

Former Combatants on Sexual Violence During Warfare: A Comparative Study of the Perspectives of Perpetrators, Victims, and Witnesses

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ABSTRACT

This study explores the reasons behind sexual violence. In doing so, we focus on structured information given by 224 former combatants from different Congolese armed groups. Unlike other studies on sexual violence, we have controlled for the combatant's experience with sexual violence: we have self-reports on whether they have witnessed, experienced, or perpetrated sexual assault themselves. Ultimately, by asking the former combatants

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themselves to react on particular statements on the reasons behind sexual violence, we can glimpse the logic behind this phenomenon. The results of the comparative analysis show that perpetrators differ from nonperpetrators by emphasizing that sexual violence occurs out of frustration or as revenge. Victims, however, emphasize the lack of punishment and the fact that perpetrators want to prove their strength. All in all, we found high levels of agreement surrounding the opportunity argument behind sexual violence during warfare, i.e. it occurs because war provides the perpetrator with an opportunity for this kind of behavior.

I. INTRODUCTION

Until recently, sexual violence during warfare was often dismissed as “an ‘inevitable’ and unfortunate feature of conflict.”¹ It is not surprising that this view was widely held, given that sexual violence has appeared in virtually every conflict in history. For example, Japanese troops raped civilian women systematically in China during the “Rape of Nanking” in 1937, and Russian soldiers sexually attacked German female civilians at the fall of Berlin at the end of the Second World War.² Sexual violence has also been documented in more recent conflicts such as those in Liberia, Uganda, and Rwanda, and during social and political uprisings such as the recent anti-Chinese riots in Indonesia.³ Consequently, little (academic) attention was devoted to the motivations underlying this particular kind of violence, its perpetrators, and victims.

This view changed with the outbreak of the Bosnian conflict at the beginning of the 1990s. This particular conflict brought the practice of sexual violence with genocidal intent to a new visible level, causing an outcry among the international community.⁴ Evidence suggests that sexual violence in this conflict was not random acts carried out by a few dissident soldiers. Rather, the extent of sexual violence in the Bosnian conflict suggests that it

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1. Sara Meger, *Rape of the Congo: Understanding Sexual Violence in the Conflict in the Democratic Republic of Congo*, 28 J. CONTEMP. AFR. STUD. 119 (2010). The term sexual violence encompasses an array of abuses, ranging from sex-selective abortion to the abuse of elderly men and women. The term includes geographically or culturally specific forms of abuse such as female genital mutilation, dowry deaths, acid throwing, and honor killings, as well as forms of violence that are prevalent worldwide such as domestic violence and rape. See also Charlotte Watts, *Violence Against Women: Global Scope and Magnitude*, 359 LANCET 1236 (2002).
 2. Tara Gigerich & Jennifer Leaning, *The Use of Rape as a Weapon of War in the Conflict in Darfur, Sudan* 6 (2004) available at <http://reliefweb.int/report/sudan/use-rape-weapon-war-conflict-darfur-sudan>.
 3. Watts, *supra* note 1, at 1236.
 4. 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 (1998).

was a “systematically planned and strategically executed policy of ethnic cleansing or genocide...to create...a religiously, culturally, and linguistically homogenous Serbian nation.”⁵ These deliberate large-scale systematic sexual attacks triggered the conviction among the international community that sexual offences during war are a crime against humanity.

Sexual violence during wartime is “arguably one of the most horrifying and least understood aspects of modern conflict.”⁶ Victims are often at risk of serious (often permanent) injuries. Many survivors suffer permanent damage to their genitals and develop fistulas, resulting in chronic incontinence. HIV and other sexually transmitted infections are also frequently acquired through sexual violations.⁷ In addition, victims often suffer from the negative attitudes of their communities: they are rejected by their families and partners or have difficulties finding husbands or wives.⁸ It is then also no surprise that some scholars have emphasized the destructive effects of sexual violence, which threatens the post-conflict social and cultural stability and may lead to the dissolution of entire communities, and perhaps even the recurrence of conflict.⁹

The international acknowledgement of the occurrence of sexual violence during conflict and the devastating effects that it has on the victims’ communities and societies in general has pushed the academic (and policy) research agenda forward. Several explanations for sexual violence are advanced in this literature, mostly surrounding either the idea of “gratification (opportunity, substitution) or instrumentally (strategic) use.”¹⁰ For example, some authors suggest that sexual violence is the result of frustration or lack of “regular” sexual activities.¹¹ Others emphasize that sexual violence is sometimes used as a bonding ritual among soldiers.¹²

Although offering an important insight in this cruel form of violence, no academic study so far has looked at the relative importance of each

5. *Id.* at 349.

6. Dara Kay Cohen, *Explaining Rape During Civil War: Cross-National Evidence (1980–2009)*, 107 *AM. POL. SCI. REV.* 461 (2013).

7. HUMAN RIGHTS WATCH (HRW), *Soldiers Who Rape, Commanders Who Condone: Sexual Violence and Military Reform in the Democratic Republic of Congo* 16 (2009) available at <http://www.hrw.org/sites/default/files/reports/drc0709web.pdf>.

8. *Id.*

9. Ruth Seifert, *The Second Front. The Logic of Sexual Violence in Wars*, 19 *WOMEN’S STUD. INT’L FORUM* 39 (1996); Gingerlich & Leaning, *supra* note 2, at 20; Thomas Plümper & Eric Neumayer, *The Unequal Burden of War: The Effect of Armed Conflict on the Gender Gap in Life Expectancy*, 60 *INT’L ORG.* 723 (2006).

10. Ragnhild Nordås, *Preventing Conflict-related Sexual Violence*, PRIO Policy Brief 2 (2013) available at http://file.prio.no/publication_files/prio/Nordas-Preventing-Conflict-related-Sexual-Violence-PRIO-Policy-Brief-02-2013.pdf.

