

Victimology or Victimization of the Women in War*Nader Norouzi¹***Abstract**

Sacrifice has been an ancient ritual of pre-monotheistic religions; performed to please the gods. Over the ages, sacrifice has always been of interest and “human” sacrifice has replaced the “animal sacrifice.” Humans performed sacrifice to escape the misfortunes and disasters. However, today, sacrifice (victim) does not only refer to those that have been killed, but also to those who suffer from loss as a result of a shocking event or a trauma. The most important forms of sacrifice in the present century are the casualties and victims of war. The most important victims are the women and children who are the most vulnerable ones. Women are considered as the main victims of war because they are hurt more; both sexually and psychologically during the war. With reference to the events occurred during the war in Bosnia and Rwanda, this article elaborates on this issue, and as a practical solution, presents a general framework to support the women victimized during conflicts.

Keywords

Sacrifice, Victimization, War, Women, Social Harm

Please cite this article as: Norouzi N. Victimology or Victimization of the Women in War. *Iran J Med Law* 2017; 10(39): 61-75.

1. Assistant professor of Islamic Azad University, Tehran, Iran.

Email: nadernoruzi296@gmail.com

Introduction

The term “victim” has an ancient root the use of which goes back to the religious scripts. The meaning of the term “victim” in the primitive non-monolithic religions refers to a living creature that was killed in order to ask favors from gods or to satisfy them. The victim could be an animal, a slave, war captive, or a person from enemy tribe. Different characteristics and signs are mentioned for a “victim” in different religions, and he/she was sacrificed with special rituals. Later, the meaning of “victim” transformed from “sacrificing a life through a special ritual to please the gods” to “losing one life because of an event or a crime.” The meaning that has remained from the first meaning of “victim” is the idea of “death or sustained injuries.” However, the meaning of victim transformed even more and took over the connotations of receiving a psychological trauma or harm to one’s honor and respect as well.

Nowadays, the meaning that is inferred from word “victim” is a kind of harm, basically a serious one which is not compensable; it includes not only the physical harms, but also psychological and financial harms and harms to one’s honor. In fact, the old meaning of “victim” which is “dedication of one’s life to the gods based on the collective will for the realization of the demands” has transformed to “the loss of life or receiving other kinds of harms which are undesired events that come along with a sense of sympathy in the society.”

At this time, sacrificing is done in very few instances; being a victim is not considered sacred and it happens as a result of a natural disaster, a crime, or an unpleasant event.

In English language the term “victim” is also used in newspapers for many crimes and little by little this word has entered the area of criminology. At first, the criminologist used to direct their attentions toward the actions of the criminals, but in the recent decades they have redirected their attentions toward the victims. Considering the “victims” and the role they play in the occurrence of a crime caused the emergence of a new field of study in criminology with the title of “Victimology”. Little by little, the rights of the crime and natural disasters victims came to the attentions and many groups were formed to defend not only the rights of the crime victims, but also the rights of the war and natural disaster victims.

Some of the war victims are the victims of war crimes and inhumane actions that nowadays are considered crime in the International Criminal Law. This group of victims is considered as war crime victims.

Different classifications are presented for the war victims like classification based on being a military or unmilitary victim, classification based on age, and being a child or an adult. One significant classification is the one based on being a male or a female. The physical, psychological, and situational differences between men and women cause a group of war victims like women to have special conditions which make them distinct from the others. Women's involvement in wars, the role they play in wars, their social characteristics, and their physical and psychological structures make these differences evident.

In this paper, the dimensions of being a woman victim in war are looked upon and at the end; a general framework is presented to defend the rights of the women victims in wars. Thus, the paper is presented through the three following parts.

