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Sexual Violence in the Eritrean National Service

Gaim Kibreab

Abstract: Claims of sexual violence against female conscripts by military commanders abound in the Eritrean National Service (ENS), but hitherto there has been no attempt to subject these claims to rigorous empirical scrutiny. This article is a partial attempt to fill the gap. Based on data collected through snowball sampling from 190 former conscripts in the United Kingdom, Switzerland, Norway, South Africa, Kenya, and Sweden who fled from the ENS, supplemented by data from systematically selected key informants who were interviewed in depth, it examines the extent to which female conscripts serving in the ENS were subjected to sexual violence and harassment by their commanders, including at the Sawa military training camp. The extensive data, based on the perceptions and experiences of respondents who served on average about six years, suggest that sexual abuse is rampant throughout the ENS, particularly among female conscripts who are assigned to work at the camp subsequent to the six months of military training.

Résumé: Les allégations de violence sexuelle contre les femmes conscrits par les commandants militaires abondent au service national érythréen (ENS). Jusqu'ici, il n'y a eu aucune tentative de soumettre ces plaintes à un examen empirique rigoureux. Cet article est une tentative partielle pour combler ces lacunes. Selon les données recueillies par le biais d'échantillonnage de boule de neige de 190 anciens conscrits dans le Royaume Uni, la Suisse, la Norvège, l'Afrique du Sud, au Kenya et en Suède, qui avaient fui l'ENS, et complétés par des données systématiquement sélectionnées de répondants clés qui ont été interrogés de façon approfondie, cet article examine dans quelle mesure les femmes conscrits servant dans l'ENS ont été victime de harcèlement et de violences sexuelles par leurs commandants, y compris dans le camp

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d'entraînement militaire de Sawa. Les nombreuses données, basées sur les perceptions et les expériences des répondants qui ont servi en moyenne environ six ans, suggèrent que l'abus sexuel est répandu sur l'ensemble du ENS. L'exposition à la violence sexuelle semble être la plus grande parmi les conscrits féminins qui sont assignés au camp de Sawa à la suite des six mois de formation militaire.

Keywords: National service; conscription; liberation struggle; warsai-yikealo; rape; sexual consent; sexual violence; sexual abuse

Introduction: Eritrean Women in the National Liberation Struggle

During the war of independence against Ethiopia (1961–1991), Eritrean women volunteered to participate, along with men, in the liberation struggle, and they played a key role. Women represented 30–35 percent of the Eritrean People's Liberation Front (EPLF) (Burgess 1989; National Union of Eritrean Women 1980) and most observers, including the leadership of the EPLF, state that independence would have been unachievable without their participation (see Afewerki 1999).¹ A vital question, however, is whether women's participation in the liberation struggle led to their postindependence emancipation. This cannot be examined without a consideration of the roles they played during the war, how they experienced the war, the positions they held, and the extent of their freedom to set their own agenda against sexism.

It is important, from the outset, to guard against overstating the transformative effect of nationalism and wars of liberation. Eritrean women were mobilized ostensibly in the name of social change and gender equality, but the main purpose was to boost the fighting capability of the liberation army against Ethiopia. Thus, although in the conservative and patriarchal Eritrean polity mobilization was liberating for most female combatants, women's gains during the liberation struggle were not translated automatically into progressive public policy after the shooting stopped. Cynthia Enloe, among other feminist theorists, has argued that when women are used in the military, it is only "for the duration" of the conflict and in roles defined as auxiliary (1988:91); in countries such as Algeria (see Seferdjeli 2004) and Zimbabwe (see Nhongo-Simbanegavi 1997), "changes in relations between women and men necessitated by the exigencies of nationalist warfare did not survive once the new nation-state was established" (1989:55). Linda Grant De Pauw observes further that "during wars, women are ubiquitous and highly visible; when wars are over and the war songs are sung, women disappear" (1998:59). This has been true of all revolutions and liberation struggles since the eighteenth century, including the French and American and Revolutions (see Kerber 1980; Dietz 1987; Reynolds 1987).