11. Maria Eriksson Baaz & Marta Stern, *Why do Soldiers Rape? Masculinity, Violence, and Sexuality in the Armed Forces in the Congo (DRC)*, 53 *INT’L STUD. Q.* 509 (2009).

12. Cohen, *supra* note 6, at 464.

individual explanation. More importantly, little attention is devoted to comparing the perspectives on sexual violence during warfare of perpetrators with those offered by victims or witnesses.¹³ Comparing these views is essential because the victims' experiences with sexual violence might be completely different from those who perpetrate this kind of violence or witness its occurrence. On the one hand, in her fear and intense concentration on saving her life, the victim may not be able to assess the motivations of the perpetrator accurately. More importantly, the victim may be unaware of the factors responsible for her assailant's behavior.¹⁴ On the other hand, the perpetrator might not be conscious of factors influencing his decision to sexually violate his victim. So far, little is known about the perpetrators' perspective. Moreover, literature has also neglected the fact that sometime perpetrators have also become victims of sexual violence during warfare.

Part of the motivation for this research is also to add to the body of knowledge about the combatants who perpetrate sexual violence, and how their views on sexual violence might be completely different than the views held by the victims of sexual violence or from those combatants who have witnessed the act. It is hoped that, with this comparison, practitioners will be able to use the information to help decrease the incidence of sexual violence. The following article adds to this discussion by systematically analyzing and comparing the evidence given by combatants who became victims of sexual violence, who witnessed sexual violence, and who perpetrated sexual violence. To this end, we start this article with a brief discussion of the existing literature on the motivations underlying sexual violence. Thereafter, we describe how we have collected information on combatants from various armed groups in the Democratic Republic of the Congo (DRC). After analyzing the results of this comparison, we finish this study with a discussion of our work and its implications and suggest avenues for further research.

II. THEORY

Due to its prominence throughout history, sexual violence in warfare is often dismissed as an "inevitable" and unfortunate feature of conflict.¹⁵ It is then also not a surprise that the work of academics has, until recently, told us little about sexual violence, and even less about its underlying motivations. This is despite the fact that the subject of sexual violence has been widely reported in other forms of media.¹⁶ Several explanations for sexual violence have been advanced in literature. These explanations are not complete, as

13. LLOYD VOGELMAN, *THE SEXUAL FACE OF VIOLENCE: RAPISTS ON RAPE* (1990).

14. *Id.* at 8–9.

15. Meger, *supra* note 1.

16. VOGELMAN, *supra* note 13.

there is still unexplained variation. "Yet, they do offer valuable insights into possible mechanisms in various conflict settings."¹⁷ Most of these explanations revolve around two possible mechanisms: gratification and instrumentality.¹⁸

The gratification argument surrounds the idea of opportunity or substitution: when soldiers become frustrated because they do not have access to consensual or transactional sex, it has been argued that they will perpetrate sexual violence.¹⁹ Beneath this idea of substitution underlies an understanding of men's (hetero) sexuality as a driving force, which, when unleashed by the climate of warring in which "normal" societal controls are suspended and the rules of warfare reign, easily results in rape and other forms of sexual violence.²⁰ "This 'sexual urge' explanation comes in different guises; some even cast all men as potential rapists because of their biological makeup."²¹ Others have argued that men lose their normal self-control in the face of women's sexual provocation.²² This rationale has, for instance, "underpinned the commonplace occurrence of prostitution rings around military bases throughout history and in diverse global contexts, including UN peacekeeping missions."²³ Interviews with rapists clearly support this argument. As one rapist put it, men rape because of "lust and lack of sex."²⁴

However, this substitution argument is very controversial. The argument, for example, implies that female combatants do not perpetrate sexual violence. "This does not seem to hold. For instance, in the war in Sierra Leone, the Revolutionary United Front included a relatively large share of women, but the group was also notorious for extreme sexual violence."²⁵ Additionally, research examining male sexual offenders has shown that, in fact, "one-third of these offenders were married and sexually active with their wives at the time of their perpetrated assault."²⁶ Moreover, the idea that it is the result of a loss of self-control reflects the belief that rape is a sexually spontaneous act inflicted upon an unknown victim. However,

17. Nordås, *supra* note 10, at 2.

18. *Id.*

19. Seifert, *supra* note 9, at 35; Meger, *supra* note 1; Nordås, *supra* note 10, at 2.

20. See Baaz & Stern, *supra* note 11.

21. Vogelmann, *supra* note 13; Baaz & Stern, *supra* note 11, at 498.

22. Vogelmann, *supra* note 13; Baaz & Stern, *supra* note 11, at 507; Seifert, *supra* note 9, at 35; Camille Paglia, *Rape and Modern Sex War*, in *SEX, ART AND AMERICAN CULTURE: ESSAYS 67–68* (Camille Paglia ed., 1993); RANDY THORNHILL & C. T. PALMER, *A NATURAL HISTORY OF RAPE: BIOLOGICAL BASES OF SEXUAL COERCION* (2000).

23. SANDRA WHITWORTH, *MEN, MILITARISM, AND UN PEACEKEEPING: A GENDERED ANALYSIS* 67–69 (2004). Baaz & Stern, *supra* note 11, at 500; Paul Higate, *Engendering (In)Security in Peace Support Operations*, 35 *SECURITY DIALOGUE* (2004); Paul Higate & John Hopton, *War, Militarism, and Masculinities*, in *HANDBOOK OF STUDIES ON MEN AND MASCULINITIES* 430 (Michael Kimmel, Jeff Hearn & R.W. Connell eds., 2005).

