

War Crimes: Rape and Sexual Violence in Tigray

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Almost sixteen months have passed since the occupation of Tigray by the Ethiopian army with the order of the Prime Minister, Abiy Ahmed Ali. Despite strict censorship and lack of accessibility by independent observers, cases of war crimes and crimes against humanity come to the fore one after another. Among these crimes are shocking news about rape, sexual violence and enforced prostitutions perpetrated by the occupying forces of Ethiopia and Eritrea. In a press statement issued in New York on January 21, 2021, Ms. Pramila Patten, the United Nations Special Representative on Sexual Violence in Conflict and the UN Under-Secretary-General, made the following remarks:

“I am greatly concerned by serious allegations of sexual violence in the Tigray region of Ethiopia, including a high number of alleged rapes in the capital, Mekelle. There are also disturbing reports of individuals allegedly forced to rape members of their own family, under threats of imminent violence. Some women have also reportedly been forced by military elements to have sex in exchange for basic commodities, while medical centres have indicated an increase in the demand for emergency contraception and testing for sexually transmitted infections (STIs) which is often an indicator of sexual violence in conflict. In addition, there are increasing reports of sexual violence against women and girls in a number of refugee camps.” (1)

The U.N. humanitarian chief for East and southern Africa, Ms. Gemma Connell, made the following remarks on January 22, 2021:

“We are horrified by the reports and allegations we have received of sexual violence during the conflict in Tigray. The survivors of these alleged attacks must not be seen as statistics but as individual women and girls whose lives have been profoundly altered by the violations committed against them.” (2)

In early January 2021, the Ethiopian state TV broadcast footage of the meeting of the Ethiopian security officials in Mekelle. During this meeting an unidentified military official raised his concern about rapes in Mekelle:

“Why are women being raped in Mekelle city? It wouldn't be shocking had it been happening during the war, because it is not manageable so it could be expected. But at this moment while federal police and local police are back in town, it is still happening.” (3)

A 25-year-old woman at the Hamdayet refugee camp in Sudan, where she had fled from Tigray, has testified to Reuters that a man in Ethiopian federal army uniform threatened her at the gun point: "Choose, either I kill you or rape you". (3) Reuters has been unable to verify the accounts of rape, due to the lack of media access and communications ban in Tigray regions. (4)

The Reuters news agency has received more reports about the perpetration of the crime of rape in Tigray. Five aid workers have told Reuters about other women survivors of rape identifying their victimizers as militia fighters from Ethiopia's Amhara region or Eritrean soldiers. A physician in a refugee camp, named Tewadrous, has reported about two cases of rape he had handled. A woman survivor, who had escaped from Rawyan town in Tigray, has told the doctor of three soldiers who broke in her house and assaulted her. A husband was forced to kneel and watch while his wife was raped by soldiers they identified as Eritrean. A medical worker in Adigrat has told the Reuter about the treatment of six women who had been raped by a group of soldiers and told not to seek help afterward. According to a medical worker who had treated both survivors, in Mekelle, one man was beaten up after begging soldiers to stop raping a 19-year-old. Mekelle charity Elshadai has prepared 50 beds for rape victims. (5)

Ms. Patten has urgently called for access to the region:

"While noting the volatile security situation in the Tigray region, the hampered physical access in many parts of Tigray, and the dire situation of civilians especially refugees, it remains critical that humanitarian actors and independent human rights monitors be granted immediate, unconditional and sustained access to the entirety of the Tigray region, including IDP and refugee camps where new arrivals have allegedly reported cases of sexual violence." (6)

She has invited the government of Ethiopia "to promptly allow for an independent inquiry into all allegations of sexual and other forms of violence, to establish the facts and hold perpetrators accountable, provide redress to victims, and prevent further grave violations." (7) Ms. Patten's call upon the authorities for an independent inquiry has remain unheeded.