According to its stated goals, a central aim of the Eritrean National Service (ENS) is to preserve and transmit the core national values that were fostered during the war of liberation, including the commitment to gender

equality (see Art. 8, Proc. No. 82/1995 on National Service). Ostensibly, by including women in the ENS, its architects wished for women to be agents of social change, carrying forward the values of the liberation struggle. However, the postindependence government's well-publicized commitment to gender equality is challenged by the conspicuous exclusion of women from the service's command structure. It is also challenged by the existence of sexual violence on the part of commanding officers and trainers throughout the national service, particularly at the Sawa military camp. Based on in-depth interviews with systematically selected key informants (former conscripts), as well as the results of 190 questionnaires, this article discusses the risks of sexual violence and harassment in the ENS, women's resistance and submission to such violence, the mechanisms used by commanders to terrify female conscripts into acquiescence, and the dearth of state protection.

The National Service and Women's Conscription

According to Article 8, Proc. No. 82/1995 on National Service, "all Eritrean citizens from the age of 18 to 40 years have the compulsory duty of performing Active National Service." The universality of the service is reflected in the absence of exemptions, except for "fighters and armed peasants who prove to have spent all their time in the liberation struggle" (Art. 12) and "citizens who suffer from disability, such as invalidity, blindness and psychological derangement" (Art. 14 [5]). These are the only categories that are legally exempted from the duty of performing national service. Even conscientious objectors such as the Jehovah's Witnesses—and, at least according to official policy, Muslim women—are forcibly conscripted or risk indefinite detention (Amnesty International 2004; UNHCR 2005). The first proclamation on the ENS was enacted in 1991, but military training commenced in July 1994 (Gide 2004). Officially, the ENS consists of six months of military training and twelve months "of active military service and development tasks in military forces for a total of 18 months" (Art. 8, Proc. No. 82/1995). However, in practice the duration of service became open ended after the 1998–2000 border war and when the government introduced the Warsai-Yikealo Development Campaign (WYDC) in May 2002 under the pretext that war against Ethiopia may break out at any time in the future.² Since then there has been no demobilization, and on average the former conscripts interviewed for this study had served for 5.8 years before deserting from the ENS.

After six months of training, conscripts are assigned to the Ministry of Defence or to other ministries and departments. Of the 190 respondents who completed the questionnaire, 122 were assigned to the Ministry of Defence and subsequently joined the armed forces, with some of them remaining at Sawa. Twenty-three were assigned to ministries and regional governments within the national service framework without remuneration, save for the rations and pittance of pocket money they receive from the ministry. Originally, those who passed the higher education entrance exams

(25 individuals) were transferred to the University of Asmara, the only university in the country. However, in 2006 the government closed the university, and today those who pass the matriculation examinations are transferred to military colleges around the country. The rest of the conscripts are assigned to work for various companies owned by the ruling party, the People's Front for Democracy and Justice (PFDJ), and elsewhere within the national service framework. Since 2003 all final-year secondary school students are transferred to the Sawa military training camp in western Eritrea. Thus there has been a marked militarization of education in the country (see Muller 2008; Tronvoll & Mekonnen 2014). At Sawa twelfth-grade students become part of the military establishment and receive military and academic training simultaneously.

The most contentious aspect of the ENS has always been women's participation. Although ethnolinguistic groups differed in the level of resistance, all deeply resented this aspect of the program, and many communities actively resisted female recruitment (Last 2002). When the first conscripts were about to be sent to the Sawa training camp, President Isaias Afwerki held a public meeting with two thousand residents of Asmara and was told by elders that "some women do not want to leave their homes. . . ." His answer was that "whether they like it or not, they will have to do so when they are called up." The policy applied to all women, he insisted, including Muslim women who asked for an exemption on the basis of their faith: "There cannot be different laws for different people in one country," he said (*Eritrea Profile* 1994). The Minister of Local Government, Mahmoud Sherifo, also dismissed their appeal as a parochial idea espoused by people with other motives. "These people," he said "do not want women to be educated, work and be equal to men" (*Eritrea Profile* 1995). The Minister of Defence, Sebhat Ephrem, also dismissed the concerns about women as a petty matter, saying "We should not overstate secondary issues of women . . . which are practically insignificant when compared with our big national challenges" (1995).

