

Rape as Weapon of War in the Eastern DRC? The Victims' Perspective

Anna Maedl*

ABSTRACT

Rampant sexual violence is one of the most horrendous human rights abuses taking place within Democratic Republic of the Congo's (DRC) armed conflict. The UN has called these abuses "strategic" and a "weapon of war." Both labels carry specific implications within the human rights discourse. However, there is a lack of structured data exploring these concepts in the context of the DRC. To address this empirical gap, twenty-five rape survivors were interviewed. In the eyes of the victims the rapes served a multitude of different purposes and appear to be both endemic and indiscriminate. The rapes are the *modus operandi* of the war.

I. INTRODUCTION

Despite the Goma peace agreement, the Eastern parts of the Democratic Republic of the Congo (DRC) continue to experience armed conflict. Every day civilians are victims of indiscriminate violence constituting gross violations of their human rights. Sexual violence perpetrated by armed groups against girls and women is particularly rampant. In acknowledgement, the

* Dr. Anna Maedl is a conflict resolution specialist and clinical psychologist focusing on the dynamics of large-scale armed conflict in resource poor countries. Her research interests include the use of micro-level data to understand armed conflict, Disarmament, Demobilization, and Reintegration of former combatants (DDR), psychological and strategic aspects of human rights abuses during war, as well as evidence-based interventions for post-war reconstruction. She has conducted field research in Rwanda, Somalia, and the Democratic Republic of the Congo. In 2004 she completed her M.A. in Conflict Resolution and in 2007 she completed her M.A. in Psychology. In 2010 she completed her Ph.D. at the University of Konstanz, Germany, where she continues her research.

international community agrees that sexual violence is used strategically within the conflict and the UN has repeatedly called it “a weapon of war.”¹ Time and again testimonies of girls and women who have been raped in the most brutal ways are recorded. Yet, the exact meaning conceived through the labeling of rape as a weapon of war is rarely if ever spelled out, and there is a severe lack of structured data, which could help to explain the concept. To address this analytical and empirical gap, twenty-five rape survivors were interviewed by clinical psychologists using a structured protocol. The participants were asked about a) basic socioeconomic data about their lives before the rape, b) data on the alleged perpetrators and their courses of action during the rape, c) the perceived reasons for the rape, and d) further victims of the crime (e.g. people who were forced to watch, beaten, abducted, killed, or also raped). The interviews provide unique insight into the victims’ personal perspective on sexual violence perpetrated by armed groups within the DRC. This article begins by introducing the concept of sexual violence as a weapon of war and contextualizing it within the human rights discourse then proceeds to give an overview of existing research on sexual violence in the DRC. Finally, the goals and methodology of the study will be laid out and the most important results will be presented and discussed.

II. RAPE IN CONFLICTS AS A WEAPON OF WAR

Mass rape during armed conflict first gained attention during the war in the Former Yugoslavia.² Since then it has been studied retrospectively for major past wars, such as World War II, and armed conflict world wide.³ For the years 1991 to 2003, Green has listed twenty-four armed conflicts in which girls and women have been raped on a massive scale.⁴ It is reasonable to assume that rape is a part of any armed conflict, despite the possibility that some armed groups refrain from employing sexual violence collectively.⁵

-
1. The Secretary-General, *Report of the Secretary-General on Children and Armed Conflict, delivered to the Security Council and the General Assembly*, ¶ 3, U.N. Doc. S/2000/712, A/55/163 (19 Jul. 2000).
 2. See, e.g., Nicola Henry, et al., *A Multifactorial Model of Wartime Rape*, 9 *AGGRESSION & VIOLENT BEHAV.* 535, 553 (2004); Rose Lindsey, *From Atrocity to Data: Historiographies of Rape in Former Yugoslavia and the Gendering of Genocide*, 36 *PATTERNS PREJUDICE* 59 (2002); Gillian Mezey, *Rape in War*, 5 *J. FORENSIC PSYCHIATRY & PSYCHOL.* 583 (1994); Patricia A. Weitsman, *The Politics of Identity and Sexual Violence: A Review of Bosnia and Rwanda*, 30 *HUM. RTS. Q.* 561 (2008).
 3. MICHAEL L. PENN & RAHEL NARDOS, *OVERCOMING VIOLENCE AGAINST WOMEN AND GIRLS: THE INTERNATIONAL CAMPAIGN TO ERADICATE A WORLDWIDE PROBLEM* 52–56 (2003).
 4. Jennifer Green, *Uncovering Collective Rape*, 34 *INT’L J. SOC.* 97 (2004).
 5. Elisabeth Jean Wood, *Armed Groups and Sexual Violence: When Is Wartime Rape Rare?*, 37 *POL. & SOC’Y* 131 (2009).

Though sexual violence in both times of war and times of peace is commonly underreported⁶ and epidemiological studies remain rare, it is clear that wartime rape constitutes a widespread human rights violation causing tremendous suffering in today's armed conflicts. It mainly, but not exclusively, targets girls and women and can cause long-term and often life-long physical and psychological suffering. Furthermore, it often destroys family and larger social networks as well as economic capacities.⁷

Since 2000 the UN has increasingly paid attention to this form of gender-based violence. In particular, the UN Security Council Resolutions 1325⁸ and 1820 on *Women, Peace and Security: Sexual Violence in Armed Conflict*⁹ have established that armed conflict exposes women to increased levels of rape and is a major threat to women's physical integrity and their human rights. Amongst others, the UN has condemned the widespread rape of girls and women during the conflicts in Afghanistan, Burundi, Chad, Côte d'Ivoire, Sudan, and the Democratic Republic of the Congo. It has implicated state and non-state armed groups as perpetrators of rape and sexual abuse.¹⁰

Moreover the UN sees widespread rape as a "weapon of warfare"¹¹ and describes it as a "tactic of war to humiliate, dominate, instill fear in, disperse and/or forcibly relocate civilian members of a community or ethnic group."¹² These statements reflect the consensus among most scholars and human rights activists that rape during armed conflict is neither a side effect of, nor an adjunct to, large-scale violence, but is an inherent part of it. Furthermore, labeling rape a weapon presumes that mass rape is systematic, deliberate, and serves one or more specific purposes.

