

Sexual Violence as a Weapon of War From 1971 to The Present: A Critical Analysis of The Bangladesh Genocide and Ongoing Conflicts in Palestine, Ukraine and Sudan

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Bangladesh, A Brutal Birth: Kishor Parekh. Source: ©youth ki awaaz, 2015



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Trigger Warning

This report discusses sensitive topics and figures, including sexual violence, rape, and trauma, which some readers may find distressing or triggering. The content addresses these issues in an academic and analytical context to shed light on critical topics of justice, human rights, and social impact.

Readers are encouraged to proceed with caution and prioritise their well-being. If you feel overwhelmed, please consider pausing or seeking support from a trusted person or professional resource.

INTRODUCTION

Sexual violence has emerged as one of the most horrific atrocities during conflicts around the world. Despite being explicitly prohibited by international human rights, humanitarian, and criminal law, it continues to be used as a weapon of war, underscoring its devastating impact across history. It is not only used as an act of terror and a form of reward during wartime but also a strategy to move opponents off the land and shame them. It serves not only as an instrument of terror and control but also as a means to displace populations and inflict deep psychological and social harm on communities. During the 1971 Bangladesh genocide, the Pakistani Army systematically raped and sexually abused Bengali women as part of a broader strategy of subjugation.

Similarly, in ongoing conflicts such as those in Palestine, Ukraine, and Sudan, sexual violence remains a cruel reality. This report undertakes a critical study of the Bangladesh genocide and the current conflicts in Palestine, Ukraine, and Sudan, analysing the contexts in which sexual violence is used as a weapon of war and focusing on the motives, patterns, and impact on the survivors and their communities in each case. The report also evaluates the international responses and accountability in this matter. Finally, the research critically examines the existing international legal framework and protection measures for wartime sexual violence and its challenges. A doctrinal, qualitative, and analytical methodology has been employed to explore these issues comprehensively.

1. INTRODUCTION TO SEXUAL VIOLENCE AS A WEAPON OF WAR

1.1 GENERAL CONCEPTS OF SEXUAL VIOLENCE AS A WEAPON OF WAR AND COMMON TRAITS ON A GENERAL LEVEL

Sexual violence as a weapon of war is an aggressive approach used by opponents to achieve military or political objectives through the systematic violation of human rights. It is not just a result of the anarchy of war; it is also an intentional act to control, weaken, and destroy communities. Rape, forced prostitution, adultery, and various other forms of sexual assault are all part of this violence (Ayele, 2011). Though men and boys are occasionally victims, it primarily targets women and girls (Kaufman, 2015).

The potential of sexual assault to cause both immediate and severe harm to people and their communities is a key factor in making it an effective weapon. It is regularly used to oppress people, disrupt social systems, and drive mass displacement (Ayele, 2011). As observed in the wars in Bosnia and Rwanda, where systematic rape was meant to change the ethnic composition of populations, this strategy has been predominantly used in conflicts where ethnic cleansing is the primary goal (Card, 1996). This strategy can also be seen in recent conflicts in Palestine, Sudan, Ukraine, and even in the 1971 Bangladesh genocide.

A common pattern in the use of sexual abuse during conflict is the freedom granted to perpetrators. Often, judicial mechanisms in war zones are either weakened or wholly broken, allowing offenders to act without worrying about legal consequences. Moreover, survivors might face stigmatisation from their own community, which inhibits them from pursuing justice (Cohen, 2016). Sexual violence is still a relatively low-risk, high-impact weapon for those who apply it because of the mindset of no consequences.

The effects of sexual violence in conflict reach far beyond mere physical harm. Chronic mental health problems, including anxiety, sadness, and Post-Traumatic Stress Disorder (PTSD), abound among survivors (Ayele, 2011). Their communities may also reject them, which could worsen their trauma and hamper societal recovery. The use of sexual violence as a weapon of war has lasting impacts on both the long-term healing and reconciliation of impacted areas as well as on individuals.

1.2 CONFLICT-RELATED SEXUAL VIOLENCE AND LEGAL FRAMEWORK

Sexual violence as warfare represents a profound transgression under the framework of international law, serving as a calculated mechanism to inflict terror, displace civilian populations, and fracture societal cohesion (Sedai & Sidhu, 2017). Acts encompassed within the designation of sexual violence - such as rape, sexual slavery, forced pregnancy, and enforced sterilisation - if used as part of an attack are identified under the Rome Statute of the International Criminal Court as crimes against that may constitute war crimes under article

8(b-xxii), crimes against humanity under article 7(g), and, in specific circumstances, acts of genocide under article 6(b). Such recognition underscores the increasing gravity afforded to these offences by the international legal community.

The prohibitions articulated within international humanitarian law also categorically forbid sexual violence in contexts of armed conflict. Specifically, the Geneva Conventions prohibit “any forms of indecent assault” as well as “outrages upon personal dignity”, especially where civilians are concerned (Geneva Convention IV, Article 27; Protocol I, Article 75). International human rights law provides further protections against these acts through the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention Against Torture (CAT). The CEDAW requires states to prevent, investigate, and punish gender-based violence, creating a framework aimed at eliminating structural impunity.