24. VOGELMAN, *supra* note 13, at 64.

25. Cohen, *supra* note 6; Nordås, *supra* note 10, at 2.

26. A. NICHOLAS GROTH & H. JEAN BIRNBAUM, *MEN WHO RAPE: THE PSYCHOLOGY OF THE OFFENDER* 5 (1979).

findings from studies indicate otherwise; at least 50 percent of the rape attacks in peaceful settings involve men known to the victim and take place in the victim's own home.²⁷ Consequently, most scholars agree that sexual violence is never simply the result of sexual arousal that has no other opportunity for gratification.²⁸ Or as Seifert formulates it: "Biology does not prompt any man to rape."²⁹

Closely related to the idea of sexual violence as a result of sexual gratification is that sexual violence during wartime might be explained by a combination of opportunity and a lack of sanctioning. Some scholars argue, for instance, that "wars tend to be fought by armed young men in groups far from the normal social controls of their village or neighborhood."³⁰ "In these circumstances, sexual aggression is less regulated (the costs are lower) with the result that higher levels of sexual violence occur."³¹ Elisabeth Wood finds some initial evidence for this idea in her work; the armed group's repertoire of sexual violence relates to the degree of internal hierarchy and discipline within the group.³² She also finds that, when combatants are subjected to tighter control, sexual violence is less likely.³³ Human Rights Watch, for instance, when discussing the crimes committed by the national army of the DRC, stated: "[s]oldiers in the 14th brigade were able to commit abuses without consequence partly because of confusion over chain of command and because commanders made aware of the problems did not take action against those responsible."³⁴ However, many armed groups or factions refrain from committing sexual violence even when presented with ample opportunity.³⁵ In addition, this argument cannot adequately explain the often organized, systematic, and legitimized use of rape by armed forces in many modern societies or why the post-conflict environments remain hostile towards women, even though the conflict has ended and men have laid down their weapons.³⁶

27. VOGELMAN, *supra* note 13, at 63.

28. Seifert, *supra* note 9, at 36; VOGELMAN, *supra* note 13; GROTH & BIRNBAUM, *supra* note 26, at 5.

29. Seifert, *supra* note 9, at 36.

30. Elisabeth Jean Wood, *Variation in Sexual Violence During War*, 34 POL. & SOC'Y 321, 335 (2006).

31. *Id.* at 321.

32. *Id.* at 330; Christopher K. Butler, Tali Gluch & Neil J. Mitchell, *Security Forces and Sexual Violence: A Cross-National Analysis of a Principal-Agent Argument*, 44 J. PEACE RES. 669, 670(2007); Elisabeth Jean Wood, *Armed groups and Sexual Violence: When is Wartime Rape Rare?*, 37 34 POL. & SOC'Y 131, 142 (2009).

33. Wood, *supra* note 30, at 330.

34. HRW, *supra* note 7, at 32.

35. Elisabeth Jean Wood, *Rape during War is Not Inevitable: Variation in Wartime Sexual Violence*, in UNDERSTANDING AND PROVIDING INTERNATIONAL SEX CRIMES 410–411 (Morten Bergsmo, Alf Butenschon Skre & Elisabeth Jean Wood eds., 2012); Wood, *Variation in Sexual Violence During War*, *supra* note 30, at 322.

36. Donna Pankhurst, *Introduction: Gendered war and Peace*, in GENDERED WAR AND PEACE 3 (Donna Pankhurst ed., 2008); Meger, *supra* note 1.

The instrumental argument, on the other hand, surrounds the idea that sexual violence during wartime is a strategy of the warring parties to achieve particular goals. Consequently, commanders might even order its perpetration. These goals can vary across warring parties and factions. Notwithstanding, the literature emphasizes two goals in particular. First, sexual violence during warfare is thought to promote the clearing of an area of a particular population or “contaminating” women, as women often are cast as the symbolic bearers of ethno national identity through their roles as biological, cultural, and social reproducers of the community.³⁷ Not only might there be a chance that they bear children fathered by the perpetrators (and consequently are often removed from their home community) but they might also suffer from severe medical complications or be infected with HIV. As such, sexual violence might be an essential part of ethnic cleansing or the perpetrator’s genocide strategy.³⁸ This is closely related to the idea that sexual violence also occurs for revenge reasons. During World War II, for instance, reports of rape and abuse inflicted by enemy soldiers upon Russian women were used to motivate Russian troops to act more aggressively against the German soldiers.³⁹

Second, other scholars have emphasized that sexual violence during a conflict might also be used instrumentally as a socialization tool.⁴⁰ Dara Kay Cohen, for instance, argues that sexual violence—gang rape in particular—enables groups (especially those groups characterized by low levels of social cohesion) to create bonds of loyalty and esteem from initial circumstances of fear and mistrust.⁴¹ In this sense, sexual violence may provide psychological benefits to the perpetrator by improving group morale through inducing feelings of power and victory. Her argument is based on earlier research on gang rapes conducted by Menachem Amir.⁴² Amir argues that gang rapes enable the perpetrator to establish a status and reputation for toughness.⁴³ It will then occur especially during periods when group members’ status is questioned or threatened.

Using sexual violence as a way of increasing bonding of members also reinforces the militaristic masculinity rhetoric often employed by leaders: to become men, boys must become warriors. They often become warriors by

37. Cohen, *supra* note 6, at 463; CYNTHIA ENLOE, *MANEUVERS: THE INTERNATIONAL POLITICS OF MILITARIZING WOMEN’S LIVES* 36–37 (2000); NIRA YUVAL-DAVIS, *GENDER AND NATION* (1997); MARIA STERN & MALIN NYSTRAND, *GENDER AND ARMED CONFLICT: AN OVERVIEW* (2006), available at http://www.sida.se/globalassets/publications/import/pdf/en/gender-and-armed-conflict_1689.pdf; JOSHUA S. GOLDSTEIN, *WAR AND GENDER: HOW GENDER SHAPES THE WAR SYSTEM AND VICE VERSA* 128–30 (2001).