Like the UN, Skjelsbaek suggests specific intentions behind mass rape and explicitly cites the infliction of trauma and psychological damage as one important objective of this practice.¹³ Reports from the Sierra Leone Truth Commission¹⁴ and from the Former Yugoslavia¹⁵ conclude that mass

-
6. Charlotte Watts & Cathy Zimmerman, *Violence Against Women: Global Scope and Magnitude*, 359 LANCET 1232 (2002).
 7. Meredith Turshen, *The Political Economy of Rape: An Analysis of Systematic Rape and Sexual Abuse of Women During Armed Conflict in Africa*, in VICTIMS, PERPETRATORS OR ACTORS?: GENDER, ARMED CONFLICT AND POLITICAL VIOLENCE (Caroline Moser & Fiona Clark eds., 2001).
 8. S.C. Res. 1325, U.N. Doc. S/RES/1325 (31 Oct. 2000).
 9. S.C. Res. 1820, U.N. Doc. S/RES/1820 (19 June 2008).
 10. The Secretary-General, *Report of the Secretary-General on Women, Peace and Security, delivered to the Security Council*, ¶ 76, U.N. Doc. S/2004/814 (13 Oct. 2004).
 11. *Children and Armed Conflict*, *supra* note 1, ¶ 3.
 12. S.C. Res. 1820, *supra* note 9, at introductory paragraphs.
 13. Inger Skjelsbaek, *Sexual Violence and War: Mapping out a Complex Relationship*, 7 EUR. J. INT'L REL. 211, 223 (2001).
 14. TRUTH & RECONCILIATION COMMISSION OF SIERRA LEONE, WITNESS TO TRUTH: REPORT OF THE SIERRA LEONE TRUTH & RECONCILIATION COMMISSION, VOL. 1 (2004), available at [http://reliefweb.int/rw/rwb.nsf/db900sid/EVOD-73HJHY/\\$File/full_report.pdf](http://reliefweb.int/rw/rwb.nsf/db900sid/EVOD-73HJHY/$File/full_report.pdf).
 15. Mezey, *supra* note 2; Womanaid Int'l, *EC Investigative Mission into the Treatment of Muslim Women in the Former Yugoslavia: Report to EC Foreign Ministers*, Ministry of

rape during the respective conflicts followed distinct patterns and served strategic purposes. For the Former Yugoslavia, Salzman alleges that the Serb army followed a written plan, the RAM plan, which spelled out the use of rape to ethnically cleanse Bosnia-Herzegovina.¹⁶ In the same vein, widespread rape in the DRC has been described as a weapon of war used by all parties to the conflict.¹⁷

Indiscriminate violence against civilians, including mass rape and sexual torture, are not an exception in so-called “new wars”¹⁸ or “complex political emergencies,”¹⁹ but are the *modus operandi* by which these armed conflicts are fought. These violations of civilians’ human rights damage the social fabric and economic bases of whole regions and displace millions of people on a continuous basis. The UNHCR estimates that by the end of 2008, about 42 million people had fled their homes from violent conflict.²⁰

While the humanitarian disaster caused by indiscriminate violence is readily apparent, conflict resolution scholars have tried to explore conditions under which this violence emerges and is sustained, as well as the purposes it might serve. Weinstein argues that indiscriminate violence is used in “opportunistic rebellion[s]” to gain access to easily lootable natural resources like gold, coltan, diamonds, or timber. In these rebellions, the combatants do not seek to win the sympathy or support of the population and are prone to use indiscriminate violence.²¹ Kalyvas argues that even in rebellions that serve ideological agendas, indiscriminate violence is used. According to him it serves to deter the population from collaborating with enemy combatants and is used simply because it is cheaper and easier to employ than selective violence.²²

Foreign Affairs Copenhagen, Feb. 1993, available at <http://www.womenaid.org/press/info/humanrights/warburtonfull.htm>.

16. Todd A. Salzman, *Rape Camps as a Means of Ethnic Cleansing: Religious, Cultural, and Ethical Responses to Rape Victims in the Former Yugoslavia*, 20 HUM. RTS. Q. 348, 356 (1998).
17. HUMAN RIGHTS WATCH (HRW), *THE WAR WITHIN THE WAR: SEXUAL VIOLENCE AGAINST WOMEN AND GIRLS IN EASTERN CONGO* 23–24 (2002); Ahuka Ona Longombe, et al., *Fistula and Traumatic Genital Injury from Sexual Violence in a Conflict Setting in Eastern Congo: Case Studies*, 16 REPROD. HEALTH MATTERS 132, 133 (2008); Réseau des Femmes pour un Développement Associatif (RFDA), *Women’s Bodies as a Battleground: Sexual Violence Against Women and Girls During the War in the Democratic Republic of Congo, South Kivu (1996–2003)*, 2005, available at http://www.international-alert.org/pdf/sexual_violence_congo_english.pdf; MARY KALDOR, *NEW AND OLD WARS: ORGANIZED VIOLENCE IN A GLOBAL ERA* (2007).
18. KALDOR, *supra* note 17.
19. OLIVER RAMSBOTHAM & TOM WOODHOUSE, *ENCYCLOPEDIA OF INTERNATIONAL PEACEKEEPING OPERATIONS* 46 (1999).
20. U.N.H.C.R., 2008 GLOBAL TRENDS: REFUGEES, ASYLUM-SEEKERS, RETURNEES, INTERNALLY DISPLACED AND STATELESS PERSONS (16 June 2009); U.N.H.C.R., 2007 GLOBAL TRENDS: REFUGEES, ASYLUM-SEEKERS, RETURNEES, INTERNALLY DISPLACED AND STATELESS PERSONS (June 2008).
21. JEREMY M. WEINSTEIN, *INSIDE REBELLION: THE POLITICS OF INSURGENT VIOLENCE* (2007).
22. STATHIS KALYVAS, *THE LOGIC OF VIOLENCE IN CIVIL WAR* 146 (2006).