Additionally, the CAT categorises sexual violence as torture, thus enhancing the available prosecutorial mechanisms and emphasising the grievous nature of such acts. The jurisprudence also advanced the concept of sexual violence in wartime due to key precedents for prosecuting sexual violence as an international crime. For instance, the International Criminal Tribunal for Rwanda crystallised the recognition of rape and sexual violence as potential acts of genocide in the case of *Prosecutor v. Akayesu* (ICTR, 1998).

The legal protections against the use of sexual violence as warfare were also strengthened by policy initiatives of the UN Security Council: Resolution 1325 (2000) foregrounds women’s protection in conflict, and Resolution 1820 (2008) stipulates that sexual violence, under certain conditions, may constitute a war crime. These developments illustrate an expanding commitment to address such offences within the purview of international criminal justice.

The legal and policy framework has extensively developed during the last two decades. Nevertheless, substantial challenges remain in the actualisation of these protections. Social stigma, systemic obstacles to accessing justice, and the scarcity of comprehensive survivor support services hinder punishment for these crimes, revealing the persistent gap between normative frameworks and practical enforcement. Therefore, the need for mechanisms of prevention and survivor-centred accountability is evident.

2. BANGLADESH GENOCIDE

2.1 HISTORICAL CONTEXT OF BANGLADESH GENOCIDE

The conflict in Bangladesh during its 1971 Liberation War was rooted in decades of political, cultural, and socioeconomic grievances. The partition of India in 1947 created Pakistan, which was divided into West and East Pakistan (Saikia, 2011, p. 34). The latter comprised a diverse Bengali population that felt marginalised by the dominant West Pakistan, particularly the Punjabi elite (Oldenburg, 1985). Tensions escalated as the Urdu-speaking authorities imposed Urdu as the national language, leading to violent opposition from the Bengali majority, who identified with their unique cultural and linguistic identity (Saikia,

2011, p. 35). The Pakistani authorities believed that Hindu culture influenced the Bengali Muslims of East Pakistan, who placed a strong emphasis on literature, music, and dance. They regarded the Islamic rituals of the Bengalis as inferior and impure (Mookherjee, 2015, p. 33).

Discriminatory practices, such as inequitable resource distribution and under-representation in government, fuelled Bengali resentment (D'Costa, 2011, p. 90). The Awami League, led by Sheikh Mujibur Rahman, emerged as a critical political force advocating for autonomy through a six-point formula, challenging the oppression by West Pakistan. General Ayub Khan's regime eventually fell after significant civil unrest, leading to General Yahya Khan's promising elections (D'Costa, 2011, pp. 90-92). In the 1970 elections, the Awami League won overwhelmingly in East Pakistan, setting the stage for the region's quest for independence and the subsequent liberation war (Saikia, 2011, p. 4).

The Pakistani military carried out a horrific genocide in the eastern part of Pakistan, present-day Bangladesh, from March to December 1971. Approximately three million people were killed, and the Pakistani military and local collaborators raped 2,00,000 - 4,00,000 (Hasan, 2010). The initial assault, known as 'Operation Searchlight', began on March 25th, 1971 killing thousands in the first month. Millions fled to refugee camps set up by India in West Bengal and other states. The genocide lasted nine months, ending with the surrender of the Pakistani military to the Joint Command Forces of Bangladesh and India on December 16th, 1971 (Ahmed, 2022, p. 7).



Figure 1: A Raghu Rai, Our Liberation War, and some rare pictures. Source: © Asma Sultana Prabha/ The Business Standard, 2024.

2.2 STRUCTURAL AND SYSTEMATIC VIOLENCE IN BANGLADESH GENOCIDE: ANALYSIS OF MOTIVES, PATTERNS, AND IMPACT

“In warfare, a woman's body becomes the territory on which men inscribe their political programs” (Mookherjee, 2015, p. 3).

To terrorise the people of the former East Pakistan, the Pakistani army applied a strategic use of rape in the 1971 Liberation War (Beachler, 2007, p. 467; Koos, 2017, p. 1937). Women and girls were targeted systematically with sexual violence and, consequently, subjected to gang rapes, kidnapped into forms of sexual slavery, and brutally tortured, mutilated, and murdered (Saha, 2023). The motives, patterns, and impact of sexual violence, specifically rape during the nine-month-long liberation war, constitutes elements of genocide (Abid et al., 2024, p. 8). Based on religious, ethnic, and cultural background, the Pakistani military and its collaborators carried out mass rape as a war tactic against Bengali women to diminish the Bengali traditional culture by dehumanising Bengali womanhood. The Pakistani military targeted women during the conflict primarily only because they were coming from the enemy group.

From the night of Operation Searchlight, ‘Rajarbag police line’ was one of the many places where women and young girls were ferociously gang raped and tortured by the Pakistani Army. According to the statement of Rabeya Khatun, a sweeper of Rajarbag Police Line (Halder, 2012),

Pakistani soldiers used to stab women and cut their breasts; some pushed their sticks into their vaginas. Some brutal soldiers liked to celebrate by cutting flesh from their hips, and some liked to bite their breasts, scratching flesh from their bodies. Sometimes, the victims used to cry in severe pain. The soldiers used to push iron rods into their vaginas and kill them brutally. The hands of every woman were tied behind their backs. They were the victims of regular torture. Parts of their bodies became mutilated. Some lost their teeth, some received severe wounds on their lips, and the fingers of some women were fractured due to regular torture by the soldiers with sticks and iron rods.