Popular resistance to women's participation intensified. In July 2002 the army rounded up thousands of women on the streets of Asmara in a highly aggressive manner, including pregnant women and lactating mothers, before sending them for screening at Adi Abeito village (fieldnotes, July 2002). In response, a large group of mothers took part in a spontaneous protest—a remarkable act of defiance in a country where any form of protest is labeled as treason. The women raised a number of issues, such as the endless postponement of demobilization resulting in wastage of badly needed manpower; the government's failure to inform parents of the whereabouts of their children after the carnage of the border war; and the inappropriateness of the national service when the country was at peace with its neighbours, notwithstanding the government's claim of impending threat to national security. Clearly these women thought that the government's claims of threat to national security was a pretext used to justify its policy of militarization and mobilization of unpaid labor—a point of view

that was expressed by the majority of individuals I interviewed in Asamra at that time (fieldnotes, July 2002). However, they told the government representatives that what they resented the most was the manner in which the *giffa* (rounding up) was conducted, particularly the inclusion of women. Their most pressing worry was their vulnerability to sexual violence, unwanted pregnancies, and the risks of HIV/AIDS infection. The government, however, ignored the outcry.

The government's argument for female conscription in the case of Muslim parents' objections—on the grounds that there cannot be “two different laws in one country”—was in fact inconsistent with other government policies. The Eritrean government does have a policy of affirmative action; for example, 30 percent of the seats in the National Assembly are officially reserved for women (NUEW 2000), although this body is now defunct.³ Immediately after independence, the government also adopted a new Ethiopian Civil Code which repealed former sections that were manifestly discriminatory against women (Beyene 1994). However, such progressive changes devoted to gender equality did not apply to crucial matters regulated under Shari'a law, including betrothals, marriages, divorces, child custody, and succession.⁴ Clearly, if the government has accepted that Muslims can be treated differently according to Shari'a law, then it is contradictory for the president to reject Muslim cultural practices in relation to women serving in the ENS.

And in practice, although the law on national service ostensibly applies equally to all citizens, nearly all the former conscripts interviewed reported far fewer Muslim than Christian women in the ENS, especially in the conservative rural areas of the Gash Barka and southern Red Sea regions, among the Beni Amer and the Afar, respectively. This suggests that the government does not enforce mandatory participation of women as rigorously in these areas for fear of provoking violent reaction. According to Amnesty International (2004), there has been “considerable resistance to female recruitment from Muslim communities, especially among the Afar of Dankalia region on the Red Sea coast . . . on the grounds of religious belief, cultural traditions of family honor, or protecting women from sexual harassment and violence in the army. . . . The government appears to have subsequently stopped forcible recruitment of young Muslim women in these areas.”

Rape and Sexual Violence as a Human Rights Violation

In the most general sense, sexual violence signifies “sexual exploitation and sexual abuse. It refers to any act, attempt, or threat of a sexual nature that results, or is likely to result, in physical, psychological, and emotional harm. Sexual violence is a form of gender-based violence” (IRIN n.d.). Since the 1990s, rulings of international tribunals as well as United Nations conventions have contributed to a more precise legal definition of rape as a human rights violation, now conceived mostly as an abusive act that interferes with a person's right to exercise sexual agency rather than exclusively as an act