Nader Norouzi

Women as war crime victims (The following section needs to be abridged)

Throughout history, women have been one of the war victims and have been considered as one of the targets of the enemy's army beside the trophies and fortunes. After occupying the cities and countries by the hostile forces, women were usually taken as slaves, were abused, and later were sold in the slave markets. In the past eras, this was not considered a crime at all and on the contrary, it was considered as a right for the triumphant army and one of the war customs. Basically, one of the ways to obtain maids for the slave markets was to attack other tribes and cities and abduct their women. The history of wars clearly shows the fact that obtaining women was one of the motives of the army soldiers to conquer the defending forces. On the other side, defending the family and honor was a strong motive for the defending forces and according to these, the motivating role of the women becomes a point pondering upon which gains great significance. The above mentioned events did not happen in a very far history and many such deeds occurred in the very 20th century. In great wars like the Second World War, the historical documentations show that forces in the both fronts made barbaric actions against women in the occupied countries and this trend has continued even to this day. Although the supporters of human rights have written human rights charters for women and children and passed several

international conventions, many terms of these international agreements are violated by the same human rights supporters and their forces. Reviewing the crimes that were done in Vietnam, the tragedies that Zionists have caused in Palestine, and the barbaric acts that have been done in Bosnia, Iraq, and Afghanistan show the depth of the disaster. These issues made the Human Rights activists in some countries to take the war crimes and the crimes against humanity into consideration. In fact, the public awareness about the crimes, the tragedies that are happening in the wars and the public pressure made the international legal communities to consider these issues.

To get better acquainted with how the international criminology sources regarding the women and wars are written, some significant points will be presented here. The research show that between the years 1815 and 1996, 315 agreements and international documents were written in which 24 international crimes like war crimes, genocide, crimes against humanity, and etc. were mentioned, some of which are carried out directly and specifically in relation to women. The governments around the world are obliged to consider these actions as crimes and have to pursue and punish the criminals or send them to other countries for this purpose. Also, in line with the fulfilling of these commitments, governments must cooperate with other countries as well.

Investigating these crimes show that all of them have the following characteristics:

1. They have international characteristics, in other words:
 - These actions are a direct or indirect threat to the peace and security of the international community;
 - These actions are done against the shared values of humanity and hurt the collective conscience of humanity.
2. They have transnational characteristics, in other words:
 - They have a negative effect on the national security and economic interests of more than one country;
 - The action is considered a crime for the citizens of more than one country who may be the victim or the doer of the crime; or the action is considered a crime beyond the borders of one country.
3. The committed crime shows the policies and the approach of one government and without the assistance of the government it is not committable; thus, preventing the crime needs the international cooperation:

- The committed crimes as a part of the government policies are committed by the government agents and representatives;
- These policies are based on biases or to harass a specific group of people.

The most important document that has defined the above mentioned crimes is the Statute of the International Criminal Court. In the Article 7 of this statute it is stated that “what is meant by crime against humanity in this statute is any of the following actions while it is performed in a framework of a wide scope or organized assault against an unmilitary population while the assaulter is conscious of the population nature:

- Homicide;
- Taking slaves;
- Compulsory exile or emigration;
- Imprisonment not in accordance with the legal principles;
- Rape;
- Compulsory prostitution;
- Compulsory pregnancy;
- Compulsory castration.

The above mentioned crimes are pursuable if they are performed in a framework of a wide scope, organized, or systematic attack which is launched consciously like the actions that Serbian criminals did in Bosnia Herzegovina, those that the Zionist regime did in Palestine, Syria, and the south of Lebanon, and the things that Taliban did in Afghanistan.

It is clear that crimes 5, 6, 7 and 8 of this Article refers to women; however, crimes 5 and 8 could be done against men too, but these crimes have been done mostly with regard to women. Some explanations are needed regarding some of the crimes that are presented in this article.

What is meant by Compulsory pregnancy (crime number 7) is those actions that Serbs did in some regions of Yugoslavia in order to change the population balance. They took the Muslim women, raped them, and kept them in camps and controlled them until they get assured that the women are pregnant and the delivery of the babies is successful, later they forced the mothers to keep their children. They registered the born babies as Serbs so that they could use the ethnic privileges more. In fact, they raped the Muslim women and enforced the Compulsory pregnancy on them in order to change the population balance.

Compulsory prostitution refers to abducting the girls and women and forcing them to do prostitution. Women traffickers made a lot of profit through this way.

To get better acquainted with these issues and other mentioned issues in this article, some of the events that have happened in different wars will be presented.