It should be acknowledged that conflict-related rape, enforced prostitution and sexual violence are global evils. The horror of unarmed women facing sexual violence by armed men is historical and worldwide. Sexual crimes against women like gang rapes, forced prostitution and sexual enslavement have always happened in the course of genocides, wars and even in times of peace. The world has witnessed the widespread perpetration of these ghoulish crimes in many war-trodden regions of the world including Rwanda, former Yugoslavia, Sierra Leone, Uganda and Sudan. As a weapon of war, the crime of rape has been perpetrated to traumatize and to terrorize women and make them unable to support the rebels. Armed forces have systematically targeted

at civilians by raping women with the intent of punishing, and humiliating the entire community.

In the course of 1994, genocide in Rwanda, rape was systematically used as one of the weapons of genocide: "In almost every case, these crimes were inflicted upon women after they had witnessed the torture and killings of their relatives, and the destruction and looting of their houses. Some women were forced to kill their own children before or after being raped." (8) Many women were raped and killed immediately and many survivors chose to hide their stories rather than being detested by their community. Apart from the symptoms of Post Traumatic Stress Disorders and severe re-traumatization, hundreds of survivors gave birth to the babies of their cruel rapists. Many more received life-long suffering from infections and diseases caused by rape, including AIDS.

Rape was also used a weapon of war during genocide in former Yugoslavia. Serbian forces raped women publicly in the presence of friends, relatives and family members "in a pattern of intimidation and abuse focused on forcing the Croatian or Bosnian population to flee." (9)

In Sierra Leone, gender-related violence including rape, gang-rapes, sexual slavery, and enforced prostitution were perpetrated by belligerent forces, specifically the Revolutionary United Front (RUF), who was responsible for 93 per cent of sexual crimes in the course of the civil war. (10) According to one report, there were between 215,000 and 257,000 women victims of rape and sexual violence during the conflict. According to another estimate, one out of eight households had been subjected to sexual violence. Victims' families were left destitute, with emotional wounds that would never heal: "The emotional and physical trauma suffered by these victims will continue for a lifetime." (11)

In Sudan, large numbers of militia and government forces killed civilians and abducted and raped dozens of women and girls due to their ethnic origin calling them "slaves" as they "beat them with whips, gun butts or fists." (12)

Rape leaves durable impacts on survivors. often results in sexually transmitted infections. In Sierra Leonean conflict, for example, between 70 to 90 per cent of rape survivors tested positive for sexually transmitted diseases. (13) Apart from physical complications, like infections or HIV/AIDS, rape's psychological scars are also devastating. Many survivors have developed a sense of guilt and lack of self-worth. Instead of blaming their victimizers, they blame themselves. Internalization, as such, is highly detrimental to the recovery of the survivors.

Rape is one of the least reported techniques of torture and weapons of war. For a long time, it was not even recognized as a torture or war crime. Various reasons including shame, danger of excommunication, lack of a safe environment to speak, etc. have contributed to the denial and secrecy around rape.

The multiple negative impacts of the rape on survivors, make tremendously difficult the investigation and prosecution of gender-related international crimes. Survivors of sexual tortures are suffering from ostracism and stigmatization and are normally reluctant to share their horrible experiences – especially with male investigators. It is also difficult to find witnesses to crimes of this type. This is why Investigations in international tribunals have been performed with utmost care and vigilance given the risk of retraumatization for survivors during the process of investigation. The need for debriefing services has occasionally become an utmost necessity during this process.

In 1994, the International Tribunal for Rwanda and former Yugoslavia recognized sexual violence against women (rape, sexual enslavement, forced prostitution, etc.) as a form of genocide, war crimes and crimes against humanity: “Rape and other forms of sexual violence can constitute a war crime, a crime against humanity and a constitutive act with respect to genocide.” (14) This ruling set a precedence that was used in other cases as well.