of violence. In the 1990s and 2000s the International Criminal Tribunal of Rwanda (ICTR) and the International Criminal Tribunal of the former Yugoslavia (ICTY) used two different criteria—coercion and nonconsent—to establish culpability. In 1998, in the case of *Prosecutor v. Jean-Paul Akayesu*, the ICTR used coercion as the main criterion. In the same year the ICTY, in the case of *Prosecutor v. Furundajla*, deemed consent rather than coercion as necessary to establish culpability. It reaffirmed this position in *Prosecutor v. Dragoljub Kunarac* in 2001, ruling that “sexual penetration will constitute rape if it is not truly voluntary or consensual on the part of the victim.” However, this decision was reversed by the Appeals Chamber on the grounds that it is safer to “presume non-consent” in cases where rape is connected to war, crimes against humanity or genocide—thereby reaffirming the relevance of coercion. But then in 2003, in *Laurent Semanza v. Prosecutor*, the Appeals Chamber of the ICTY again defined rape as sexual penetration that occurs without the consent of the victim,” while in 2005 the ICTR, in *Prosecutor v. Mikaeli Muhimana*, emphasized coercion, stating that “coercion is an element that may obviate the relevance of consent as an evidentiary factor in the crime of rape.”⁵ Although the ICTY and ICTR have clearly vacillated in their choice of criteria in the establishment of culpability in rape cases, it is clear that explicit nonconsent (or virtual nonconsent in a situation of coercion) is the dispositive factor.

In 1992, at the 11th session of the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the U.N. recognized gender-based violence as a “form of discrimination that seriously inhibits women’s ability to enjoy rights and freedoms on a basis of equality with men.” Rape and sexual violence are framed by the United Nations as violations of women’s agency and autonomy rather than as violations of morality, public decency, or family honor (U.N. 2010); sexual violence, as the U.N. Department of Economic and Social Affairs observes, is a “violation of an individual’s bodily integrity” (2010:26). The U.N. calls for the elimination of any requirement that sexual assault be committed by force, and any requirement of proof of penetration, emphasizing “unequivocal and voluntary agreement” on the part of both parties and proof by the alleged perpetrator of steps taken to ascertain whether the victim has consented (see also Amnesty International 2011). In shifting the burden of proof from the victim to the perpetrator, the U.N. has tried to minimize the risk of secondary victimization of the woman in criminal proceedings. The European Court of Human Rights, in a ruling in 2003, stated unequivocally that

The equality approach starts by examining not whether the woman said “no,” but whether she said “yes.” Women do not walk around in a state of constant consent to sexual activity unless and until they say “no,” or offer resistance to anyone who targets them for sexual activity. The right to physical and sexual autonomy means that they have to affirmatively consent to sexual activity. (Amnesty International 2003)

In 2013 [2005] the Rules of Procedure and Evidence promulgated by the International Criminal Court (ICC) stated, similarly, that “consent cannot be inferred by reason of the silence or lack of resistance by a victim to the alleged sexual violence” (Rule 70 [3]).

Of course, in institutions such as the military, which are permeated by fear and intimidation and where macho culture prevails, nonconsent and coercion are particularly intertwined, since consent cannot easily be refused without the risk of harm. In the military context, in fact, Michal Buchhandler’s (2011) emphasis on the element of power inequality that inevitably exists in the crime of rape has perhaps the most salience. Buchhandler argues that instead of enunciating what behavior constitutes force or coercion, one should focus on the circumstances that constitute exploitation of power. The best way to draw a clear boundary between legitimate sex and sexual abuse, he says, is by “focusing on the particular wrongdoing in rape—the exploitation element and by defining the types of sexual relationships in which submission is induced through abuse of power” (2011:199). Buchhandler further observes that “the essence of rape is sexual abuse of power, namely, a wrongdoer’s culpable exploitation of dominance, and conduct over a person in a subordinate position. . . . Accordingly, rather than defining rape as engaging in nonconsensual sex, it would be defined as engaging in an act of sexual abuse of power, dominance, and control” (2011: 200).⁶

For many years, claims of sexual violence against female conscripts by military commanders have abounded in the Eritrean National Service. Although there have been no claims, for example, that women fighters in the EPLF were expected to provide sexual service to male fighters (as has been claimed in regard to other liberation movements in Africa; see, e.g., Nhogo-Simbanegavi 1997 on Zimbabwe), the old story that sexual abuse was unheard of in the EPLF is a myth. In August 2002 in Asmara I discussed the alleged problem of sexual violence perpetrated by military commanders with a woman I will call Tsega, a veteran EPLF fighter. Not only did she confirm the allegation, but she extended her denunciation to the culture of the EPLF in general and to the status of women in the present.