Any deliberate violence against civilians during armed conflict, including rape and sexual abuse, is considered a violation of international humanitarian law. The International Criminal Tribunal has ruled that if this violence is “part of a systematic or widespread attack” against a civilian population, it is considered a crime against humanity as well as a war crime.²³ It has been suggested that combatants might become increasingly aware of these international norms and intensify their efforts to hide indiscriminate violence against civilians. In this context, rape might be seen as one form of violence that allows for “plausible deniability.”²⁴

This article will explore the sexual violence perpetrated by armed groups within the DRC from the victims’ perspective. It will answer the question as to how far the targeted women themselves consider the violence directed against them as instrumental in the context of the ongoing conflict.

III. SEXUAL VIOLENCE IN THE DEMOCRATIC REPUBLIC OF THE CONGO

Unfortunately, the armed conflict within the DRC presents no exception to the prevalence of violence against civilians, and is known for the occurrence of mass rape. Civilians in Eastern DRC are directly targeted by armed groups, foreign military, the Congolese army, as well other state authorities.²⁵ They are attacked, abducted, forcefully drafted, pressed into forced labor, and sexually abused. In the last years, many reports of women and girls, and some reports of men and boys who have been raped have surfaced. The topic has gained attention from the mass media, international nongovernmental organizations (INGOs), human rights groups, and scholars.²⁶

There is no doubt that rape and sexual abuse is widespread throughout the Eastern DRC and is directly linked to the armed conflict there. However epidemiological information on how many persons have been raped remain extremely rare. A notable exception is the study by Johnson.²⁷ Further data

23. Rome Statute of the International Criminal Court, *adopted* 17 July 1998, art. 7.1, U.N. Doc. A/CONF.183/9 (1998), 2187 U.N.T.S. 90 (*entered into force* 1 July 2002); see also Rome Statute, art. 8.2 b, xxii.

24. KALYVAS, *supra* note 22.

25. LAURA DAVIS & PRISCILLA HAYNER, INT’L CENTER FOR TRANSITIONAL JUST. (ICTJ), *DIFFICULT PEACE, LIMITED JUSTICE: TEN YEARS OF PEACEMAKING IN THE DRC* (2009).

26. RFDA, *supra* note 17, at 56; MARION PRATT & LEAH WERCHICK, *SEXUAL TERRORISM: RAPE AS A WEAPON OF WAR IN EASTERN DEMOCRATIC REPUBLIC OF CONGO: AN ASSESSMENT OF PROGRAMMATIC RESPONSES TO SEXUAL VIOLENCE IN NORTH KIVU, SOUTH KIVU, MANIEMA, AND ORIENTALE PROVINCES 14* (2004).

27. Kirsten 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*, 304(5) JAMA 553, 553–62 (2010).

merely exists on women who register with NGOs, health centers, and hospitals, although it is reasonable to assume that the great majority of the population does not have access to any such services and that many rape victims do not disclose the crime.

Based on the statistics from the two specialized hospitals in the Kivus, the Panzi hospital in South Kivu, and the DOCS hospital (Doctors on Call for Service/Heal Africa) in North Kivu, Pratt estimates that between 1996 and 2003 “a *minimum* tens of thousands” of women have been raped and/or sexually mutilated.²⁸ Malteser International registered 20,517 raped women in South Kivu during the reporting period 2005 to 2007.²⁹ From June 2006 to June 2007, UNICEF identified 12,867 victims of sexual violence, of which 33 percent were children.³⁰

It has been noted by all investigations of rape in the Eastern DRC that all armed groups, state actors, and common criminals rape and sexually abuse civilians.³¹ From June 2006 to May 2007, the UN investigated 4,222 cases of rape of minors and could obtain information on the perpetrators in 690 cases. Of these, 66 percent were raped by unidentified armed groups, 29 percent were raped by common criminals, and 4 percent were raped by members of the Forces Armées de la République Démocratique du Congo (FARDC) or the PNC (Police Nationale Congolaise).³² Amnesty International reports 410 raped women sought medical treatment in parts of Lubero (North Kivu). Of these, 20 percent were raped by the FARDC, 16 percent by Maï-Maï groups, and 11 percent by the Forces for the Democratic Liberation of Rwanda (FDLR). The remaining 47 percent of rape cases were attributed to civilian perpetrators.³³

Omanyondo Ohambe and colleagues give the most differentiated breakdown of perpetrators of rape. They have identified 492 cases in the South Kivu. Of these 27.0 percent were attributed to “Interahamwe,” 26.6 percent to the FDD (Forces de Défense de la Démocratie; a Burundian rebel group), 20.0 percent to the RCD (Rassemblement Congolais pour la Démocratie), 16.0 percent to Maï-Maï groups, 1.8 percent to the RPA (Rwandan Patriotic

28. PRATT & WERCHICK, *supra* note 26, at 11.

29. Birthe Steiner, et al., *Sexual Violence in the Protracted Conflict of DRC: Programming for Rape Survivors in South Kivu*, 3 CONFL. HEALTH 1, 3 (2009).

30. The Secretary-General, *Report to the Secretary-General on Children and Armed Conflict in the Democratic Republic of Congo, delivered to the Security Council*, ¶ 40, U.N. Doc. S/2007/391 (28 June 2007).

31. Amnesty Int’l, *No End to War on Women and Children: North Kivu, Democratic Republic of the Congo*, AI Index 62/005/2008, 29 Sept. 2008, available at <http://www.amnesty.org/en/library/asset/AFR62/005/2008/en/bbe6934a-9f60-11dd-9e51-afa0a8282a50/af620052008en.pdf>; LAURA DAVIS, IFP SEC. CLUSTER, JUSTICE-SENSITIVE SECURITY SYSTEM REFORM IN THE DEMOCRATIC REPUBLIC OF CONGO (2009).