This was confirmed by Articles 7 and 8 of the Rome Statute for International Criminal Court (adopted in July 1998) according to which rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization as crimes against humanity and war crimes. This was one of the greatest achievements of the 20th century, as before that little international attention had been paid to this abhorrent human tragedy. Rape was considered a component of every war and not a form of international crime. For a long time, national systems and international tribunals failed to investigate or prosecute crimes of sexual or gender torture.

Responsibility for these heinous crimes in Tigray goes to both the state and the individual perpetrators. The state is responsible, because it waged a war of aggression with predictable consequences on the one hand and it has failed to protect civilians due to its consent or acquiescence of the crimes committed by military forces. Individual perpetrators and commanders cannot avoid their responsibilities with the excuse of exceptional or unmanageable circumstances or subordination to their superiors.

The international community must not close its eyes on the war crimes and crimes against humanity perpetrated by the Ethiopian government and military forces of Ethiopia and Eritrea in Tigray, as it did not in Rwanda, former Yugoslavia, Sierra Leone and Sudan. The crimes of rape and sexual violence in Tigray have specifically been committed against vulnerable groups such as refugee and displaced women persons in refugee camps and in war-ravaged areas, due to their total lack of protection.

When rape is a systemic component of political coercion, it endangers the achievement of peace and security, with its long-term and catastrophic outcomes. If not properly addressed, this type of sordid violence will continue for year after the termination of the war. While impunity for perpetrators of most heinous international crimes is global obstacle, impunity for perpetrators of rape and sexual violence is more widespread. Prevention is impossible without addressing this impunity.

Finally, it should be emphasized that survivors must be empowered with the holistic rehabilitation support along with compensation, reparation and restitution. They must raise their voices against the impunity of their victimizers. The full participation of women in peace process and in addressing the awkward problem of impunity must be guaranteed.

Endnotes:

1. <https://www.un.org/sexualviolenceinconflict/press-release/united-nations-special-representative-of-the-secretary-general-on-sexual-violence-in-conflict-ms-pramila-patten-urges-all-parties-to-prohibit-the-use-of-sexual-violence-and-cease-hostilities-in-the/>
2. <https://www.seattletimes.com/seattle-news/health/un-warns-of-serious-rape-charges-in-ethiopias-tigray/>
3. <https://www.aljazeera.com/news/2021/1/22/disturbing-rape-allegations-in-ethiopias-tigray-conflict-un>
4. <https://www.reuters.com/article/uk-ethiopia-conflict-rape-idUSKBN29S0BG>
5. <https://www.voanews.com/africa/ethiopia-tigray/choose-i-kill-you-or-rape-you-abuse-accusations-surge-ethiopias-war>
6. As quoted in footnote No. 1.
7. Ibid.
8. Nowrojee, B. (1996). *Shattered Lives: Sexual Violence During the Rwandan Genocide and Its Aftermath*. New York: Human Rights Watch, P. 39.
9. Bames, A. (Ed.) (2005). *Handbook of Women, Psychology, and the Law*. San Francisco: John Wiley & Sons, Inc, p. 300
10. Mustapha, M. ; Bangura, J.J. (2010). *Sierra Leone Beyond the Lomé Peace Accord*. New York: Palgrave Macmillan, p. 42.
11. Oosterveld, V. (2012). *Gender and the Charles Taylor Case at the Special Court for Sierra Leone*. *William & Mary Journal of Race, Gender, and Social Justice*. Vol. 19, Issue 1, Article 3, p. 8.
12. Human Rights Watch. (2007)., Vol. 19, No. 15 (A). New York: Human Rights Watch, p. 38.
13. UNICEF. (2004). *The State of World's Children 2005: Childhood under Threat*, New York: The United Nations Children Fund, p. 43.
14. Oosthuizen, T.H. (2009). *Review of Sexual Violence Elements of Judgement of the International Criminal Tribunal for former Yugoslavia, the International Criminal Tribunal for Rwanda, and the Special Court for Sierra Leone in the Light of Security Council Resolution 1820*. New York: United Nations Department of Peacekeeping Operations, p. 20.