Figure 2: 1971 Rapes: Bangladesh Cannot Hide History. Source: © The Daily Star, 2014.

The pattern of rape in 1971 demonstrated that it was committed with the “intent to destroy, in whole or in part,” a particular group, the Bengalis (Ahmed, 2022, p. 26), which was reflected in the testimonies of survivors and witnesses (Nila, 2024, p. 51). The perpetrators also intended to shame the Bengali population, as women were considered to be the honour of the ethnic group and the freedom fighters of 1971 (Abid et al., 2024, p. 8). They wanted to produce a ‘pure Pakistani race’ by committing forced impregnation (Rahim, 2020). Moreover, the local collaborators had fostered the impact of sexual violence by guiding the Pakistani army to target women. Later on, they themselves were involved in perpetrating rape (Rahim, 2020). Nevertheless, the topic of childbirth became crucial, as certain women were prohibited from exiting the camps in which they were confined until they had progressed to later stages of pregnancy (Mookherjee, 2023).

Following the war, it was discovered that those who had experienced sexual violence were affected by HIV and severe skin and various genital ailments, and the majority of them were carrying offspring of the perpetrators (Rahim, 2020). In 1972, an article in The New York Times called ‘Killing of Babies Feared in Bengal’ reported that approximately 25,000 women had given birth to children as a result of rape during wartime (Tithila, 2021). It is estimated that 150,000 - 170,000 unborn children had been aborted after the war. An Australian physician, Dr Geoffrey Davis, visited Bangladesh and assisted in the safe abortion of around 5,000 pregnancies for the victims of rape in 1972. According to him (Rahim, 2020), “*These mothers of raped children were treated in the worst possible way by many of their husbands or family members.*” The trauma and shame caused by the sexual violence forced almost 30,000 women victims to commit suicide (Islam, 2012).

In 1999, the renowned Bangladeshi sculptor Ferdousi Priyabhashini was among the first women to openly state that the Pakistani army had sexually violated her during the Bangladesh Liberation War in 1971 (Mookherjee, 2018). In doing so, she advocated for gender equality for all victims of sexual assault from the 1971 War, including herself (D’Costa & Hossain, 2010). According to her (Masud & Masud, 2016),

I had to experience the tragedy that 1971 brought, not just for myself but for the entire country. I felt unwanted in the community after Bangladesh gained independence because I had experienced severe physical and mental harassment (by the Pakistani army). I’ve received harsh criticism. I experienced horrific abuse. I work with and sculpt the bark of trees as they signify to me the abandoned like I was after 1971—abandoned, ridiculed, humiliated, and treated with contempt.



Figure 3: 'That Birangona hair photograph' by Naibuddin Ahmed. Source: © Nayanika Mookherjee/ Sage 2015.

2.3 BANGLADESH GENOCIDE AND LEGAL CONSEQUENCES

Bangladesh currently lacks a standardised law regarding child adoption, with foreign nationals prohibited from adopting children within the country (Tithila, 2021). However, the 'Bangladesh Abandoned Children' (Special Provisions) Order 1972 permitted foreign nationals to adopt children affected by war in Bangladesh in 1972. The order was repealed in 1982.

In 1973, the International Crimes Tribunal Act was enacted to prosecute the international crimes prosecuted during the Liberation War of 1971. The International Crimes Tribunal Bangladesh (ICT-BD) was established in 2009. The limited presence of women's perspectives and experiences in the ICT-BD reveals essential shortcomings in tackling sexual violence during wartime. Although there is some recognition of women as victims, the predominant focus on rape and abuse neglects to hold perpetrators accountable and does not support the healing of survivors (Alam, 2014). Dr Tureen Afroz pointed out in her address to the EU Parliament that the magnitude of these crimes impacts countless women, yet many victims choose to remain silent due to stigma and fear. Systemic barriers impede the ICT's ability to adequately portray women's experiences (Alam, 2014). Additionally, the ICT-BD's hesitance to address gender-based violence continues to reinforce unequal gender dynamics in Bangladesh. This hesitance also distorts historical accounts, as noted by Debnath (2009), who observes the government's attempts to conceal women's wartime experiences as a means to uphold patriarchal standards (Alam, 2014).

2.4 INTERNATIONAL POLITICAL RESPONSE TO THE BANGLADESH GENOCIDE

The global community was largely cognisant of the brutality occurring in Bangladesh in 1971 (Boissoneault, 2016). As early as March 31st, 1971, India's then-Prime Minister Indira Gandhi described the assault as 'genocide' (Weber, 1999), and approximately one crore (ten million) people took shelter in Indian refugee camps during the war (Dasgupta, 2016). In April, the Government of India submitted a formal request to the United Nations (UN) for humanitarian assistance for refugees, which led to a response by the Secretary-General of the UN Kurt Waldheim (UN Bangladesh). However, the UN failed to alleviate the suffering in Bangladesh due to divisions among the Security Council's permanent members. Consequently, the UN's role during the 1971 conflict was limited to discussion rather than effective resolution, highlighting its shortcomings in preventive diplomacy (Batabyal, 2020).