32. *Children and Armed Conflict 2007*, *supra* note 30, ¶ 40.

33. Amnesty Int’l, *supra* note 31, at 6.

Army, name of the Rwandese army between mid 1994 and 2002), and 1.4 percent to Banyamulenge militias. Additionally, 0.2 percent of all rape cases were attributed to common criminals and 3.6 percent to unidentified armed groups. For 3.4 percent of the cases the affiliation of the perpetrators is unknown.³⁴ Identifying specific groups as main perpetrators of rape largely depends on where the data is gathered. Furthermore, there is a tendency of rapists to pretend to be Interahamwe by speaking Kinyarwanda, as well as a tendency of victims to identify perpetrators as Interahamwe, even though the perpetrators are likely to belong to other groups. This became clear in our own research.

Originally Interahamwe was the name of the armed group carrying out the Rwandan genocide in 1994, and then fled to the Eastern DRC (then Zaïre) together with civilian Rwandese refugees. This group also included members of the then defeated former Rwandese army Forces Armées Rwandaises (FAR) (today also referred to as ex-FAR). Later parts of this group, who have been described as politically more extreme, moved towards Western Zaïre, while others stayed in the East. The latter group founded the Armée de Libération du Rwanda (ALIR) in 1995 and later split up in ALIR I (West) and ALIR II (East). Parts of the group in the West founded the FDLR in 2000.³⁵ Today all of these groups are still largely dominated by Rwandese Hutus, but also have members from other nationalities and ethnic groups, like Congolese and Burundian combatants. The majority of today's members are not implicated in the 1994 Rwandan genocide. Most Congolese civilians, including the victims who participated in our study, do not however make the distinction described above, but call these predominantly Rwandese-Hutu groups Interahamwe, or simply "Hutus," while none of these groups refers to itself as Interahamwe.³⁶

The reviewed articles and reports³⁷ agree that rape in the Eastern DRC is widespread, systematic, and used as a weapon. However, the published data cannot measure sexual violence as a weapon of war nor substantiate the claim that it is systematic. Today, there is no strong evidence, which could support or dismiss the often-cited assumption that armed groups employ rape following any distinct patterns to achieve defined aims.

34. RFDA, *supra* note 17, at 37.

35. HANS ROMKEMA, OPPORTUNITIES AND CONSTRAINTS FOR THE DISARMAMENT & REPATRIATION OF FOREIGN ARMED GROUPS IN THE DEMOCRATIC REPUBLIC OF CONGO 32 (2007).

36. HRW, *supra* note 16, at 15; PRATT & WERCHICK, *supra* note 26, at 8–9.

37. Amnesty Int'l, *supra* note 31 at 5; RFDA, *supra* note 17, at 8; Mezey, *supra* note 2; PRATT & WERCHICK, *supra* note 26, at 6; *Children and Armed Conflict 2007*, *supra* note 30, ¶ 47; Wairagala Wakabi, *Sexual Violence Increasing in Democratic Republic of Congo*, 371 LANCET 15 (2008); The Secretary-General, *Report of the Secretary-General on Children and Armed Conflict, delivered to the Security Council and the General Assembly*, ¶ 3, U.N. Doc. S/2000/712, A/55/163 (19 July 2000).

IV. RESEARCH GOALS AND METHODOLOGY

Victims were interviewed to shed light on the question of whether the crimes can be considered strategic and, if so, what purposes they might serve. As most victims have only limited knowledge about this, they were asked questions to characterize the rapes and their perpetrators. The interviews took place at Panzi hospital in Bukavu, South Kivu, in January and February 2009. A standardized interview protocol was employed, asking open and closed questions to cover a) basic socioeconomic data about the victims' lives before the rape, b) data on the alleged perpetrators and their courses of action during the rape, c) the perceived reasons for the rape, and d) further victims of the crime (e.g. people who were forced to watch, beaten, abducted, killed, or also raped).

A structured interview protocol was chosen in contrast to the previously published reports, which relied on victim interviews consisting of mainly free questions and qualitative methods of analysis. Often the plight of women is portrayed using individual testimonies, but it remains unclear whether these cases can be considered representative. A more transparent methodology and way of analysis was used by Omanyondo Ohambe and colleagues.³⁸ They employed a semi-structured protocol with open answers and offered descriptive statistics. From this interview three questions were taken for our own interview and answer categories were added. All other questions were developed after reviewing the cited reports and their appropriateness was discussed with Congolese mental health workers.³⁹

The interviews were conducted by a group of female clinical psychologists from Germany. About two-thirds of the interviews were carried out by the author of this article. All interviews took place at offices of Panzi hospital (allowing for privacy) with the aid of interpreters (Swahili or Mashi-English). Victims who were distressed were attended to by the psychologists after the interview and again visited the next day. All victims took part in the interview voluntarily without any compensation and signed a written informed consent form. The consent form was read and explained to each participant. Victims who were underage also signed the form and their legal representative (usually a staff person at the hospital) gave written permission for the interview. The protocol was introduced to all women and staff in Panzi's special ward for victims of sexual violence and was approved by the University of Konstanz's ethics committee.

It is crucial to note that the victims interviewed at Panzi hospital represent a specific sample of women, namely those who suffered from very severe

38. RFDA, *supra* note 17, at 15.

39. Steiner, et al., *supra* note 29, at 23.

medical conditions, but were still healthy and assertive enough to reach Panzi hospital. The INGO Malteser, for example, referred only 0.3 percent of their patients in South Kivu to Panzi hospital in 2005.⁴⁰ Most rape victims are likely never to be registered by an organization with a referral mechanism to Panzi. The only other hospital, which can offer the same advanced medical procedures within the Eastern DRC, is the Doctors on Call for Service / Heal Africa (DOCS) hospital in Goma, North Kivu.