The same *bilshiwana* [decadence] [that existed in the EPLF] continues, but now on a greater scale. Unless the sexist male attitudes are smashed, there will never be equality between men and women in our country. The men who abused us in the *mieda* [liberation struggle] are now abusing our daughters in the national service. The perpetrators are the same.

The disquieting possibility suggested by this comment is that the ENS may function not only as a conduit of progressive values from the liberation struggle, but also as the perpetrator of corrupt practices from that time.

Methodology

This article is part of an on-going research project examining the transformative effects of the ENS and the WYDC, including their impact on the Eritrean economy, nation-building, national identity construction, and national unity and defense capability (see Kibreab 2013, 2017). The data are derived from diverse sources and methods, including structured and self-completed questionnaires in English and Tigrinya consisting of open- and closed-ended questions administered to 190 respondents selected by chain referral or snowball sampling. The idea of random sampling was ruled out because post-independence Eritrean refugees are scattered all over the world and are permanently on the move. In 2011 they lived in eighty-five countries. Therefore, it was impossible to select a sample that reflected the population accurately. The questionnaires were supplemented by unstructured personal in-depth interviews outside Eritrea with twenty-five key informants (9 females and 16 males) who deserted from the ENS after serving on average 6.5 years. The questionnaires were distributed in the U.K., Switzerland, Sweden, Norway, South Africa, and Sudan between 2012 and 2014. Personal interviews were also conducted intermittently in Eritrea between 1996 and 2002 with ten ex-EPLF female combatants in order to gain some comparative insights concerning the treatment of female fighters during the liberation struggle and the treatment of female conscripts in the ENS.

Initially I was concerned that the sample would be weighted toward opponents of the ENS, given that it was drawn from refugees likely to oppose the Eritrean government. Contrary to expectation, the deserters do not speak with a single voice, and the pro-government group was equally determined to be heard. On balance, the respondents represented a broad spectrum of political views. All the names of the people interviewed for this study were changed to ensure anonymity, and in some cases other characteristics were altered to avoid the disclosure of potentially identifying information. Muslim, Christian, female, and male names indicate the religious background and gender of the interviewees.

Sexual Violence and Resistance in the National Service

The existence of sexual violence in the military has been documented in many countries. According to the *New York Times*, in the U.S. “there were 3,553 sexual assault complaints reported to the Defense Department in the first three quarters of the fiscal year, from October 2012 through June, a nearly 50% increase over the same period a year earlier” (Steinhauer 2013). An eight-year female veteran of the U.S. National Guard named Abby Hiser stated, “I joined the military to defend my country, not my integrity and self-worth” (Altnet 2008). Sexual abuse seems equally rife in the British military (Chanel 4 2013; Glenton 2014).

If female soldiers can be assaulted in the context of liberal democracies, where there is media scrutiny as well as institutional constraints (even in the

context of “national security” exigencies), how vulnerable to sexual violence are female soldiers and conscripts in the ENS, where there is an absolute dearth of accountability (see Amnesty International 2004; Human Rights Watch 2009)? In 2015 the U.N. Commission of Inquiry on Eritrea (COI) documented a high level of sexual violence permeating the ENS.

The Commission has received a large number of testimonies and submissions relating to the rape and sexual abuse of young women conscripts in military training centers. Despite the large number of testimonies reporting sexual violence within military training, the Commission considers that it may have only partially uncovered the full extent of the sexual violence suffered by women and girls in military training.