38. Wood, *Variation in Sexual Violence During War*, *supra* note 30, at 327.

39. Gingerlich & Leaning, *supra* note 2, at 9.

40. Seifert, *supra* note 9.

41. Cohen, *supra* note 6, at 464.

42. MENACHEM AMIR, *PATTERNS IN FORCIBLE RAPE* 183 (1971).

43. *Id.*

performing universal rituals of manhood that include tests of physical courage, endurance, strength, self-control, and obedience. These rituals often take a gendered form, in which soldiers prove their masculinity by dominating women (and sometimes men) sexually.⁴⁴ Sexually violating women not only increases bonds and loyalty between members of a particular group, but also enables perpetrators to prove their strength and dominance.⁴⁵

The above-mentioned opportunity and strategic reasons behind the occurrence of sexual violence during wartime are, however, not independent from one another; it is highly likely that more than one reason plays a role. More importantly, to our knowledge, no scholarly investigation exists that has examined the relative importance of each of these reasons in a comparative perspective. Furthermore, academic studies have ignored the idea that victims of sexual violence might have a different idea than perpetrators on the reasons behind its occurrence. It is, for example, highly imaginable that victims believe more in the opportunity reasons underlying sexual violence than perpetrators. It might also be highly likely that perpetrators of sexual violence have a tendency to agree with those arguments that can serve as some sort of an excuse. For example, they can advance the argument that they were ordered to perpetrate sexual violence or that these kinds of violent actions were a means to contaminate the wives of the enemy. Consequently, they might be more willing to agree with or advance the arguments that emphasize the strategic elements behind sexual violence.

So far, however, there is limited information about the perspectives of the victims and perpetrators. A first insight into the opinions of the victims is given by the study of Anna Maedl, who held in-depth interviews with twenty-five rape survivors in the eastern provinces of the Congo.⁴⁶ These victims were interviewed to shed light on the question of whether sexual violence is indeed strategic, and if so, which purpose these acts might serve. The interviewed women did not believe that the belligerents targeted a certain group of women or that they were personally targeted to be victimized.⁴⁷ It became clear that any Congolese women could become victims of rape at any time, which is certainly part of the opportunity argument. However, many of the interviewed women also clearly confirmed that they heard someone giving orders or they were able to identify one of the perpetrators as being superior to the others.⁴⁸ This is initial evidence that the rapes are perpetrated as a military activity and are an inherent part of the groups' conduct, which is again part of the strategic argument.⁴⁹

44. GOLDSTEIN, *supra* note 37, at 333–35; Wood, *Variation in Sexual Violence During War*, *supra* note 30, at 326.

45. Cohen, *supra* note 6, at 464.

46. Anna Maedl, *Rape as Weapon of War in the Eastern DRC? The Victims' Perspective*, 33 *HUM. RTS. Q.* 128, 128 (2011).

47. *Id.* at 143.

48. *Id.*

49. *Id.* at 142.

There is even less information on the perspectives of the perpetrators. Maria Baaz and Marta Stern's study forms somewhat of an exception.⁵⁰ They focus on the discourses of soldiers from the national army (*Forces Armées de la République Démocratique du Congo*; FARDC) on sexual violence and masculinity in the army. These soldiers, in focus groups, discuss the motivations underlying the instances of rape. During these group discussions Baaz and Stern learned that the soldiers emphasize two categorizes of rape: (1) lust rape, the inevitable consequences of what happens when a man is deprived of the possibility to have sex, and (2) evil rape that comes from the frustration arising from hunger, poverty, neglect, and the "craziness" of war.⁵¹ Both of these reasons, however, emphasize opportunity aspects and contradict our initial expectations.

An important disadvantage of the study conducted by Baaz and Stern is that they seem to assume indirectly that the interviewed soldiers or combatants are perpetrators of sexual violence.⁵² In addition to the fact that none of them openly admitted to perpetrating sexual violence during the interviews, it is also important to realize that combatants could have refrained from perpetrating sexual violence or even have been the victims of this kind of violence. To examine whether the perspectives of combatants who became victims of sexual violence and combatants who perpetrated sexual violence differ from each other, we need a comparative research design (in that we have to talk to victims and perpetrators) and need to realize that sexual violence occurs due to several reasons at the same time. Consequently, in the upcoming analysis, we generally look at the reasons mentioned most often by combatants, but will also adhere to a comparative research design.

III. RESEARCH DESIGN

To get a better picture of the motivations for sexual violence, information was retrieved from systematic interviews with former combatants that were active in the DRC. The history of the country has been one of civil war and (sexual) violence. For over a decade the population of the DRC has been subject to an unrelenting humanitarian crisis. This crisis is a local manifestation of a complex regional conflict that began in 1994 with the massive influx of refugees from Rwanda, resulting from its civil war and genocide and which continued to involve a collection of countries and groups of armed combatants.⁵³ The ensuing civil conflicts from 1994–1997 (also

50. Baaz & Stern, *supra* note 11.

51. *Id.* at 511.

52. *Id.*

53. Françoise Duroch, Melissa McRae & Rebecca F. Grais, *Description and Consequences of Sexual Violence in Ituri Province, Democratic Republic of Congo*, 11 BMC INT'L HEALTH & HUM. RTS. (2011), available at <http://www.biomedcentral.com/1472-698X/11/5>.

called the First Congo War) and 1998–2003 (the Second Congo War) led to a protracted state of violence. Some estimates place the death toll from the “Second War” to be approximately 5.4 million.⁵⁴ In 2003, an official peace agreement was signed with ongoing peace negotiations the following years. During these negotiations, several smaller conflicts have erupted across five eastern provinces resulting in clashes among armed groups and against civilians. Multiple rebel groups linked to foreign powers, mostly from Uganda and Rwanda, competed to control this eastern area.⁵⁵

While sexual violence is a known feature of armed conflict throughout history, the scale and extent of this particular kind of violence is unprecedented in the DRC (especially in the eastern parts of the country).⁵⁶ Fighting in the country has been increasingly associated with a high rate of sexual violence that, at times, is referred to as a “plague” of epidemic proportions.⁵⁷ Exact accounts are difficult to estimate accurately and individual reports quote differing, yet staggering, figures; some conclude that, in any given community, up to 80 percent of women have been raped.⁵⁸ Some women told Human Rights Watch that the war was being fought “on their bodies.”⁵⁹ In recent years, and not surprisingly, humanitarian workers and other observers have labeled Congo as “the worst place on earth to be a woman.”⁶⁰

