnicity is determined by that of their fathers, women who become pregnant as a result of rape are considered to be carrying enemy children of Janjaweed militia, while those wishing to keep their children are often subjected to social ostracism, causing them to abandon their babies (NCDSV, 2015). Furthermore, there are reports of infanticide. Sexual abuse thus causes damage far beyond the scope of victims’ physical harms, crumbling the social structure of non-Arab Darfurian communities and their future generations as well.

Section B: Impediments to Eradicating Sexual Violence

Domestic Legal Quandary: Though Sudan signed the Rome Statue, it has yet to be a party to a number of conventions, including CEDAW (Convention on the Elimination of All Forms of Discrimination against Women), which deal with rights of women and their protection. This has attenuated the chance for many of international humanitarian laws to apply to the trial of crimes against humanity and flagrant violation of human rights in Darfur. On the other hand, victims of sexual violence are daunted from seeking justice as the country’s courts pay little heed to sexual violence cases. Whereas thousands of incidents are reported every year, the courts tried only 10 cases in 2006 and 20 in 2007 (Human Rights Watch, 2008). As per the Sudanese law, a victim has to prove her own innocence by demonstrating that the encounter was non-consensual. If she fails to do so, she is liable to be prosecuted for adultery, also known as *zina*. On top of this, the criminal law does not contain crimes of attempted rape. So, if a rape victim fails to prove that penetration has occurred, the court may charge “gross indecency.” Also, social stigma and obstacles to reaching courts deject them from seeking justice as well as reparations.

Snags with Security Forces: The primary responsibility to protect victims lies with the police. They have, nonetheless, proved to be inefficient in probing and arresting perpetrators since they themselves are a party to the conflict and act as the perpetrators’ accomplices. As the UN Human Rights Council stated, many

victims have chosen not to file complaints with police because they have felt that the police cannot and/or will not bring perpetrators to book, while in some cases police actions have been limited only to receiving complaints (Human Rights Watch, 2008). Despite being bedevilled, rape survivors do not feel secure to visit police stations, as they have had the ordeal of falling prey to torture by cops.

Culture of Impunity: Sexualised violence is compounded by apparent impunity the security forces enjoy. A report by Doctors-without-Borders indicates that 81% of rapes perpetrated by Janjaweed militia forces occur with government military personnel present (Human Rights Watch, 2008). The government continues to deploy more Janjaweeds, turning a blind eye to their atrocities. In most cases, victims themselves are punished while their perpetrators are at large. Women who conceive after being raped maybe charged with “illegal pregnancy” and imprisoned where they are further exposed to sexual assaults and other forms of violence at the hands of the law enforcers.

Cultural Gender Stereotypes: Powell (2014) points out that in a culture that minimises, trivialises or excuses sexual violence, and shifts responsibility away from perpetrators onto victims, individuals, organisations and communities are less likely to respond. This is glaringly apparent in Darfur where victims can expect very little, or nothing at all, from their society and institutions. There is a widespread belief in Darfurian societies that unwanted sex cannot make a woman pregnant. So, if she becomes pregnant, it is not through rape. As the attitudes condoning sexual violence are widely prevalent, perpetrators are more likely to feel it is okay to behave violently. Even young teenagers of Arab descent target African women, just because they have seen nothing to happen to them after such perpetrations. Added to that is marginalisation that comes not only from within the communities, but from humanitarian and peacebuilding groups which approach male members of the communities for information and leadership, not incorporating victims in the peace process (Hirsch, 2012).

CONCLUSION

Given the findings, it is evident how women and girls are being targeted in the ongoing onslaught, leaving them with dire consequences. Their afflictions they suffer get even worse owing to domestic legal quagmire and professional weakness of law enforcement agencies. Gender stereotypes and the culture of impunity are also playing a vital part in perpetuating sexual violence.

Given the magnitude of people’s sufferings, the Sudanese government must come forward to facilitate the access by the UN and other partners to the conflict-affected areas so they can provide services and independently carry out monitoring activities. The government ought to amend legislation vis-à-vis sexual violence crimes, incorporating harsher punitive measures in the law for offenders. For the international community, it needs to exert pressure on Khartoum to comply fully with the 2006 Darfur Peace Agreement, move forward constructively with the peace process, and hold accountable those responsible for savage acts of violence. Failure to do these will no doubt keep the ongoing fiasco enduring, further intensifying conflict-related sexual assault and marginalising the groups now in peril.

ACKNOWLEDGEMENT

My sincere thanks are due to Brig Gen Abu Md Shafayet Hossain, Lt Col Ahmed Zamiul Islam and Maj AKM Humayun Kabir of the Bangladesh Institute of Peace Support Operation Training — a centre of excellence and pioneer in peacekeeping operations training — for their insightful views inserted in the paper and support of the research. The veteran military officials have gathered diversified experience and understanding of Darfurian culture, society and treatment towards women while they were deployed in the strife-torn area under UNAMID. This work would have not been possible had I not gotten such necessary literature and information from them. The support I have received from them in accomplishing the work is

indeed priceless.

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