Although the ENS was established in accordance with the 1995 proclamation, it has been implemented in an institutional vacuum. There are no regulations or guidelines that (1) define and limit the powers of military commanders; (2) forbid sexual misconduct of commanders against conscripts (i.e., no checks on such tendencies; (3) establish home or annual leave for conscripts; (4) prescribe punishment, such as how much can be inflicted and for what kinds of behavior; (5) establish appeal procedures and remedies against sexual and other abuses of power; (6) control allocation and use of conscripts’ labor time; (7) determine criteria for assignment of conscripts after the six months of military training; or (8) ban collusion for the sake of obscuring such practices. The behavior of the commanders and their treatment of recruits are mostly unregulated, and as we shall see, abuses that permeate the ENS, including sexual victimization of female conscripts, exploitation of conscripts’ labor power for personal gain, and infliction of inhumane punishments are the consequence of this absence of clearly defined and enforced constraints. The lack of regulation and monitoring gives the military commanders unlimited, unaccountable power and impunity.

Although all female conscripts within the ENS are exposed to a high risk of sexual violence, the extent of the risk appears to be far higher among those assigned to remain in the Sawa military camp after their six months of military training, mainly as *megebti* (cooks, cleaners, and launders), secretaries, personal assistants of commanders, and office workers. Nevertheless, it is important to bear in mind that the problem is by no means limited to the Sawa military camp and that female conscripts face high risk of sexual violence regardless of the location of their assignment within the framework of the ENS. Given the unlimited power and authority of the army commanders, and their unconstrained ability to harm victims under their command, the use of force may not be necessary to achieve “consent.” A threat of punishment or assignment to hardship locations or frontline combat are apparently sufficient to engender acquiescence.

Although none of the 190 respondents to the questionnaire denied the prevalence of sexual encounters between commanders and female conscripts, some claimed that these relationships were consensual. However, since the

main reason offered for this consent was the shamefulness of rape, it is likely that their own answers were motivated by similar cultural factors: that is, their reluctance to expose individual women to shame and a preference, therefore, for providing an evasive explanation. In Eritrean tradition, female promiscuity and being the victim of rape are both shameful, and in fact, survivors of sexual violence tend to be more stigmatized than promiscuous women. Nevertheless, the reports of specific informants showed that sexual encounters between female conscripts and military commanders, rather than representing voluntary and mutually reached agreements, were unwanted by the woman and obtained by intimidation, coercive pressure, and abuse of power. The unaccountable power of commanders and the widespread practice of torture and sexual abuse in complete absence of state protection are enough to terrify young female conscripts who have never before lived outside of shielded familial environments. In some cases, the mere threat of violence and harsh punishment precipitates submission to sexual violence. Consent obtained under such circumstances is not genuine.

According to the key female informants who were interviewed in depth, abusive officers apply various methods to force and blackmail female conscripts to respond positively to sexual demands. Although few in number, those who refuse to comply—who, against all odds, insist on asserting their agency and individual choice—are assigned to dangerous tasks, or sent to dangerous locales and/or places of hardship, or face psychological bullying and physical punishment. Most interviewees reported that practices such as beating, detention in shipping containers or underground cells, exposure to extreme heat, or denial of home leave were also common. Human Rights Watch (2009) reported on the case of a female recruit who had served as a conscript for ten years and explained, “first you do your military training[,] then they hold you forever without your rights. The military leaders can ask you for anything and if you refuse their demands then you can be punished. Almost every woman in the military experiences this kind of problem.” The report continues,

The woman . . . recall[ed] that one commander tied her in the sun for hours and then forced her to work without break as punishment for refusing to have sex with him. Other conscripts were punished by being held in metal shipping containers. The conditions were cruel, they beat you with a flex, a wire, they beat everyone, every night. . . . Although prisoners were held in the containers for various reasons, resistance to sexual advances was typical among them. One female soldier was held with 14 other women for 24 hours a day, some of whom had refused to have sexual relations with their commanding officers. The only time they were allowed outside was to go to the toilet. “They can hold them there as long as they want, there’s no fixed time,” she said.