The data presented here was collected between March and May 2011 in Goma, the capital of the North Kivu province in the eastern part of Congo.⁶¹ During this period, 224 former combatants from different armed groups (44 percent were a member of the different Mayi-Mayi factions, 38 percent were members of the *Forces Démocratiques pour la Libération du Rwanda* [FDLR], 9 percent were members of the *Congrès National pour la Défense du Peuple* [CNDP], 5 percent were members of the National Army *Forces Armées de la République Démocratique du Congo* [FARDC], 3 percent

54. International Rescue Committee (IRC), *IRC Study Shows Congo's Neglected Crisis Leaves 5.4 Million Dead; Peace Deal in N. Kivu, Increased Aid Critical to Reducing Death Toll* (2007), available at <http://www.rescue.org/news/irc-study-shows-congos-neglected-crisis-leaves-54-million-dead-peace-deal-n-kivu-increased-aid--4331>.

55. Duroch, McRae & Graiss, *supra* note 53.

56. Susan A. Bartels, Jennifer A. Scott, Denis Mukwege, Robert I. Lipton & Michael J. VanRooyen & Jennifer Leaning, *Patterns of Sexual Violence in Eastern Democratic Republic of Congo: Reports From Survivors Presenting to Panzi Hospital in 2006*, available at <http://www.conflictandhealth.com/content/4/1/9>.

57. Lyndsey Addario & Shannon Egan, *Feature Story: Legacy of War: an Epidemic of Sexual Violence in DRC*, (2008), available at <http://africa.unfpa.org/public/cache/offence/home/news/pid/1399;jsessionid=37968B67EE64C3673589EDA0E2C5F7AE.jahia01>.

58. Duroch, McRae & Graiss, *supra* note 53.

59. HRW, *supra* note 7, at 15.

60. *Id.*

61. Human Rights Watch (HRW), *Soldiers Who Rape, Commanders Who Condone Sexual Violence and Military Reform in the Democratic Republic of Congo* (2009), available at <http://www.hrw.org/sites/default/files/reports/drc0709web.pdf>.

were members of the *Rassemblement Congolais pour la Démocratie* [RCD], and the rest were members of some other smaller armed groups such as the Rwandan Armed Forces from before 1994) were interviewed by locally trained translators. Of the 224 combatants, 222 were men and two were women. The former combatants were, on average, twenty-four years old at the time of the interview (with a minimum of thirteen and a maximum of fifty), and had five years of formal education (with a minimum of 0 and a maximum of fourteen years). In total, 72 percent of the semistructured interviews took place at the United Nations demobilization camp, 27 percent were conducted at a vocational training center for war-affected youth, and only 1 percent of the interviews took place at the military detention facility.

The Ethical Review Board of the University of Konstanz approved the study and the United Nations and respective Congolese nongovernmental nonprofit organization allowed us to interview all participants enrolled in their program. All participants gave their informed consent orally after explaining to them that they could refuse to answer questions, stop the interview at any time, and that there were no negative consequences for them when they did so. Additionally, we guaranteed that we would use the provided information only for scientific purposes and that we would never reveal their identity. In addition to the oral consent of the participants, we asked the respective institutions for permission to interview underage former child soldiers, as their caregivers were not available. Participants received financial compensation of about \$2 (USD) for the interviews.

In contrast to some other studies on sexual violence, we interviewed all combatants in private, with only the translator and the interviewer present. In other words, we decided not to use focus groups or group interviews to discuss the reasons behind sexual violence. This is to avoid group pressure. During the private interviews we asked the combatant to agree or disagree with several statements related to the opportunity and strategic arguments for sexual violence. It is important to note that the combatant could agree with more than one opportunity or strategic reason. The opportunity argument was captured with the following four statements: (1) sexual violence occurs because sometimes combatants get out of control, (2) sexual violence occurs because commanders do not punish combatants for perpetrating sexual violence, (3) sexual violence occurs because combatants do not have wives, and (4) sexual violence occurs because combatants feel frustrated about their lives. The strategic argument, on the other hand, was captured with seven statements: (1) sexual violence occurs because combatants have to prove to their fellow combatants that they are strong, (2) sexual violence occurs because sexual violence is used to control the communities to which the victims belong, (3) sexual violence occurs because combatants are ordered to perpetrate sexual violence, (4) sexual violence occurs because the victims belong to a certain tribe, (5) sexual violence occurs because the combatants

or the armed groups want to take revenge, (6) sexual violence occurs because combatants or the armed groups want to spread diseases such as HIV/AIDS, and (7) sexual violence occurs especially in small groups (three-to-five men).

IV. ANALYSES

Before examining whether the perspectives on the occurrence of sexual violence differ between combatants who perpetrated sexual violence, combatants who became victims of sexual violence, and combatants who witnessed sexual violence, we first look to the overall strength of each of the discussed reasons. Figure 1 displays the percentage of former combatants who agreed or strongly agreed with a particular statement. This figure combines the opinions of all interviewed former combatants, and does not distinguish, between those who perpetrated and those who did not perpetrated sexual violence.