Archer Blood, who served as the American ambassador to India, communicated the severe violations of human rights to officials within the United States (US) government during the 1971 Liberation War. Regrettably, the US refrained from taking any remedial action due to Pakistan's designation as a strategic ally during the Cold War. President Nixon exhibited a nonchalant and discriminatory perspective, perceiving the acts of genocide as a

matter of minimal significance and presupposing a lack of interest from the American populace due to the racial and religious identity of the victims. His assumption that the atrocities would not invoke concern among the public on account of the victims being of the Muslim faith contributed to a lack of awareness and engagement among Americans regarding the genocide of Bengalis in 1971 (Mishra, 2013). According to Archer Blood ((Mishra, 2013), *“Our government has failed to denounce the suppression of democracy. Our government has failed to denounce atrocities... Our government has evidenced what many will consider moral bankruptcy.”*

3. ISRAELI-PALESTINIAN WAR

3.1 HISTORICAL CONTEXT OF SEXUAL VIOLENCE IN PROTRACTED CONFLICT

In the Israeli-Palestinian conflict, sexual violence has been reported in various forms over decades, not as an episodic event contingent on specific waves of conflict but as part of a sustained and systematic tactic of warfare (Baroud, 2024). The longstanding political dynamics between Israel and Palestine, compounded by complex socio-legal frameworks, have enabled an environment where the deployment of sexual violence often occurs with minimal accountability and profound impunity on both sides. This violence, in its direct and indirect forms, serves to exacerbate the fraught socio-political landscape.

The examination of sexual violence in the Israeli-Palestinian conflict must consider how military occupation has created conditions conducive to sexual violence, including rape, abuse, and coercion. Such violence has been both explicitly documented and inferred within a broader system of militarised interactions - checkpoints, detentions, interrogations, and various forms of forced confinement. This approach to control has generated ample opportunity for sexual abuse, often underreported and overlooked amid larger narratives of physical violence and territorial disputes. Recent scholarship underscores the role that military infrastructure and occupation play in fostering an environment where the use of sexual violence is, if not explicitly accepted, then tolerated within the tacit operational latitude given to military personnel (Madar, 2023).

This systematic approach to sexual violence has created a legacy wherein abuses are frequently hidden within bureaucratic and military procedures. In detention centres, for example, Palestinian women have recounted experiences of sexual harassment, invasive searches, and verbal abuse. These documented cases suggest a pattern wherein the potential or implied threat of sexual violence functions as a powerful method of psychological intimidation. The mere threat of sexual violence, layered with the reality of cultural stigmas associated with sexual abuse, magnifies the impact on individuals and communities, thereby serving as a mechanism to dismantle morale, enforce psychological control, and deepen the chasm of power between the occupier and the occupied (Al Issa & Beck, 2021; Madar, 2023).



Figure 4: Israeli Forces Assault Palestinians in Hebron; Young Girl Injured. Source: © Days of Palestine, 2023

3.2 STRUCTURAL AND SYSTEMATIC VIOLENCE IN THE ISRAELI-PALESTINIAN CONFLICT: ANALYSIS OF MOTIVES, PATTERN, AND IMPACT

During the latest wave of this conflict, sexual violence has been a central part of the attacks on both sides. During the Hamas attack on October 7th 2023, there were reports of sexual violence committed against Israeli civilians, particularly women, which was part of a broader strategy of terror and humiliation (Human Rights Watch, 2024). On the other hand, Israeli military actions against Palestinians, particularly those in Gaza and the West Bank, have involved a spike in reports of sexual violence as part of the occupation tactics, with systematic incidents occurring in detention settings and checkpoints even before the October 2023 attacks (Madar, 2023). These attacks from the Israeli military forces “are intended to punish Palestinians for resisting occupation and seek to destroy them individually and collectively” (OHCHR, 2024, p. 1).

The use of sexual violence in both the October 7th attacks and by Israeli forces operates under different motives and patterns. In Hamas’s attack, sexual violence was used as a means of shocking the Israeli population, asserting power, and intimidating the enemy. It was part of a broader strategy to create fear and publicise the ruthlessness of the assault. The reports of rape and sexual assault were used not only to harm victims physically but also to undermine Israeli society’s psychological resilience, as acts of this nature resonate deeply in terms of cultural and social stigmas (Human Rights Watch, 2024).

In contrast, Israeli sexual violence against Palestinians is more systematic, often operating under the framework of occupation. These abuses are usually perpetrated by Israeli soldiers during operations, detentions, and interrogations. Human rights organisations have documented cases of sexual harassment, invasive searches, and other forms of abuse, which often go unpunished due to the opacity of military procedures and the impunity enjoyed by

Israeli forces (Al Issa & Beck, 2021). The impact of Israeli sexual violence is deeply entwined with the broader strategy of subjugation and control, contributing to a sense of powerlessness and trauma among Palestinian communities (Madar, 2023). Sexual violence in this context functions as an instrument of colonial governance, intended not only to harm individuals physically but to disrupt and subordinate entire communities psychologically and socially. This framework situates sexual violence within a spectrum of colonial violence, where bodily control and psychological subjugation operate as mechanisms to sustain the occupying power's dominance. In this way, sexual violence becomes less an incidental occurrence and more a strategic element embedded in the maintenance of a colonial occupation, where control over Palestinian bodies and lives is enforced through a series of both explicit and implicit violence (Madar, 2023; Medien, 2023).