During the wars of Bangladesh and Pakistan, almost 200,000 girls and women were raped by the Pakistani soldiers. During the Somalia civil war in 1991, sexual abuse was something that was done by the involved parties many times. In 1982, the Indian forces raped 882 women in Kashmir. The government forces raped all the women of a Muslim village after sending the men to the concentration camps in Myanmar in 1992. During the military regime of General Paul Cedar in Haiti, the regime used sexual abuse as a tool to suppress the female fighters or the relatives of the female fighters.

Some of the human rights scholars believe that the international community has not paid enough attention to prevent the occurrence of such crimes. Some of this inattention is because of the fact that the international humanitarian rights consider this crime only as a crime against the honor of a woman and not a physical violence against her. Thus, they consider it less significant compared to crimes like torture. This issue is treated the same in 27th article of the Geneva Convention while the fight against the sexual violence is stressed in the Vienne declaration which was issued by the International human rights conference in 1993 and in the Beijing declaration which was issued by the Fourth united nations conference in 1995.

The act of sexual abuse not only humiliates the women, but also the ethnic or the religious group to which they belong. During the wars, usually the triumphant party uses the sexual violence more than the defeated party as a sign of their victory.

Women who fall victim to this crime, beside the severe psychological problems, are stricken with psychosis disorders, aids, and STDs; they bear unwanted babies, for example in Rwanda the number of the unwanted children is estimated to be between 2000 and 5000. Some of the women kill the babies after they are born and the others who keep their babies cause problems in their families. Some of these women had lost their husbands and fathers in the war and are not able to earn enough to raise the babies. These babies are also called “unwanted children”, “children of hatred” and “children of bitter memories.”

Committing the sexual crimes like other committed crimes in Rwanda was triggered by the media especially the RTL M radio station. The propaganda had a great influence on the ordinary people, army, and the Hutu militia (ethnic majority in the east-central African nation of Rwanda) in a way that their sexual drive beside their hatred toward the Tutsi women (The Tutsi minority has long dominated the country) led them to sexually harassment of the women during the 1994 genocide. Because of the shame or the fear the victims have, the exact number of the rapes is not recounted yet, but some of the witnesses stated that almost all the girl and woman survivors from the genocide had been raped. The age of the raped victims ranged from 2 to 50, but the majority of the rapes happened to women between 16 and 26. The investigation regarding the 304 rape victims in Rwanda which was carried out by the “Ministry of family affairs and women conditions improvement” with the cooperation of UNICEF shows that the average of the victims’ ages was 24. Among these victims, 28% were below the age of 18, 43.75% were between 19 and 26, 17.1% were between 27 and 35, 8.55% were between 36 and 45, and 1.6% were above 45. Seven percent of the victims did not responded to the questions and 63.8% of this group was young and single women.

Nader Norouzi

The only serious attempt in Rwanda to estimate the overall number of the rapes was done by the reporter of the United Nations through the number of pregnancies, he states that:

“Those women who were raped or not who also were having their period were considered exceptions. According to the statistics, every 100 rape led to one pregnancy. If we consider this principle with the lowest figure while the number of the resulted pregnancies is estimated between 2000 and 5000, the overall number of rapes ranges between 250.000 and 500.000”.

The sexual violence appeared in Rwanda in different forms by the army and militia forces (this group was formed mostly by the poor, unemployed, and homeless youths). Because of the social conditions of these forces, individual and group rapes, plundering of the people’s properties and raping the women who were richer and more powerful than them, satisfied the feeling of revenge in these forces and pacified the inferiority complex in them. Also, sexual slavery or Compulsory marriage and dismembering of the bodies happened in a so barbaric way that many of the victims asked the aggressors to kill them so that they suffer less.

In the following part some reports taken from the Human Rights Watch organization are presented:

“A woman who was 33 at the beginning of the genocide expresses that in the April of 1994 when she was hiding in a coffee farm with her husband and seven children, 50 armed men of the militia found them. She adds that in the next day the militia killed all the men and the boys and only she with her baby and three daughters remained alive. Six of the militia men raped her while she knew all of them who later were killed by the national forces and some of them ended up in prison. These men threw her and her children into the river after the rape so that she and her children drown, but she survived as the water stream took her to the riverbank. She tried to go to another village but another group of the militia found her in the way and raped her several times. After the war she found out that she was pregnant but she delivered a dead baby.”