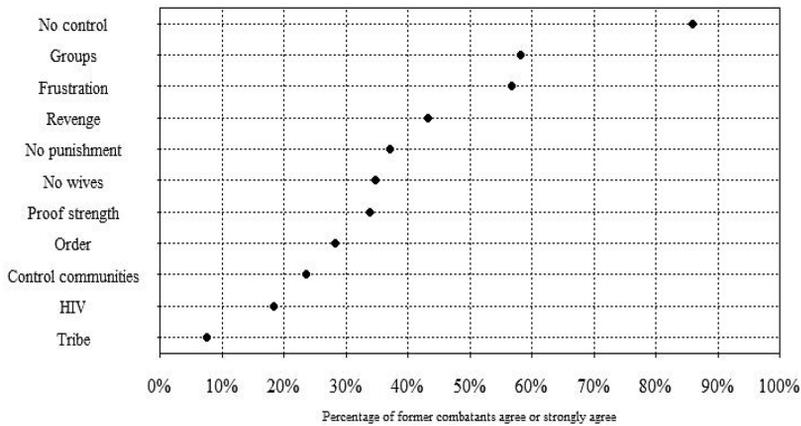


Figure 1. Agreement with Sexual Violence Statements

The figure illustrates that more than 85 percent of the interviewed combatants agreed that violence against women occurs because combatants get out of control. This opportunity argument is also emphasized by one of participants (nr. 0011) who told us: “These soldiers are out of the control of their commanders and take a lot of marijuana. They kill and rape in a very

brutal way. They are evil.”⁶² Another combatant (nr. 0010) emphasized: “[u]sually they rape at night, when others are engaged in combat. Some fight, some rape, so the next morning, no one knows who has done what. Those who rape are out of control.” Additional analysis showed us that most of the combatants who agreed with this statement were members of one of the different Mayi Mayi factions and/or of the FDLR before they were demobilized.

In addition to this reason, more than 58 percent of the former combatants indicated that they think most incidents of violence against women are perpetrated by groups, indicating that sexual violence might indeed be the result of peer pressure and function as a socialization tool, which is the argument advanced by the more strategic perspective on sexual violence. This seems to confirm the results by Maedl’s study on the victims’ perspective on sexual violence, in which most of the victimized women indicated to have been sexually violated by a group of men, rather than by individual combatants.⁶³ One combatant (nr. 2042), for instance, told us: “It happens because they act in groups and everybody wants to be the first to rape. So it gets out of control and maybe the woman tries to defend herself.”

Also, more than 56 percent of the interviewed former combatants indicated that frustration is a big part of the picture surrounding sexual violence. One combatant (nr. 1063), for instance, told us that: “[m]ostly soldiers who are bandits do this. They are evil and cannot go back, neither to their armies nor into civilian life. They are frustrated about life and just want to destroy peoples’ life the way they can.” This is in accordance with the study conducted by Baaz and Stern among potential perpetrators of sexual violence.⁶⁴

Fewer combatants agree with the statement that violence against women occurred out of revenge reasons (43 percent). Additionally, few combatants (37 percent) seem to agree that sexual violence occurs because the perpetrators are not punished for it. Another important result that is pictured in this graph is that, in our sample, few combatants (35 percent) agree that violence against women occurs as a result of the fact that combatants are far away from their own wives. This result stands in sharp contrast to the study conducted by Baaz and Stern, in which soldiers of the national army emphasized the importance of sexual gratification.⁶⁵ This may be due to the fact that many combatants in the present study have been attached to different Mayi Mayi factions. The members of this local defense group often stay close to their homes and thus also to their wives. Even fewer combatants agreed with the statement that links sexual violence to the proof of strength by combatants (34 percent), a given order by the commander (28 percent), or to a way to

62. Due to security and privacy reasons all the children’s names throughout this study have been replaced by a number combination.

63. Maedl, *supra* note 46, at 140.

64. Baaz & Stern, *supra* note 11.

65. *Id.* at 506.

control communities (24 percent). The latter stands in sharp contrast to the horror stories on the Bosnian rape camps that primarily served to destroy the Muslim race. All other statements received between 8 percent and 18 percent of agreement.

Overall, we can see that high levels of agreement exist on those statements that point towards an opportunity effect (no control, frustration, no punishment, no wives). However, two strategic arguments are also of major importance: those that emphasize the group dynamics on its occurrence and those that emphasize the revenge aspect. Both strategic arguments received a very high percentage of agreement. In other words, the combatants in our study agreed to a number of different reasons regarding why sexual violence occurs. From their perspective, opportunity seems to play an important role, but strategic considerations cannot be ruled out completely.

In the second step of our analysis, we want to examine whether combatants who perpetrated sexual violence, combatants who became victims of sexual violence, and combatants who witnessed sexual violence have different views on the occurrence of violence against women, assuming that their individual experiences have influence on their reasoning. To account for this, we asked the former combatants three additional questions. First, we asked them whether they have ever *witnessed* sexual assault (i.e. someone tried to touch someone's private parts against her will, someone was raped, made to perform any type of sexual acts through force or threat of harm). From the 213 former combatants who answered this question, a shocking 60 percent indicated to have witnessed sexual violence.

Second, we asked the combatants whether they have ever *experienced* sexual assault (i.e. someone tried to touch their private parts against their will, rape, made to perform any type of sexual acts through force or threat of harm). 12 percent of the combatants answered positively to this question. Combatants (nr. 2014) for instance, told us: "In the CNDP being beaten with a stick is the common punishment. But you can also be punished by being sexually assaulted. This happened to me, too. But the soldiers also rape women." However, we assume that many more combatants were sexually violated, since some combatants might be too ashamed to admit their experience. Admitting that you were violated in a sexual way might change the general perception of males and combatants as being manly, strong, and invincible. As one of the combatants (nr. 1054) told us: "I was raped by my commander. If he humiliates men in this way, imagine what he does to women!" Additionally, the gender of the interviewers might have influenced the admission of experiencing sexual violence.⁶⁶ For instance, male combat-

66. See for more information on interviewer effect; Roos Haer & Inna Becher, *A Methodological Note on Quantitative Field Research in Conflict Zones: Get Your Hands Dirty*, 15 INT'L J. SOC. RES. METHOD'GY 1 (2012).

ants might find it harder to report being victimized when talking to one of our female interviewers compared to when talking to a male interviewer.