The militarised control that permeates every aspect of Palestinian life under occupation - from checkpoints to residential raids to detentions - has created a setting in which the use or threat of sexual violence underscores the broader power imbalance. The very structures of military engagement facilitate opportunities for sexual violence by affording military personnel broad authority with minimal oversight (Al Issa & Beck, 2020; Medien, 2021). Thus, even as the act of violence itself might go unrecorded, the ambient threat and systemic enabling factors contribute to an atmosphere where sexual violence is embedded as a facet of occupational control (Madar, 2023; Shalhoub-Kevorkian, 1993).

3.3 THE ISRAELI-PALESTINIAN CONFLICT AND LEGAL CONSEQUENCES

The legal landscape is fraught with challenges. The Israeli military, the government, as well as, some scholarship have frequently denied or downplayed accusations of sexual violence, and due to the complex political context, accountability remains elusive (MacKinnon, 2014; Nashef, 2022: 569; Wood, 2006, 2009, 2010). On the Palestinian side, while the internal legal system could potentially address some cases, the lack of control over areas under Israeli occupation and the fact that Hamas is in charge in Gaza complicate the enforcement of laws related to sexual violence.

International law strictly prohibits the use of sexual violence as a weapon of war under the Geneva Conventions, and both the Israeli and Palestinian authorities could be held accountable for such violations. A notable legal development is the emergency ruling by the ICJ into alleged genocidal acts committed by Israel against Palestinians, brought before by South Africa in January 2024, establishing sufficient evidence to investigate further. Parallel to this ICJ investigation, the Chief Prosecutor of the International Criminal Court hypothesised the existence of war crimes by Israel and Hamas, asking the court to issue arrest warrants for Prime Minister Benjamin Netanyahu, Defence Minister Yoav Gallant, and Hamas leaders Yahya Sinwar, Mohammed Deif, Ismail Haniyeh, and Diab Ibrahim Al Masri. However, although the prosecutor's statement holds the Hamas leaders to be responsible for

“extermination, murder, rape, and other acts of sexual violence” as “war crimes and crimes against humanity, as part of a ”widespread and systematic attack against the civilian population of Israel,” Israel’s head of state’s list of accusations does not include the use of sexual violence as a weapon of war, although it could be included in charge of “other inhumane acts as crimes against humanity.”

3.4 INTERNATIONAL POLITICAL RESPONSE TO THE ISRAELI-PALESTINIAN CONFLICT

The international community’s response to the use of sexual violence in the Israeli-Palestinian conflict has been inconsistent. After the October 7th attacks, there was widespread condemnation from governments and international organisations regarding the use of sexual violence by Hamas. However, the response to Israeli forces’ use of sexual violence has often been muted or insufficient, partly due to geopolitical factors and the influence of Israeli allies, particularly the US. The lack of sustained international pressure to hold both sides accountable for sexual violence in the conflict highlights the broader challenges of addressing human rights violations in politically complex and militarised environments.

4. UKRAINE-RUSSIA WAR

4.1 HISTORICAL CONTEXT OF THE UKRAINE-RUSSIA WAR

Russia's annexation of Crimea in 2014 started the crisis in Ukraine, which turned into a full-scale war when the Russian army started an invasion in February 2022. Geographic tensions, national security issues, and territory disputes led to this war. It has also turned into an armed conflict illustrated by the systematic use of sexual abuse as a weapon of war (Bufacchi, 2022), therefore violating fundamental human rights. International authorities, human rights organisations, and survivors of the Ukraine crisis have all extensively documented sexual assault in that conflict. Human Rights Watch claims that, especially in areas under Russian rule, Russian troops used sexual violence as a method to terrify and control the population (Human Rights Watch, 2022). This trend is in line with past conflicts in which sexual assault has been used to destroy societies, assert power, and humiliate victims. Though men and boys have also been sexually assaulted, Ukrainian women and girls have been disproportionately targeted (Kvitka, 2024). Many of them were killed brutally or left wounded after being raped by Russian soldiers (Limaye, 2022).

4.2 STRUCTURAL AND SYSTEMATIC VIOLENCE IN THE UKRAINE-RUSSIA WAR: ANALYSIS OF MOTIVES, PATTERNS, AND IMPACT

The motives behind sexual violence in Ukraine mirror those seen throughout various conflicts. Russian forces have used sexual violence to spread fear, target opposition, and create control over Ukrainian civilians. This form of violence is frequently used systematically, attacking not just individuals but entire populations (Wamsley, 2022). Reports from Ukraine show that Russian troops employ sexual violence as a means of undermining public morale and creating a sense of helplessness (Wang et al., 2022).



Figure 5: Olha, a 26-year-old Ukrainian, faced sexual violence by Russian soldiers when she was detained in Kherson. Source: © Deutsche Welle, 2024

The effect of sexual violence on survivors is devastating, expanding beyond immediate harm to their bodies to psychological trauma. PTSD, hopelessness, and social stigma are common experiences of survivors (Toesland, 2024) that could deter them from getting treatment. In conservative areas of Ukraine, feelings of guilt associated with rape sometimes cause women to isolate themselves from their society. Moreover, warfare causes many survivors to be displaced, which makes it much more difficult for them to get the required psychological and medical help. The patterns of sexual violence in Ukraine indicate that the crimes are not random. Evidence gathered by human rights organisations shows that these acts are part of a broader strategy to destabilise Ukrainian society and undermine resistance to Russian occupation (Conflict-Related Sexual Violence in Ukraine, 2017). Reports of rape and other forms of sexual abuse mainly point to areas where Russian soldiers have taken over, indicating a pattern of intentional aggression.