Almost all women treated as long-term inpatients at Panzi's victims' ward are diagnosed with vescio-vaginal and/or recto-vaginal fistulas. These are lesions in genital tissues, which unnaturally connect the bladder and/or the rectum with the vagina, leading to urine and/or stool incontinence. Fistulas can have medical causes, such as giving birth at a very young age or unattended obstructed labor. They are also a consequence of brutal rapes, including gang rapes and rapes with foreign objects.⁴¹ The only effective treatment for these fistulas is a surgical repair, which is rarely available in resource-poor settings.

Besides the severe consequences of this medical trauma, many families and communities reject women with fistulas throughout the Eastern DRC. The women are considered as "worthless," because they cannot do heavy work, it is difficult for them to bear children, and men do not want to engage in sexual relationships with them. Additionally, most of the women do not have the necessary resources to wash several times a day to maintain the hygienic standards that their condition requires. Thus, they smell bad. Their odor is noticed by the persons around them, which leads to further social and economical exclusion within the community.

Of the twenty-five women interviewed at Panzi hospital, all reported having been raped by an armed group; twenty-two stated that the perpetrators were Interahamwe or Hutu, two victims could not identify the armed group that attacked them, and one victim was held in sexual slavery by a Maï-Maï group for three years. Here data for rapes allegedly committed by predominantly Hutu groups will be presented. The three other cases are excluded to allow for the detection of specific patterns one group might use. Predominantly Hutu groups appear to be a main source of insecurity and violence in the areas close to Panzi hospital, *i.e.* the districts of Kahl-ehe, Bukavu, and Walungu. However some women who participated in the study came from other districts, like Shabunda, and from as far as the very North of Masisi.

For each part of the presented data a comment will be offered, which includes remarks on consistency with existing literature, results that are

40. *Id.*

41. Longombe, et al., *supra* note 17, at 139.

particularly interesting and worth noting, and possible shortfalls. This will lead to a fuller picture of the perpetrators' pattern of action and a better understanding of the victims' view of sexual violence within the DRC.

V. VICTIMS' CHARACTERISTICS

In order to judge how representative our sample of female victims is and how it may be compared to the samples of the reviewed studies, the respondents were asked for key indicators such as age, ethnicity, education, and main income. Furthermore, the interview protocol included questions regarding the victims' possible affiliations with particular groups to evaluate whether a certain category of women is targeted.

The participants were between fifteen and fifty years of age, with a mean age of twenty-seven years (SD 9.63). In terms of ethnicity, 59.1 percent of the women described themselves as Bashi and 13.6 percent as Batembo. The remaining 27.3 percent named various other ethnic groups; *i.e.*, 4.4 percent belonged to each of the following groups: Bafulero, Bahavu, Balenga, Baguban, Banyanga, and Bayanz. Schooling varied: 40.9 percent of the women had never been to school, while 22.7 percent had been to school for eight to nine years. On average, the women had attended school for 3.0 years (SD 3.24).

Participants were asked about their own and their families' means of survival or main income at the time of the rape and allowed for multiple answers: 72.7 percent of the women reported that they themselves or the head of household were farmers (both subsistence and commercial farming); 27.3 percent had been involved in petty trading; in 13.5 percent of the families of the victims someone had a paid job including one woman who was a housemaid, one woman whose husband worked for an INGO, and one woman whose husband was a mercenary. One woman and her father were self-employed (4.5 percent) as dressmakers.

The survey established whether the victims were affiliated with any particular groups at the time they were raped: 22.5 percent of the women were members of women's business associations, 27.3 percent were relatives or friends of traditional leaders, and 9.1 percent were relatives or friends of local state authorities. In two of the women's families someone worked for an INGO (9.1 percent). One woman (4.5 percent) was married to a Rwandese combatant, and another woman was associated with the Congolese Army (FARDC). One woman was a close friend of the wife of a traditional healer.

Such data on victims' characteristics allows evaluation of how far the interviewed women are a representative sample of rape victims in the Eastern

DRC. First, the mean age is consistent with others' findings,⁴² while the age range is smaller than what is expected from a random household sample. Girls and women of all ages, including those under one and those older than eighty, are victims of rape in the Eastern DRC.⁴³ Very old women might, however, be unable to physically endure the stress to reach Panzi hospital. The journey has to be made partially on foot and in most cases takes several days. Thus these most vulnerable women might not have access to medical care and are not included in the sample. The same is true for very young children because they have to be accompanied by their mothers who might be unable to leave other children alone at home. Teenagers who can travel on their own are frequently seen at Panzi; however, apart from three women of this age, they were excluded from the sample because it was unclear who could legally give consent to the interview.

The victims in this sample displayed a higher average time of formal education and fewer women had never been to school than reported in other samples of rape victims.⁴⁴ The results better match the illiteracy rate of 42.8 percent reported by the United Nations Development Programme (UNDP) for the general female population.⁴⁵ The data confirms the common finding that most rape victims are farmers, as are most women throughout the Eastern DRC. The data further indicates that women from all walks of life can be victims of rape. While it has been hypothesized that women are raped to "punish" them for taking sides or to humiliate male enemies,⁴⁶ these findings cannot substantiate that there is a particular group of women, such as women's rights activists or women associated with traditional or local authorities, who are specifically targeted. In particular, only two women reported any connections to armed groups.

As mentioned before, this sample only consists of victims with severe medical complications. It is not representative of all raped women within the Eastern DRC. However, it shares key socioeconomic indicators both with the general adult female population and other reports on rape victims.

IV. PERPETRATORS' CHARACTERISTICS

The participants were interviewed in detail about the perpetrators of one specific attack; if they had been victims on multiple occasions, they selected

42. Steiner, et al., *supra* note 29, at 27.

43. PRATT & WERCHICK, *supra* note 26, at 7.

44. RFDA, *supra* note 17, at 30–31.

45. U.N. DEV. PROGRAMME (UNDP), RAPPORT NATIONAL SUR LE DÉVELOPPEMENT HUMAIN 2008: RESTAURATION DE LA PAIX ET RECONSTRUCTION (2008).