Finally, we asked the former combatants whether they had perpetrated sexual violence during their time in the armed group: “[h]ave you ever sexually assaulted someone (for example, you raped someone, inserted objects in someone’s vagina or anus, etc.)?” 24 former combatants admitted to have sexual assaulted another person. Most of these perpetrators were members of the Mayi Mayi (33 percent) or the FDLR (19 percent). Due to the stories that the combatants told us, we again assume that the real figure is much higher. One combatant (nr. 2088), for example, explained to us:

I was making others really suffer. We went to steal at night and destroyed all people we met. If we came across a woman we raped her, if we came across a boy we beat him. [. . .] When we captured an enemy, we asked him questions about the location and strategy of his group. Sometimes he had to show us their military camp. Sometimes we chopped his head off. After combat we killed everybody who was left, except the beautiful women. We took them with us. Today, I cannot stay more than 4 days without sex.

Or as another one (nr. 1071) told us:

The FDLR rapes a lot. I was not forced to rape; it was just normal in the group to do it. One day I was with some other soldiers and we took a woman and raped her, one after another; maybe five of us. We raped a lot. Even children and men, whoever we could get.

Table 2 shows the percentage of combatants who agreed with the different statements across the three different groups: those who were victims, those who had witnessed sexual violence, and those who had perpetrated sexual violence. In the table, one can see the initial differences between the groups; the table shows, for instance, that 91.3 percent of the perpetrators agree with the statement that sexual violence occurred due to a lack of control, which stands in contrast to the 85.3 percent of the combatants who did not perpetrate sexual violence. Moreover, 44.5 percent of the combatants who witnessed sexual violence agreed with the statement that sexual violence occurs when the perpetrators are not punished for bad behavior, which stands in contrast to 25.9 percent of the combatants who did not witness any sexual violence.

In order to examine whether victims, perpetrators, and witnesses hold statistically different views on the reasons behind sexual violence, we calculate several Fisher’s Exact Tests. These tests examine whether the observed differences between the groups are statistically significant. It is important to note, however, that many former combatants have not only witnessed sexual violence, but have also experienced and sometimes even perpetrated sexual violence themselves. For instance, all interviewed perpetrators and victims have also witnessed sexual violence; of the twenty-four perpetrators,

seven combatants have also become a victim of sexual violence; and of the twenty-seven interviewed victims, seven admitted also to having perpetrated sexual violence. Due to this low number of participants who were exclusively perpetrators, victims, or witnesses, we are unable to test whether the differences between perpetrators and victims, perpetrators and witnesses, and victims and witnesses are statistically significant. We can only test whether there is a statistically difference between perpetrators and nonperpetrators, victims versus nonvictims, and witnesses versus nonwitnesses. Table 2 also shows the results of this comparison.

TABLE 2.
Difference of Agreement Between Perpetrators, Victims and Witnesses

<i>Reason</i>	<i>Perpetrators—Not</i>	<i>Victims—Not</i>	<i>Witnesses—Not</i>
<i>Opportunity argument</i>			
No control	91.3%–85.3%	88.9%–85.5%	90.6%–78.8%**
Frustration	87.0%–53.2%**	81.5%–53.2%**	64.8%–44.7%***
No punishment	43.5%–36.3%	55.6%–34.4%*	44.5%–25.9%***
No wives	39.1%–34.2%	48.1%–32.8%	35.2%–34.1%
<i>Strategic argument</i>			
Proof strength	30.4%–34.2%	70.4%–28.5%***	39.8–24.7%**
Order	34.8%–27.4%	37.0%–26.9%	37.5%–14.1%***
Groups	69.6%–56.8%	63.0%–57.5%	68.0%–43.5%***
Control communities	30.4%–22.6%	37.0%–21.5%*	30.5%–12.9%***
HIV	17.4%–18.4%	25.9%–17.2%	20.3%–15.3%
Tribes	4.3%–7.9%	18.5%–5.9%**	8.6%–5.9%
Revenge	65.2%–40.5%**	66.7%–39.8%**	56.3%–23.5%***

Note: * significantly different at 10%; ** significantly different at 5%; *** significantly different at 1%.

Before going into detail about the difference between the groups, we briefly discuss the levels of agreement among perpetrators, victims, and witnesses. Table 2 shows that perpetrators of sexual violence especially agree with the statement on the influence of the lack of control (91.3 percent), frustration (87 percent), and the influence of group dynamics (69.6 percent). Victims, on the other hand, agree most often with the statement on the lack of control (88.9 percent) and of frustration (81.5 percent), and also with the idea that violence against women occurs due to the fact that combatants have to prove their strength (70.4 percent). Witnesses adhere to the idea of no control (90.6 percent), the influence of group dynamics (68 percent), and that of frustration (64.8 percent).

In sum, it seems that our sample of perpetrators mostly agree with the opportunity argument (frustration and lack of control). This is mirrored by the opinion of the victims. Witnesses of sexual violence, however, place a

bit more importance on the strategic argument by emphasizing the importance of the group dynamics. However, the Fisher's Exact Test shows which differences between the groups are statistically relevant.

The only statistical differences between perpetrators of sexual violence and those combatants who did not perpetrate this kind of violence can be found when looking at the frustration statement. Perpetrators (87 percent) agree, to a significant extent, with the statement that sexual violence occurs out of frustration. Only 53.2 percent of the combatants who did not perpetrate any acts of sexual abuse agree with this statement. Victims of sexual violence also agree with this frustration argument; 81.5 percent of combatants who were sexually assaulted during their time in the armed group agree with this argument, which is statistically different from those combatants who were not sexually violated (Victims also differ statistically from the others on the statement that sexual violence occurs due to the fact that there is no punishment for this bad behavior. More than half of the victimized combatants agree with this statement, while only 34 percent of the nonvictimized combatants agree with this idea. In other words, victims of sexual violence differ from the other groups in the amount of emphasis placed on this particular argument. Witnesses of sexual violence emphasize, in addition to the frustration and no punishment arguments, the idea that sexual violence occurs due to the fact that commanders are unable to control their troops. In this, they statistically differ from those combatants that have not been witnesses. To sum up the differences in the opportunity argument, perpetrators differ from the others by emphasizing the frustration argument, victims differ from nonvictims by emphasizing that this kind of violence occurs due to a lack of punishment, and witnesses differ from nonwitnesses in that they believe that sexual violence occurs due to a lack of control.