4.3 THE UKRAINE-RUSSIA WAR AND LEGAL CONSEQUENCES

Under the Rome Statute of the International Criminal Court (ICC), sexual violence carried out during armed conflict violates international humanitarian law and counts as a war crime. Since the war began, Ukraine, though not a full member of the ICC, has recognised the court's jurisdiction over crimes that took place on its territory (International Criminal Court, 2023). Along with foreign organisations, Ukrainian officials have started documenting acts of sexual violence to prosecute offenders under both national and international law.



Figure 6: Women in the Street Rallying. Source: © Andrea De Santis/pexels, 2022

One of the challenges in trying sexual violence in Ukraine is the continuous nature of the conflict, which makes evidence collection difficult. However, efforts are underway to ensure the accountability of sexual violence offenders. Working with Ukrainian prosecutors, several human rights organisations are developing cases that might be forwarded to the ICC or other international tribunals (Q&A: Justice Efforts for Ukraine, 2023). The UN and the EU have also demanded more worldwide cooperation to handle sexual assault offences in Ukraine, pushing for immediate investigations and final convictions (Amnesty International, 2022).

4.4 INTERNATIONAL POLITICAL RESPONSE TO THE UKRAINE-RUSSIA WAR

The international response to sexual violence in the Russia-Ukraine war has been strong, with many nations and international organisations condemning the use of rape and other forms of sexual violence by Russian forces. The UN has asked for investigations to begin immediately, and the UN Special Representative on Sexual Violence in Conflict has visited Ukraine to coordinate efforts from around the world (United Nations, 2024).

Furthermore, sanctions have been imposed on the Russian government and military officials alleged to be involved in planning these crimes by several nations, including the US, the UK, and EU members. Through humanitarian aid and mental health care, the international community has been trying to support survivors (ICRC, 2022). However, access to conflict zones has been limited, and ongoing fighting continues to hinder the work of humanitarian organisations.

5. SUDAN WAR

5.1 HISTORICAL CONTEXT OF ONGOING SUDAN WAR

The Sudan military removed former President Omar Al Bashir on April 11th, 2019, as a consequence of a mass uprising that began in 2018. Though the rebellion continued (Medani, 2024), the military established a ‘Transitional Sovereignty Council’ on April 14th, 2019 with Lieutenant General Abdel Fattah Al Burhan, the leader of the Sudanese Armed Forces (SAF), as the head and Lieutenant General Mohamed Hamdan Dagalo (Hemedti), the commander of Rapid Support Forces (RSF), as his deputy. Later, several attempts were made to introduce a civilian-led government that did not succeed. It faced intensive oppression from civilians rejecting the military-security establishment (Medani, 2024).

On December 5th, 2022, a Political Framework Agreement was signed to establish a transitional civilian government, including security reforms to create a unified national army (Human Rights Council, 2024, p. 16). However, disagreements arose between General Al Burhan and General Mohamed Hamdan Dagalo over the integration timeline of the RSF into the national armed forces (Human Rights Council, 2024, p. 17). Tensions escalated into armed confrontations in mid-April 2023, with RSF forces mobilising and capturing key locations in Khartoum, including the international airport and military bases (United Nations Security Council, 2023).

The conflict quickly spread to Darfur and the Kordofan regions, with the RSF capturing El Geneina by June 15th, 2023, following the killing of West Darfur's governor. By October 2023, they had taken Nyala and Zalingei, and in November, they captured the SAF's 15th Division headquarters. By late November, the RSF controlled four out of five Darfur states, leaving only parts of North Darfur to the SAF. They later took Wad Madani, the capital of Gezira State, on December 18th, 2023 (Human Rights Council, 2024, p. 17).

5.2 STRUCTURAL AND SYSTEMATIC VIOLENCE IN SUDAN: ANALYSIS OF MOTIVES, PATTERNS, AND IMPACT

Conflict-related sexual violence (CRSV) has been the most common and prominent tactic of war in the history of Sudan. Likewise, the ongoing conflict demonstrates the horrific and widespread CRSV (*Sexual violence, the ‘forgotten atrocities’ of the Sudan war*; 2024).

The UN Office for the Coordination of Humanitarian Affairs (OCHA) reports that the number of individuals in Sudan requiring gender-based violence services has risen by over one million since the outbreak of the war, now totalling 4.2 million people. This figure is projected to increase to 6.9 million in 2024 (United Nations Office for the Coordination of Humanitarian Affairs, 2023).

Women and girls, as well as some men and boys, have faced sexual violence in Khartoum, primarily from the Rapid Support Forces (RSF), which controlled various neighbourhoods. The Sudanese Armed Forces (SAF) have also committed acts of rape, with survivors reportedly more fearful of reporting these cases. 18 healthcare providers interviewed by Human Rights Watch reported caring for 262 sexual violence survivors from April 2023 to February 2024. Most cases involved rape and sexual assault by RSF, with nine instances of rape attributed to SAF during their control of Omdurman and North Bahri, along with a few cases of assault by civilians (Human Rights Watch, 2024).

