

Rape as an Instrument of Genocide: War Crimes Deconstructed

Emily Waters

Storytellers have a lot of responsibility. We can paint an accurate portrait, shining light on hidden truth, or we can distort the truth through deception. Our responsibility here is to tell the truth.

Rape as a War Crime and Genocidal Rape

The United Nations defines rape as an unwanted or un-consented penetration by genitalia, or by foreign objects, into the un-consenting person. The Hague Convention, adopted after the World War II prosecutions, reinforced prohibitions on rape and sexual violence. The United Nations also defines war crimes, including murder as well as cruel or degrading acts against civilians, humanitarian workers and UN peacekeepers.¹ Article II of the Geneva Convention tells us that genocide consists of “acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such.” These acts include causing serious bodily or mental harm to members of a group based upon their ethnicity and deliberately inflicting on the group conditions that are calculated to bring about its destructions.²

In September 1998, the Rwanda Tribunal handed down a historic judgement in *Prosecutor v. Jean-Paul*

Akayesu, declaring that genocidal rape is a war crime. Genocidal rape involves both gender and ethnicity. It is a distinct form of rape that occurs when *certain* women, men, and children are raped by *certain* men for *certain* reasons. This decision was ultimately used to classifying the rapes that occurred during the Bosnian War as genocidal rapes. Offenses that resemble the crimes committed in Rwanda and Bosnia are being committed every day in Ukraine by Russian forces. Genocidal rape is occurring in Ukraine.

Verification and Prosecution Are Difficult

Rapes committed as a weapon of war have been reported to many international aid agencies, but a proper investigation such as would be necessary to bring charges at the International Criminal Court (ICC) will take a long time. It is, after all, close to impossible to conduct a thorough investigation in the middle of an active war zone. Consequently, prosecutions and convictions come years, and sometimes decades, later. Some of the perpetrators of the Rwandan genocide were not convicted by ICC until 2001. Ratko Mladić, who led the Army of Republika Srpska during the Bosnian War, was not found guilty for his crimes until 2017.

¹ United Nations Office on Genocide Prevention and the Responsibility to Protect, “War Crimes,” <https://www.un.org/en/genocideprevention/war-crimes.shtml>.

² United Nations Convention on the Prevention and Punishment of the Crime of Genocide (adopted December 1948).

In order to prosecute these crimes, you first need a victim statement—and not just a statement made right after the incident occurs, but continual contact to ensure the integrity of the testimony. Many who have been raped will have fled their home towns. At this point, the victims are scattered across different continents. Consequently, finding and keeping track of them is extremely difficult. The same problem exists with respect to collaborating witnesses. This is in addition to all the normal barriers that exist for rape survivors. Shame and self-blame will likely surface. According to Abraham Maslow’s hierarchy of needs, physical and psychological safety will need to be secured before trauma can be addressed. There are many hoops to jump through before any of the victims in Ukraine will achieve this, whether after relocating out of the country or staying in Ukraine, in the—for now—relatively safe western cities.

What Is Happening in Ukraine

Some of the allegations that have come to light in Ukraine include the following:

Forced pregnancy by rape (remember, there is limited medical access in a war zone, and forced pregnancies shape the future of a country in a grotesque way)

Families being forced to watch rapes

The rape of a set of triplets in front of their mother

The rape of male and female children in front of their parents

Forced sexual contact between family members (this has been documented in past incidents of genocidal rape)

Multiple reports of gang rape, which is a common crime in genocidal warfare

In Bucha, Lyudmyla Denisova, the Ukrainian ombudswoman for human rights, described the situation to the BBC: “About 25 girls and women aged 14 to 24 were systematically raped during the occupation in the basement of one house in Bucha. Nine of them are pregnant. . . . Russian soldiers told them they would rape them to the point where they wouldn’t want sexual contact with any man, to prevent them from having Ukrainian children.”³

This account epitomizes the way in which genocide is connected to gender-based violence. It is also a weapon that has long been used by invading armies. This directly ties back to the Geneva Convention’s concept of genocide as creating conditions for the destruction of a people. The invaders do not want more Ukrainian children, so they aim to destroy that possibility for these women.

This is all very predictable. We can verify some accounts with witness statements and victim testimony, but we can also look back at the wars in Rwanda and Bosnia, the two places where we first came to recognize genocidal rape, and see that past patterns are remanifesting themselves. This pattern leads to a predictive outcome, and as we receive more reports of similar genocidal rapes, we can match the behaviors of the invaders with the behaviors we learned about in Rwanda and Bosnia. While this may be the first war that is live-streamed, we have seen these actions before. The modus operandi is the same.