Important differences between the three groups can also be found by looking at the more strategic reasons behind the occurrence of sexual violence. Perpetrators of sexual violence differ statistically from nonperpetrators in that they responded that sexual violence occurs out of revenge. 62 percent of the perpetrators agreed with this statement in comparison to 40.5 percent of nonperpetrator combatants. With all other strategic reasons, they do not seem to differ statistically in their level of agreement. Victims of sexual violence also emphasize the importance of revenge, but point to some other reasons as well. They differ statistically from nonvictims in the sense that they agree more frequently with the idea that sexual violence is used to prove one's strength, to control communities, and because the victims belong to a particular tribe. They differ significantly (on the 1 percent confidence level) from nonvictims concerning the idea that sexual violence occurs because combatants want to prove their strength. More than 70 percent of the victims agreed with this statement in comparison to 28.5 percent of the nonvictims.

Witnesses of sexual violence also differ statistically from nonwitnesses concerning many statements. The most important, though, is the difference concerning the group-related aspect of sexual violence. 68 percent of the witnesses agree that sexual violence is a group activity. This aspect is only agreed with by 43.5 percent of the other combatants. In other words, witnesses of sexual violence believe that sexual violence primarily occurs due to group pressure and group rituals. This stands in contrast to the perpetrators. Although around 70 percent agree with the statement, they do not seem to differ statistically from those combatants who did not perpetrate any act of sexual violence. In addition to the group aspect, witnesses also differ with respect to the idea that sexual violence occurs due to given orders. In contrast to those who did not witness any act of sexual violence during their time with the armed group (14.1 percent), witnesses agree more often with the statement that sexual violence resulted from orders given by commanders (37.5 percent).

To sum up the differences in the strategic argument: perpetrators differ from the others by emphasizing the revenge argument; victims differ from nonvictims by emphasizing that this kind of violence occurs because perpetrators want to prove their strength, to control communities, and because the victims belong to a particular tribe; and witnesses differ from nonwitnesses concerning many statements. The most important difference, though is that witnesses of sexual violence believe that sexual violence primarily occurs due to group pressure and group rituals.

V. CONCLUSION

With the Bosnian and the Rwandan civil wars, wartime sexual violence has garnered increasing attention of academics and policymakers in recent years. The main focus of this attention is devoted to examining the underlying motivation of this particular cruel act. Consequently, sexual violence is no longer considered to be an unfortunate "byproduct" of warfare. Rather, scholars argue that sexual violence during warfare occurs whenever there is an opportunity (i.e. the gratification argument) or sexual violence can be used strategically (i.e. the instrumental argument) to promote a particular goal.

This study does not deny the importance of any reasons that fall under one of the two arguments. However, it points out that these reasons are not mutually exclusive; instead, they can exist together. More importantly, no academic study so far has compared the relative importance of these reasons. Additionally, little has been known about the perpetrators' perspective and soldiers and combatants are almost automatically considered to be perpetrators. The study examines whether combatants who perpetrated sexual violence, combatants who became victims of sexual violence, and

combatants who witnessed sexual violence adhere different perspectives to this phenomenon. The primary aim of this study is also to engender greater discussion and thoughts about why sexual violence occurs.

To examine the relative importance and the difference in perspectives between perpetrators, victims, and witnesses, the study makes use of unique data gathered in the DRC in 2011. During extensive field research, we interviewed more than 200 combatants. Some of those admitted to perpetrating, witnessing, or being victims of sexual violence. During these interviews, we mentioned several reasons and discussed with them whether they agreed or disagreed with them. The results of the comparative analysis show that high levels of agreement exist on those statements that point towards an opportunity effect (no control, frustration, no punishment, no wives). However, two strategic arguments are also of major importance: those that emphasize the group dynamics on its occurrence and those that emphasize the revenge aspect. In a second step, the study shows that perpetrators differ from non-perpetrators by agreeing that sexual violence occurs out of frustration or as revenge. Victims, however, emphasize that this kind of violence occurs due to a lack of punishment, because perpetrators want to prove their strength or to control communities, and because the victims belong to a particular tribe. Witnesses differ from nonwitnesses in that they agree that sexual violence occurs due to a lack of control as well as group pressure and group rituals.

In general, the results also show that the most agreement exists surrounding the opportunity argument, i.e. sexual violence occurs because war provides the perpetrator with an opportunity (or no sanctions) for this kind of behavior. This implies that the cost of engaging in sexual violence is perceived as being relatively low. Therefore, prevention programs should further emphasize the negative consequences of this violence for the society as a whole and not just the perpetrator. One possible strategy is that of naming and shaming the perpetrators or armed groups that commit or allow this behavior. Only then may perpetrators refrain from perpetrating this kind of violence.

While it is our hope that we could shed some empirical light on the motivations underlying sexual violence, it is needless to say that many questions remain and multiple avenues for further research exist. We outline some of them. First, with the study we aim to understand the motives of sexual violence from the perpetrators perspective. We need to note, however, that our study does not aim to fully explain the frequent occurrence of sexual violence in the ongoing conflict in eastern DRC. Our rather small and specific sample provides only preliminary results about the motives of perpetrators of sexual violence. Further research is needed to confirm our findings. Moreover, we interviewed only combatants and not the general population. It might therefore be the case that our results are slightly biased in the sense that we have not examined how the general Congolese popu-

lation agrees or disagrees with these statements. Second, the statements that we requested were based on existing theories that we discussed in the theory part of this article. However, these reasons were neither complete nor exclusive. Future research could therefore be focused on the opinion of the victims, witnesses, or perpetrators themselves rather than on whether they agree with statements or not.