The Strategic Initiative for Women in the Horn of Africa (SIHA) report states that when the RSF invades an area, its initial violence aims to establish control. Soldiers shoot into the air and start looting, targeting village businesses, shops, and storage facilities before moving door to door. They forcibly enter the residence in search of SAF soldiers or combatants. While doing so, they impose sexual violence against women and girls. In this process, soldiers target men, often killing them. On the other hand, they consider women as part of the 'loot' to which they are entitled (*Sexual violence the 'forgotten atrocities' of Sudan war*; 2024).

Rape by multiple perpetrators is the central pattern of sexual violence in conflict in Sudan. It is reported that over 74 incidents of gang rape occurred between May and November 2024. Such gang rapes involved RSF soldiers, where at least two to five soldiers were involved in the crime of gang rape. There is no target age for such acts by the perpetrators. From nine years old to 60 years old, women and girls, usually members of the same family, have become victims of rape by the RSF (Human Rights Watch, 2024a). Most of the survivors said that RSF soldiers asked them if they were virgins or married. Recently, young women started mentioning to RSF kidnappers that they were married and not virgins to protect them from rape.

The Office of the High Commissioner for Human Rights (OHCHR) reported in February 2023 that over half of sexual violence incidents in Khartoum occurred in residences, while others took place on the streets as victims sought refuge or supplies (Human Rights Council, 2024, para. 47). Five incidents took place in Khartoum where mothers were raped while trying to protect their daughters or where multiple female members of the same family were raped at the same time.

In Sudan, rape is not limited to women and girls during the ongoing conflict. Both the RSF and the SAF forces have targeted men and boys for sexual violence. Between April 2023 and January 2024, 17 cases of rape of men and boys have been reported. Among them, six

incidents were by RSF soldiers. In September 2023, the Emergency Lawyers Association, a group of pro-bono lawyers, claimed sexual abuse against men held in dozens of detention facilities by both RSF and SAF in facilities across Khartoum.

Visibly, RSF soldiers targeted women and girls based on ethnic groups, such as the Masalit. Consequently, women and girls from the Masalit group are subject to rape and the threat of rape (Muller & Schwikowski, 2024). In addition, women activists were targeted by the perpetrators and victims of sexual violence only because of their professions. As such, it appears that the perpetrators had full knowledge of the identity of the victims (Human Rights Council, 2024). A victim of gang rape expressed the statements of RSF soldiers, the perpetrators, in UN fact-finding documents (Human Rights Council, 2024, para. 196), “*We have been searching for you, [organisation members] [...]. Tonight, you will see something.*”

Sexual slavery is another form of sexual violence in the ongoing conflict in Sudan. The RSF soldiers abducted women and girls regularly. Women and girls had been subjected to torture, denied access to food, and forced to provide domestic services and sexual violence (Human Rights Watch, 2024a). The Missing Peoples’ Group, created during the 2018 protests to assist families in finding missing loved ones, recorded 49 reports of missing women and 18 missing children from April to October 2023 (*Enforced disappearances reach alarming levels in Sudan*, 2023). By January 2024, they had documented a total of 93 cases of missing women and girls, including those from Al Gezira state (Sudan Tribune, 2024).

Child marriage, a form of forced marriage, increases girls' vulnerability to sexual violence, leads to poor health outcomes, and restricts their access to education and employment. International law views child marriages as non-consensual, violating rights to autonomy, education, freedom from violence, and reproductive health (*United Nations Committee on the Elimination of Discrimination against Women & United Nations Committee on the Rights of the Child*, 2019). There is also a rising risk of forced marriage among women, where RSF forces sought wives, leading to frequent marriages. Such forced marriages can be prosecuted as crimes against humanity as it was a systematic attack on civilians.

In Khartoum, many sexual violence survivors hesitate to seek support for their mental health challenges, such as anxiety and post-traumatic stress. Yet, those who received assistance often spoke of their struggles with symptoms like depression, suicidal thoughts, fear, and anxiety, as well as difficulty sleeping and managing daily tasks (Human Rights Watch, 2024a). Healthcare workers and volunteers treated survivors who required medical care for injuries directly related to rape. This included vaginal bleeding, bruises, a case involving the removal of a foreign object, and other physical trauma.

The Sudan War intensified pregnancy due to sexual violence (*Women grapple with unplanned pregnancies after sexual violence in Sudan war*, 2024.) In November 2023, there was an increase in the number of unmarried pregnant women seeking sexual and reproductive health services in displacement settings. A significant portion of those requesting services for

gender-based violence (GBV) and sexual reproductive health for pregnant women are displaced individuals from conflict-affected areas, and many of these pregnancies result from rape. A midwife who was called to deliver a baby in a neighbourhood of Khartoum known for its religious and social conservatism in December recounted (Human Rights Watch, 2024a, p. 50),

Some family members mentioned that she had been raped, and the family appeared very afraid. RSF soldiers surrounded the house, and some of them entered multiple times. I felt something was suspicious. I tried to complete my work as quickly as possible and left without asking any further questions.