After the 1994 attack, a 38 year old woman fell into the hands of the militia, they beat her, they threw her in the air and let her drop on the broken glasses on the ground, and at the end they raped her. She expresses her experience this way: “being raped is worse than being killed.”

Sexual slavery in the Rwanda war was in this way that many of the women were kept by a group of militia and were raped by them many times. After the intervention of the national forces that made the criminals to flee to the neighboring countries, some of these women were also taken by force to those countries.

A woman, whose family members were killed, was kept in the sexual slavery situation with some other women. The woman along with other Tutsi men and women were taken into a house, the men were killed and the women were forced to bury the dead bodies. This woman says that “one Saturday morning we buried hundreds of the dead men bodies. I and the other women were taken to other places and in the way we were raped and harassed many times.” She adds that “when we arrived at the destination, they took off our cloths, sat us down in a big area; they would come at nights and take the fair women. The first time they took six of the women, each of them was raped by five of the militia men and it was repeated through the night; when they chose me, I begged them to kill me, but they didn’t pay any attention and I was raped by three of them. The next day all the women had to walk naked along the road like a herd of animals.” In some areas other militia groups would shout “kill them, they will bear Tutsi children.” The

militia group that was holding us responded that they would kill us later. We were all covered up in blood and our bodies stank from the dirtiness but we had to sing the militia songs and continue the walk. When we arrived at the destination, only 30 women had survived, they were kept in a place in which they were raped many times.

Some of these women were kept in houses by the militia men and were raped by them. These women were called the “ceiling women” in the local language as they were kept in a place between the roof and the ceiling so that they were not seen by the other people. Although in some cases the situation was called Compulsory marriage and the woman was called Wife, but the conditions were not at all like a marriage because these women were kept against their will and all their properties were pillaged. However, the nightmare of these women did not end when the national forces returned; they were accused of cooperating with the militia forces.

In some cases, these women and girls were given to the militia forces as an award or wife by the militia leader so that the forces do their duties better and kill more of the enemies. One of these girls, who were captured with her three cousins whose relatives were all killed, said to the reporter of the Human Rights Watch organization that when she was given to one of the militia as a wife, there were men coming to the residence who talked about raping and killing girls. They even talked about ripping a pregnant woman’s stomach wide open so that they can see the conditions of the fetus inside.

In many cases the sexual abuse would accompany other barbaric tortures like drawing out the fetus from the stomach and amputating the breasts, pelvis, and the sex organs.

In some cases, the assaulters would amputate those body organs that were considered as the local characteristics of the Tutsi women like narrow noses and long fingers. As a result, some of the victims lost some fingers, knuckles, or their nose. These tragedies were not limited only to Rwanda.

Few months after the beginning of the war in Bosnia the summer of 1992, crimes against humanity and sexual crimes by the Serbs against others and especially the Muslims were reported. The sources of this news were mainly media, radio, and the television but the powerful governments did not pay much attention to such issues. One of the main crimes was the sexual harassment for the genocide purposes. The sexual harassment crime could happen for the genocide purposes and be pursued under the same title. These issues could cause the women not to be able to do their responsibilities at

home; they may be rejected by their families and as a result the foundation of families as the base of a society be destroyed. Consequently, the families may leave their residence because of the fear they have and be scattered in various areas. All of these are done to remove a group with a specific ethnicity, religion, or nationality. According to the 1948 convention, those actions are considered as genocide if the doer aims at eliminating the whole or part of an ethnic, religious, or national group. This action could happen in the international conflicts or in civil wars.