Sadly, there is another predictable element here. None of these crimes are

³ Yogita Limaye, “Ukraine Conflict: ‘Russian Soldiers Raped Me and Killed My Husband’” BBC News website, April 11, 2022, <https://www.bbc.com/news/world-europe-61071243>.

taking place in dark alleys or hidden areas—hence the numerous reports. It can be inferred that the perpetrators are not afraid of their victims or of being brought to justice. The perpetrators know the barriers to prosecution, too—especially the difficulty of finding who ordered the rapes to take place.

Effects on the Ukrainian Community and Psyche

So what does this mean for Ukrainians? As far as the physical effects go, let's get graphic for a moment. Rape is defined as unwanted, coerced, or forced sexual assault with penetration. Penetration can be accomplished via various means. A hand, fingers, fist. A penis. Foreign objects such as a gun or lead pipe. And let us not forget, there is little medical care being offered in the middle of a war zone. Imagine the rape of an 18-month-old with an average penis inserted. Imagine a 3-month-old. And what do you think happens with foreign object insertion? Usually, traumatic fistulas with perforation of the vaginal or cervical wall into the intestines. This can be survivable with immediate medical care, but that type of care may take days and hundreds of kilometers to reach. Most victims with these types of injuries die.

Those who do survive their physical injuries inevitably suffer psychological effects. While I was working in Cambodia, I witnessed first hand what happens when the "intelligentsia" is viewed as a threat. Doctors, teachers, those with strong ideological beliefs, and those who simply wore glasses were seen as a threat to Pol Pot and the Khmer Rouge. Anyone who could be more intelligent than the ruling party or had popularity to

garner influence or simply "looked smart" either fled as quickly as they could or were summarily executed. There was no justification and no trial prior to executions.

The treatment of the Ukrainian people by the invaders is used to humiliate, intimidate, and punish. It is deliberate subjugation. Those who have been assaulted will take years to recover. This is genocidal rape as well as cultural genocide.

Power and Control

The disgusting conversations captured by news outlets from invading Russian troops reportedly calling home to mothers and wives to brag about raping Ukrainian women shows the utter callousness and inhumanity of these people.⁴ They are behaving like they are in a live action role-playing game. There is a generation of boys who adhere to this ideology and have been raised on it through the internet: 4chan, 8chan, Twitch, and so forth. A vast echo chamber exists where these individuals hear only validation.

One can compare the present situation to the Soviet state's policing and Gulag system. During the time of the Gulags, somewhere between one and four million people were imprisoned. There were many instances of sexual assault. The system that Putin has surrounded himself with now is the same kind of echo chamber that existed in Soviet times. Power is the only goal, and it can only be achieved through subjugation. If the invaders cannot win by sheer force, the next step in the playbook is to destroy the country by any means necessary. As we saw in Rwanda and Bosnia and as we see now in Ukraine, that

⁴ Mark Krutov and Valeria Yehoshyna, "Russian Soldier And Wife Discussing Rape Of Ukrainian Women Identified By RFE/RL," Radio Free Europe/Radio Liberty, April 15, 2022, <https://www.rferl.org/a/ukraine-rape-russian-soldier-wife-bykovsky/31805486.html>.

means destroying the psyche of the Ukrainian people. The easiest way for the invaders to do this is to rape

them and commit atrocities against them, which will lead to the destruction of Ukrainian families. ✪

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STATE OF AFFAIRS

Unholy Marriage: Symphonia Gone Wrong

Inga Leonova

The story *du jour*—the scandal of the outright support for “scorched earth” war against Ukraine by the Russian Orthodox Church in the persons of its patriarch, most of its bishops, scores of its clergy, and the majority of its faithful—did not begin in February 2022 or March 2014. The modern roots of this horror lie in the choice made by Patriarch Alexey II and the then-Synod of the Russian Church shortly after the fall of the Communist regime and the ostensible liberation of the church to align its destiny, its politics, and its financial interests with those of the Russian government. As George Weigel points out:

As the Soviet Union was crumbling in 1990, two roads metaphorically

diverged in a Russian wood. One was the path of national renewal facilitated by an evangelically vibrant, intellectually open, and ecumenically engaged Russian Orthodoxy; the other was the more familiar road of Russian Orthodox subservience to state power. In this instance, the “road less traveled by” was *not* taken. And confirming the poet’s insight, that choice indeed “made all the difference.”¹

The Russian Orthodox Church that chose this road was the “Sergianist” church, born out of the pact with the devil made in 1927 by then-patriarchal *locum tenens* Sergius (Stragorodsky) and his greatly decimated synod. One could argue that by the 1990s, it had

¹ George Weigel, “The Russian Path Not Taken,” *First Things* website, May 4, 2022, <https://www.firstthings.com/web-exclusives/2022/05/the-russian-path-not-taken>.