In September 2023, a doctor reported (Human Rights Watch, 2024a, p. 51),

Most survivors who come forward are requesting pregnancy prevention contraceptives, but they are often unaware of the risk of sexually transmitted diseases. It is quite distressing for me to inform them about these risks, as many are taken aback when they learn that we do not have the medications that can protect them at that moment.

In Khartoum, more than 90 percent of survivors who were raped lacked access to emergency medicines that prevent HIV and Hepatitis B during the first four months of 2023, according to a doctor volunteering in hospitals in September 2023 (Human Rights Watch, 2024a).



Figure 7: A young Sudanese survivor of sexual violence in front of her shelter in Adre in Chad. Source: ©Deutsche Welle, 2024.

5.3 SUDAN WAR AND LEGAL CONSEQUENCES

Sudan's Criminal Act of 1991, amended in 2009, establishes criminal responsibility for various offences, including murder, rape, and crimes against public morality. The 2009 amendment introduced provisions for crimes against humanity, war crimes, and genocide. The Armed Forces Act of 2007, revised in 2022, includes war crime provisions as well. However, Sudanese law's definitions of international crimes are not aligned with international

standards, hindering accountability. For example, the definition of war crimes limits murder to protected groups and excludes sexual slavery. Additionally, the definition of crimes against humanity is restricted to armed conflict contexts for some underlying crimes, and genocide is limited to specific grounds, excluding racial groups.

The definition of rape in Sudanese law has improved since 2015, separating it from adultery and focusing on consent. Nonetheless, rape survivors still face the risk of being prosecuted for adultery if they can't prove lack of consent. The 2009 amendment criminalises rape and sexual violence as components of war crimes and crimes against humanity, but these definitions still fall short of international norms. Victims face significant barriers to reporting, including fear of stigma and the legal requirement to provide specific medical documentation, which is often unavailable (Human Rights Council, 2024).

On July 21st, 2023 Sudan established a National Committee of Investigation into human rights violations and war crimes associated with the Rapid Support Forces (RSF) through Presidential Decree No. 143 of 2023, overseen by the Attorney-General. The committee is tasked with investigating all crimes linked to the RSF since April 15th, 2023 collecting evidence, and summoning individuals for prosecution. As of June 18th, 2024 12,470 registered criminal cases and 346 arrest warrants were issued against RSF leaders. Among 65 tried cases, ten resulted in death sentences and four in life imprisonment (Human Rights Council, 2024). However, only two cases involved international crimes. Concerns have been raised that the committee is selectively prosecuting Sudanese civilians, including lawyers and human rights defenders, suggesting a bias against activists perceived as affiliated with the RSF.

By targeting civilian women and girls and applying sexual violence as a weapon of war, RSF and SAF are violating the Geneva Conventions, the Rome Statute, and international human rights law. The Prosecutor of the International Criminal Court (ICC), Karim Khan, announced an investigation into recent atrocities in Sudan's Darfur region, reinforcing that targeting civilians, their properties, and specifically women and children constitutes violations under the Rome Statute. Individuals aiding these crimes, including commanding officers, are subject to prosecution (Keppler, 2023).

5.4 INTERNATIONAL POLITICAL RESPONSE TO THE SUDAN WAR

Through resolution 2750 (2024), the Security Council has unanimously extended sanctions against Sudan, including asset freezes, travel bans, and an arms embargo, until September 12th, 2025. Following the adoption, the US representative highlighted the ongoing dangers faced by the people of Darfur, emphasising the need for international commitment to peace and security in the region. The UK representative pointed to recent reports of systematic human rights abuses and called for restraint from states that could enhance the fighting capabilities of the warring parties. The Republic of Korea urged strict adherence to the arms embargo and proposed targeted measures against violators. China's representative

supported the sanctions to curb illicit arms flow while emphasising the importance of diplomacy and respect for Sudan's sovereignty (United Nations Security Council, 2024).

Members of the RSF in Darfur have been implicated in severe human rights abuses, including conflict-related sexual violence against civilians. In response, the US is imposing visa restrictions on RSF General Abdul Rahman Juma, linked to these atrocities, and sanctions on commander Abdelrahim Hamdan Dagalo for his connections to the RSF's actions. The US emphasises the need for accountability for those committing sexual violence and calls for adherence to international humanitarian law to protect civilians and ensure unhindered humanitarian access (Blinken, 2023).

CONCLUSION

Sexual violence as a weapon of war has historically inflicted immense suffering in conflicts such as the 1971 Bangladesh Genocide, the Israeli-Palestinian War, the Ukraine-Russia conflict, and the war in Sudan. This abhorrent tactic is systematically employed to intimidate and control communities, disproportionately impacting women and marginalised groups. The repercussions are severe, resulting in profound physical and psychological harm to survivors while undermining societal trust and exacerbating long-term socio-economic instability.

Despite growing recognition of sexual violence as an international crime, which is evident in cases from Bangladesh and Ukraine, responses have frequently been inadequate, hindered by delayed actions and geopolitical interests. In Sudan and Palestine, legal frameworks remain insufficient to address these violations, creating significant barriers to justice. To effectively combat this issue, a cohesive international strategy is required, prioritising accountability for perpetrators, providing comprehensive support for survivors, and dismantling structural inequalities. By breaking the cycle of impunity, we can protect vulnerable populations and restore justice for these egregious violations of human rights.

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