46. PRATT & WERCHICK, *supra* note 26, at 9.

the attack to be described. The questions focused on the number of attackers, their armament, the languages they spoke, alcohol or substances they might have taken, as well as possible hierarchical structures amongst them. Any combatant who belonged to the group of offenders and was present at the time of the rape was counted as a perpetrator in this context, whether or not he committed acts of sexual violence himself.

The victims identified the group of attackers as Interahamwe by the language they spoke, by the way they dressed, as well as by the way they acted, and were armed. Five women (22.7 percent) knew the specific group of perpetrators before and 63.6 percent said they could recognize them as Interahamwe by the way they spoke. Interestingly, only one victim said she was sure that the perpetrators were Interahamwe because they were Rwandese.

Exactly half of the victims interviewed were abducted by the perpetrators and spent at least several days with them. It is likely that they are thus able to correctly identify the group. For the other half, we also have evidence that the classification of the perpetrators is correct or mostly correct. We did not insist on differentiating between the several predominantly Hutu groups, although some women could describe the groups in more detail. For example, one woman lived with and identified the perpetrators as from the group Début-Début. No woman reported that there was a single offender: 31.8 percent of the women were attacked by two to four combatants, 18.2 percent by five to ten, 13.6 percent by eleven to twenty, and 36.4 percent of the women were attacked by more than twenty combatants. One woman reported that the group comprised approximately sixty combatants; another woman estimated that about two hundred militia attacked her and her community.

Only one woman (4.5 percent) reported that the attackers were unarmed, and one other woman was unsure whether or not the attackers carried arms. The remaining 90.9 percent of the participants were raped by armed combatants. Allowing for multiple answers, 77.3 percent of the combatants carried pistols, revolvers, or rifles; 50.0 percent had spears; 45.5 percent machetes and/or knives; 40.9 percent had hand-held machine guns; 36.4 percent grenades; 31.8 percent clubs; and another 31.8 percent had bows. At least one group of perpetrators carried a rocket propelled grenade launcher (RPG), which amounted to 4.5 percent.

Kinyarwanda was spoken by 86.4 percent of the perpetrators; 58.5 percent used only this language. Kiswahili was spoken by 27.3 percent of the perpetrators and exclusively used by one group (4.5 percent). Lingala was spoken by 18.2 percent of the perpetrators, and one group only used this language. Mashi was spoken by 9.1 percent. Two women (9.1 percent) did not know which languages the attackers spoke.

Table 1.
Weapons Carried by Perpetrators

Did the Attackers Carry Weapons?

Yes	90.9 percent
No	4.5 percent
Do not know	4.5 percent

Categories of Weapons Carried

Pistols/revolvers/rifles	77.3 percent
Spears	50.0 percent
Machetes/Knives	45.5 percent
Machine Guns	40.9 percent
Grenades	36.4 percent
Clubs	31.8 percent
Bows	31.8 percent
RPG (reported spontaneously by the victim)	4.5 percent

In the interviews, 45.5 percent of the women believed that some or all of the perpetrators were drunk or on drugs while they assaulted them, 13.6 percent did not think so, and 36.4 percent did not know. The response from one woman (4.5 percent) is missing for this question. Furthermore, the participants were asked whether someone within the group of the offenders gave orders to the other combatants or appeared to be their superior: 68.2 percent affirmed this, 22.7 percent said this was not the case, and 9.1 percent did not know.

That the interviewed women were victims of whole groups of men is consistent with the cited reports from the Eastern DRC, as well as with reports from other armed conflicts and has been described as a strategy of belligerence.⁴⁷ From this data it is clear that armed groups practice gang rape. O moyando Ohambe and colleagues found that 21.3 percent of the rapes were committed by a single offender.⁴⁸ It could be possible that women who have been raped by a single perpetrator often do not carry the severe physical wounds seen at Panzi hospital and thus did not enter our study. In fact, one function of gang rape could be to inflict maximum physical damage upon the women and thus to increase the mark left behind.

47. Press Release, Human Rights Watch, *Serb Gang-Rapes in Kosovo Exposed* (2000); Elisabeth Jean Wood, *Variation in Sexual Violence during War*, 34 *Pol. & Soc'y* 307 (2006).

48. RFDA, *supra* note 17, at 60.

Additionally, some authors have suggested that gang rapes serve internal group purposes. They could establish hierarchy within armed groups, *i.e.* the highest man in the hierarchy rapes a woman first and so on, and they are thought to increase male group bonding through the common experience of rape and to overcome moral barriers through group pressure.⁴⁹ The data suggests that armed groups organize and act together to rape civilian women. This practice can hence be described as a deliberate pattern of action. However, in order to call it a strategy or weapon of war, the motives or aims this strategy is meant to serve would have to be clarified.

It is striking to note how heavily armed the attackers were during the assaults. A central part of the definition of armed groups is, of course, that they carry weapons. That combatants use weapons when they rape women is an indicator that they do not act merely as assaulting individuals, but as members of their group. This certainly shows that this behavior is at least tolerated by the armed group and might indicate that sexual assault is part of the group's behavior. It has been estimated that every FDLR combatant has at least one handgun, and every unit has at least one machine gun and one RPG.⁵⁰ Our data confirms that the perpetrators of rape are well equipped and ready to use their arms to terrorize civilians. This, again, is not a phenomenon specific to the violence in the Eastern DRC. Worldwide the ready availability of small arms and light weapons (SALW) increases the threat of rape in zones of armed conflict.⁵¹

That 86.4 percent of the groups of attackers spoke Kinyarwanda adds strength to our claim that most of the interviewed women were indeed victims of predominantly Hutu groups. Furthermore, the use of multiple languages by almost half of the groups appears to reveal that these groups are ethnically mixed and include combatants of different nationalities. It remains indisputable that language cannot be seen as definite proof of the origin or affiliation of perpetrators. In particular perpetrators who exclusively speak Lingala are unlikely to be Interahamwe.