As a major war policy in Bosnia Herzegovina, sexual harassments were done mostly with genocide inclinations. The main purpose of the Serbs was to intimidate the Muslims so that the cities and villages be evacuated and be occupied by the Serbs. Because of the same reason the more spread of their crime news in different parts of Bosnia was favored even more. The similarity between the sexual crimes that have happened in different parts and the victims accounts are a support for this statement. Some cases are presented here that show the organized methods of doing these crimes and also the humiliating approach of the Serbs in these crimes:

In some cases, elderly women who were respected in the society were raped only to be humiliated. For example in one case, the Serbs raped three Catholic women who were lawyer, physician, and judge several times. The lawyer woman says that each time after the rape she was asked if she was crushed or not. This woman beside 32 other Muslim and Croat women who were mostly specialists were kept in a camp and were raped recurrently. During the day the camp was used as an interrogation and torture site for men while at nights it was used as a place to rape the women. Before the rape, the women were forced to clean the bloods from the torturing of men earlier that day. Many such camps existed in other areas and villages. Based on the evidence the occurrence of such crimes in Bosnia war was not a byproduct of war or a product of sexual tendencies of a group of licentious soldiers, instead it was an organized war tactic under the direct order of the Serb leaders for removing the other ethnic groups from the Bosnia land, in other words, for “ethnic cleansing”. Many of the victims recounted that the soldiers told them they had to rape the women because of the orders; also, some of the soldiers told women to act as if they were raped while nothing has happened.

The characteristics of women victimization in the war

As it was mentioned, in the criminology studies it is the role of the victim that is investigated in the emergence of a crime; this role could be due to the victim actions or his/her physical, psychological, and social characteristics. These characteristics lead the criminal to choose the victim and do the crimes against him/her. Crimes like battery, family violence, and physical and sexual harassments are among the specific crimes against women; situations like the special role in family (e.g. being the wife), living in the residence of the husband, economical dependence, and etc. are among the causes of victimization of women.

Also, in the crimes against humanity and genocide in which the women were the victims, there exist some determining characteristics that are specific to women from which the following ones could be mentioned:

1. The special situation and role of the women as the center of the family

As it was clarified in the examples presented, one of the main purposes of the aggressors from sexual harassments and crimes like sexual slavery was to generate fear in the occupied areas which will lead to the occupation of the area, compulsory emigration, and dissolution of the family. In order to reach these aims and to create a psychological atmosphere of insecurity, the best targets of the assaults were the women who were the centers of the families.

2. The role of women from the religious, ethnic and national perspectives

From the religious, ethnic, and national perspectives, women are considered as the honor of a society and the symbol of sanctity and respect. Thus, one of the methods to humiliate an ethnic or national group is to demean and humiliate the women of that group. This event brings about humiliation and frustration of all the society members especially the men. As previously mentioned, violations against women and humiliating them are done to dishonor an ethnic or national group and for this to happen, the aggressors rape, insult, and humiliate the old women who are much respected in that society.

3. The role of women in the reproduction and population balance

Considering the special role of women in the reproduction and raising of the children, the aggressor forces tend to eliminate the women or to force compulsory pregnancies on them for genocide and changing the population balance purposes. This job is considered much in ethnic conflicts.

4. The role of women in motivating the aggressor forces to occupy the residential areas

One of the causes of victimization is the inborn characteristics of women which motivates the aggressor forces to make more effort to defeat the resisting lines so that they can reach women. In armies in which there is a lack of spiritual and ideological motivations, sensual incentives could have significant effects on the performance of the forces.

The consequences of women victimization in wars

1. Serious physical injuries

Many women, who were subjected to violations and barbaric actions, if survived, would have suffered from the physical injuries and disorders for the rest of their life. For example paralysis and limb weaknesses, AIDS and STDs contractions, injuries, untreatable diseases, losing the reproduction ability, and beauty disfigurement are among the problems that women may face as a result of war victimization.

2. Psychological traumas

Psychological pressures from dishonoring, torturing, raping, and murdering and torturing the women's family members cause the women to suffer heavily from psychological disorders and depression.

3. Social problems

In some cases, those women who were sexually abused by the enemy or were forced with compulsory pregnancy were rejected by their families or were accused of cooperating with the enemy; not only they were not supported by their families, their tortures and suffers continued. Some of these women were separated from their families after the war and were returned to the enemy lands so that they continue their life of imprisonment there.

Pursuing the crimes against women and supporting the victims

Sexual harassments have been the base of the crimes against women during the wars. Sexual harassment could be a part of the physical element of the other crimes like torturing and genocide; in such a case the mental element or the intention of the criminal is determinative. Anyhow, the things that have been done against women in Bosnia and Rwanda were pursued under various titles but because of different reasons like the complainants and witnesses fear, the amount of the crimes, inaccessibility to the criminals,

and other reasons, no proper reaction was made. However, punishing the convicts would not compensate for and rectify the harms that have been done. The physical, psychological, and honor harms done to the women were not compensated for. The thing that is even more important here is the legal, social, and spiritual support of the women victims of the war; the helpless women; who were subjected to the severest tortures only because they were women.

Nowadays many talk about the women rights around the world, various feminist movements claim to defend the women rights and many books, journals, and articles are presented regarding the women rights. Many studies have been conducted with regard to the victimized women but when a victimized woman is talked about, the attentions move toward the family violence in the traditional or semi-traditional communities or to the crimes of honor; and no attention is paid to the women victims in wars. Even those nations who were subjected to such violations try to hide these issues because of the probable damages that may come to the national or ethnic pride and honor; also such issues are not discussed in the news agencies and the official assemblies. The fear and the shame of the victims make them not to talk about these issues and the society tries not to bring up issues related to sexual crimes in wars because it is considered as a dishonor to the society. However, the case of Rwanda and Bosnia show that such matters do exist and forgetting them is like hiding the wound, the harms of which would come to the women victims of the society. This is a wound that must be treated.

Despite considering the sexual harassments against women in wars as crimes, there is no clear dialogue on the support of the victims and compensation for the damages that have been done. Although the international organizations take some actions regarding the compensation for the damages from the war and claim to have special attentions toward women and children, no convention or independent declaration exist for the support of the women and children victims of the war as yet. Also, the different texts and documents that exist in the international agreements are not adequate for this issue. Thus, it seems that the support for the women victims of wars requires more considerations. These considerations must be from all of the aspects, in other words, a special attention must be paid to the women victims of wars in the intentional criminal law sources and in the statute of the international criminal court. United Nations and the related

organizations must consider these issues from a brand new perspective, and on the other side, nations, people, and the humanitarian movements should pay more attention to the war victims because the women are the most vulnerable group of victims during the military assaults that happen.

Concluding part

1. The overall framework for supporting the women victims of war

Based on what was mentioned, the following activities could be organized into an overall plan to support the rights of women victims of the wars:

- Legal support activities; proposing an independent convention to support the rights of women victims of the war and to compensate for the harms and damages;
- Financial support activities; determining a pension, compensating for the losses, providing the costs of living and the costs of therapeutic treatments by the governments and international organizations for the woman who were hurt physically and psychologically;
- Psychological support activities; empowering and rehabilitating the hurt women through consultation, education on life skills, improving the capability of adaptability to the conditions, and access to the rehabilitation facilities;
- Social support activities; informing the public about the sufferings of the women victims in the media, positive modeling and praising those women who were sacrificed for their religion or nation and avoiding the negative labeling of the victims of the crimes, and helping the acceptance of such women in the society through psychological operations in the mass media.

References

- Lemkin R. Genocide as a crime under International Law. American Journal of international Law 1947; 41: 146.
- Andreopoulos GJ. Genocide: Conceptual and Historical Dimension. Philadelphia: University of Pennsylvania Press, 1994, PO.1
- Reservations to the convention on the prevention and punishment of the crime [of Genocide, 1951 I.C.J 15 (May 28)], Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia & Herz V. Yogo) (April. 8, 1993) (request for Provisional Medsures) reprinted in 32 I.L.M. 888; (Sep. 13/1993) (Order on Further Request for Provisional Medsure) reprinted 32.I.L.M, 1599.
- Chalk F. Redefing Genocide. Edited by Andreopoulos G.J. Genocide: Conceptual and Historical Dimension, op.cit., p.47-63 at p.50-51.
- Commission of Experts Established Pursant to Security Council Resolution in 780 (1992) to Investigate Violations of International Humanitarian Law in the Former Yugoslavia.
- Scherre CHP. Justice in Translation & Conflict Prevention in Rwanda after the Genocide. Institute for Research on Ethnicity and Conflict Resolution, 1997, p.14.
- Aftermath, published by Human Flights Watch in September 1996, p.14.
- Recueil Dinstruments Internationaux, Vol.2 Nations-Unies New York, 1994, p.690.