Almost half of the perpetrators are thought to have been on drugs or drunk while they raped their victims. The use of drugs has also been reported by FARDC soldiers⁵² and it has been alleged that child combatants are forced to take drugs.⁵³ Marijuana is grown (possibly in large quantities) in the territory of Uvira by the FDLR.⁵⁴ There are also reports from other con-

49. Henry, et al., *supra* note 2, at 552; Wood, *supra* note 47.

50. ROMKEMA, *supra* note 35, at 42.

51. Asma A. Halim, *Attack with a Friendly Weapon*, in *WHAT WOMEN DO IN WARTIME: GENDER AND CONFLICT IN AFRICA* 85, 85 (Meredeth Turshen & Clotilde Twagiramariya eds., 1998).

52. Maria E. Baaz & Maria Stern, *Making Sense of Violence: Voices of Soldiers in the Congo (DRC)*, 46 *J. MOD. AFR. STUD.* 57 (2008).

53. RFDA, *supra* note 17, at 46.

54. ROMKEMA, *supra* note 35, at 44.

flicts, such as Bosnia-Herzegovina, that women have frequently been raped by combatants who were under the influence of alcohol.⁵⁵ To understand whether and how rape is used as weapon of war, it may be of importance to clarify if psychoactive substances serve a specific function within this context. They could, for example, be used to overcome moral barriers, or the substances themselves could be sexually stimulating and foster aggression. In this context it would also be important to know whether their superiors give combatants drugs or alcohol.

Many women could clearly confirm that there was a hierarchical structure within the group of attackers, *i.e.* these women could hear someone giving orders or identify one of the perpetrators as being a superior of the others. This observation is highly relevant, because it provides evidence that the rapes are perpetrated as a military activity and are an inherent part of the groups' conduct. It further shows that superiors could be held responsible for the behavior of their groups.

VII. CHARACTERISTICS OF THE CRIMES

This article's data has already provided valuable insight into the manner in which armed groups act when they rape girls and women. Most importantly the data shows that armed groups attack in heavily armed, hierarchically structured groups. In addition, the respondents were asked whether they themselves perceive the rapes to be strategic and what other crimes are committed simultaneously.

63.7 percent of the victims stated that any woman who is found by an armed group will be raped. These victims believe that there is no specific category of women (like elder women, women in positions of power, virgins, etc.) that is targeted, but 27.3 percent of the victims stated that mainly under-age girls are the victims of rape. One woman, or 4.5 percent, reported that combatants specifically rape virgins, while another woman said that the combatants aim to rape women who live close to the forest.

The interviewed women could choose one location from a list of places where they believed most women are raped: 68.2 percent chose "bush," 9.1 percent "field," 9.1 percent "house," 4.5 percent "market," and 4.5 percent "village." The response of one woman is missing for this question. It is very important to compare these answers to the data on where the interviewed women themselves have actually been raped; 54.4 percent were raped in-

55. Vera Folnegovic-Smalc, *Psychiatric Aspects of the Rapes in the War against the Republics of Croatia and Bosnia-Herzegovina*, in *MASS RAPE: THE WAR AGAINST WOMEN IN BOSNIA-HERZEGOVINA* 174, 174 (Alexandra Stigl Mayer ed., 1994).

side their own house, 13.6 percent on a road, another 13.6 percent in the bush, 9.1 percent in a field, 4.5 percent (one woman) in a marketplace, and another at an unspecified location within a village.

Concurrent with their rape, 63.6 percent of the interviewed women were also victims of robbery and 50.0 percent were abducted; 63.6 percent witnessed that others were abducted; 40.9 percent had their house destroyed, and 31.8 percent their field or plot destroyed. Only two women (9.1 percent) reported that no other crime took place when they were raped. Of the women who had been abducted, 18.2 percent spent between one and six days in abduction, 22.7 percent were held captive between one and eleven months, and 9.1 percent for more than one year. No women reported that she was abducted for seven to thirty days.

Most participants were not the only victim at the time when they were raped; others were simultaneously raped, as well as robbed, beaten, killed, or abducted: 13.6 percent reported between one to four other victims; 9.1 percent, five to ten more victims; 9.1 percent, eleven to twenty other victims; and 40.9 percent reported that there were more than twenty other victims when they were attacked, while 27.3 percent reported no further victims. Accordingly, 68.2 percent of the victims reported that others saw how they were raped, and 22.7 percent stated that others were forced to watch them being raped. In 13.6 percent of the cases the victim's husband had to watch; for another 13.6 percent, the victim's children had to watch. One man (4.5 percent) was forced to rape his wife. Asked whether the victims believe their rape was planned, 54.5 percent affirmed their belief that this was the case, 27.3 percent thought the rape was not planned, and 18.2 percent did not know. Two women (9.1 percent) reported that they were personally targeted, while 90.9 percent believed that they were random victims.

The data demonstrates that the victims believe that girls and women from all walks of life can be the prey of armed combatants. The victims do not believe that the belligerents target a certain group of women or that they themselves were personally meant to be victimized. Rather, the picture emerges that any woman at any time can become a victim of rape. From the victims' perspective sexual violence is an endemic characteristic of the conflict, rather than a selectively used weapon. However, more than half of the interviewed women reported that the rapes are planned. Omanyondo Ohambe and colleagues⁵⁶ even find that 70 percent of the rapes analyzed by them have been planned. This kind of data confirms that the violence against girls and women is indiscriminate and could lend support to the idea that it is part of a military strategy.

56. RFDA, *supra* note 17, at 35.

Table II.
Crimes Co-occurring With Rape

<i>When You Were Attacked Did Any of the Following Happen?</i>	YES
Was anything stolen from you?	63.6 percent
Was your or anyone else's house/hut burned down?	40.9 percent
Was your or anyone else's field/plot destroyed?	31.8 percent
Was anyone (other than yourself) abducted?	63.6 percent
Were you abducted?	50.0 percent

The same could, however, be said about the many crimes against civilians concurrent with rape. In the sample, rapes rarely happened as isolated offenses, but rape victims are often also victims of multiple crimes. The data presented here is not sufficient to uncover the relationship among the different crimes. Put simply, the question: "Do armed groups rape when they steal or do they steal when they rape?" remains unanswered.

Apart from those already named, at least two women from our sample were forced to sexually abuse others. Furthermore, there are also numerous additional victims of rape. This means that rapes indeed often terrorize whole communities. Finally, the large number of girls and women who are abducted must be noted. Most are forced to serve as sex slaves and to fulfill domestic duties. It might be possible that the smooth running of an armed group would be impossible to sustain itself without these women.

Many reports have pointed out that women in the bush or in their fields are in particular danger of being raped. Longombe, Claude, and Ruminjo have called women working in fields and markets "easy prey."⁵⁷ This is consistent with the perception of participants, who reported that most women are raped in the bush or in the field (taken together, 77.3 percent). In the sample this perception does not actually match reality. While only two of the interviewed women (9.1 percent) believed that the most dangerous place for women is their own home, in fact more than half of the victims reported that they were raped inside their own home. It would certainly be worth exploring further the origin of this discrepancy. One reason could be that the participants in our study might have been raped on multiple occasions, but only reported about one specific crime. If most women are indeed raped within their own homes, it would be important to establish how these rapes might relate to lootings.

57. Longombe, et al., *supra* note 17, at 132.

VIII. PERCEIVED REASONS OF ARMED GROUPS TO COMMIT RAPE

Finally, the victims were asked what they believed were the motives of the perpetrators. A list was read to the respondents and asked for the reasons they believed account for the rape they suffered. Multiple answers were permitted.

In the eyes of most women there were multiple reasons why they were raped. These included strategic purposes, as well as opportunistic behavior. To displace communities, instill fear within them, to punish them, as well as to gain or destroy magical power could be seen as strategic objectives. The first two ranked highest amongst the participants' answers. Fewer women than expected reported that the rapes were to punish their communities. Often the women did not consider their communities to be parties in any way to the conflict.

To transmit diseases (like HIV/AIDS) and to impregnate women are also deemed strategic objectives of rape. Taken together, 57 percent of the women thought that these were reasons why they were raped. If these are indeed strategic objectives of sexual abuse, the long-term goals behind such strategies must be clarified.

Another explanation for sexual violence is that it happens within an atmosphere that encourages or allows armed groups to rape women even though rape serves no further purpose. Such opportunistic factors include combatants raping women when they abduct them or loot their property. Slightly fewer women believed these opportunistic factors were reasons for rape. However, most women saw both opportunistic and strategic factors as reason for rape.

Furthermore, almost one-third of the women believed that the combatants raped them to be sexually relieved and 19 percent thought that they were raped "just for fun." Though these explanations were not given as often as others, their frequency is still alarming and points to the enormity of the culture of violence and sexism present in the Eastern DRC. Women themselves are considered a "lootable resource."⁵⁸

IX. CONCLUSION

The main finding of this article is that in the eyes of the victims, rape serves a multitude of different purposes and ultimately aims at inflicting maximum pain and destruction. From the victims' perspective it appears that no par-

58. Janie Leatherman, *Sexual Violence and Armed Conflict: Complex Dynamics of Re-Victimization*, 12 INT'L J. OF PEACE STUD. 53 (2007).

Table III.
Perceived Reasons for Rapes

For What Reason Do You Think You Were Raped (attacked)?

To displace me and/or my community	57.1 percent
To instill fear within my community	57.1 percent
To steal	52.4 percent
To transmit diseases (like HIV/AIDS)	47.6 percent
To abduct me and/or others	42.9 percent
To destroy	42.9 percent
To gain or destroy magical power	33.3 percent
To be sexually relieved	28.6 percent
Just for fun	19.0 percent
To impregnate me	9.5 percent
To punish my community	4.8 percent
Do not know	4.8 percent

ticular group of women or girls is singled out and targeted, but rather, any girl or woman may be attacked and raped at any time. As one participant stated: "When people start whispering about war, women will be raped."⁵⁹ That is to say for the victims, rape in the DRC appears to be both endemic and indiscriminate.

From the victims' perspective, sexual violence is not only a part of the war, it *is* war.⁶⁰ This might be the main reason why it was difficult for the participants to attribute any meaning or strategy to sexual violence. Frequently whole groups of civilians are victims of rape and other crimes. These crimes often occur at the same time. This concurrence makes it more difficult to understand any one specific function of rape, as it cannot be separated from further violence against civilians.

The presented data suggests that the rape of girls and women is a coordinated activity of armed groups. The perpetrators of rapes are heavily armed and militarily organized amongst themselves during their attacks. That both rapes and other crimes against civilians are typically carried out by groups of combatants underscores the fact that these crimes are part of their *modus operandi* and are not reserved for particularly cruel or undisciplined individuals. It is crucial to gain a better understanding of the function gang rape

59. Interview with the woman who was given code 23, in Panzi hospital (Bukavu, South Kivu) (3 Feb. 2009).

60. DAGMAR HERZOG, *BRUTALITY AND DESIRE: WAR AND SEXUALITY IN EUROPE'S TWENTIETH CENTURY* 4 (2009). Herzog made a similar observation for war-time rape in general. *Id.*

plays in this context. Additionally, the exploration of the potentially systemic use of alcohol and psychoactive substances may merit attention.

Time and again testimonies are recorded of girls and women who have been raped in the most brutal ways. Such narratives are of the utmost importance and rightly appeal to the emotions of many. To properly understand the reasons for sexual violence and the different dimensions of these crimes, there is an urgent need for an increase in proper epidemiological data as well as more structured interviews with both victims and perpetrators. There is a critical need for further investigation in order to determine how opportunistic and strategic reasons for rape might interact. There is no question that the human rights of girls and women are violated on a daily basis in the DRC. Presenting the victims' perspective on this crime is only a first step to systematically understand rape as a weapon of war.