Bisrat Habte Micael, a woman whose conscription began in 1996, said that

my superior wanted to prevent me from [taking leave]. He wanted me to cook for him and to be his puppet. I refused that. So I didn’t get any holidays, and was sent to the front line instead. . . . Those girls who refused

to play the housewife had to stand on guard service for 3–4 hours at night as a form of punishment. Those young men who wanted to help them were punished too—they were ordered to stand at attention in the sun for an entire day. (WRI 2005)

Zekarias, who worked as a prison guard until 2007 in Brigade Six Prison at Sawa military camp and deserted in 2013, said that his platoon leader in the prison had had sexual relations with female conscripts who had been transferred to his team from the frontline.

The platoon leader slept with ten of them in turns even though each of them knew he did the same with the rest. . . . There was no direct force involved. It was enough for him to threaten each of them separately that if she did not meet his sexual demand, she would be sent back to the frontline where not only is life unnerving, but also filled with risks of scorpion and snakebites, as well as death and injury. They were terrified of being sent back and made their bodies available to him. (Interview, London, July 15, 2014)

Zubeida, a female key informant, who was granted refugee status and later became naturalized in Sweden in the 1980s, recounted the story of a former conscript she had met in the country.

I know of an extremely beautiful young woman who was preyed upon by an abusive commander . . . at Sawa. He invited her to his house in the evening and asked her to make coffee. Soon after, he made menacing advances towards her and she resisted vehemently, but to no avail. He forced himself on her. After the incident, she fell seriously ill and the lower part of her body was paralyzed. She was sent home to her parents as a result. She could not tell her parents what had happened, and after she recuperated, they sent her back to Sawa, where the same predator carried on preying on her. The sexual abuse continued unabated until she successfully fled the country. . . . She traveled through the Sahara desert to Libya and crossed the Mediterranean Sea in a decrepit boat and reached Italy and from there to [Sweden]. (Interview, Uppsala, Sept. 16, 2014)

Nevertheless, in some instances female resistance was apparently successful. In an extensive interview, Asmeret, an educated female conscript who served in the ENS for more than ten years stated, “There were some tough city-girls who looked down upon the commanders whom they derogatorily labeled as *hegereseb* (“peasants”)—rough and lacking any semblance of modern values and sophistication” (interview, Khartoum, Nov. 2, 2010). When I asked her how such female conscripts would react to sexual advances, she said, “It depends. A few may compromise their honor for an easy life, but the majority would put stiff resistance regardless of the consequences. Most of these women seemed to have had rich experience in their pre-conscription lives and their defiance to some of us was beyond belief.” To demonstrate this, she recounted an incident that occurred in her platoon.

Our commander targeted the prettiest, but also the most confident and assertive female conscript in our platoon. After she frustrated his incessant covert but to some of us visible advances, he openly harassed her and subjected her to verbal abuses and corporal punishments under the pretext of different concocted accusations. She stood up to the challenge with dignity and without flinching an inch from her principled stand.

A few brave boys in the group tried to defend the girl and suffered as a result. One day, when she was at the end of her tether, in an outburst of extreme anger she told him loudly, “You are punishing me for no other reason, but for defying your demand to sleep with you. You know what? I joined the national service to serve my country and people not to become your sex slave. I prefer to kill myself to having sex with you against my will. Kill me if you like, but whatever you do will not break my dignity and willpower. I prefer honorable death to being sexually violated by you. You have already violated my physical integrity by subjecting me to vindictive punishments, but I will not allow you to go beyond that as long as I am alive.” Although they were aware of the ominous consequences, some in our group hailed and celebrated her valor by clapping their hands.

I asked her how the commander had reacted to the embarrassing situation. She said, “He never expected a conscript and a female one, as such, to confront him defiantly. Nothing could have prepared him for it, and suddenly he was shocked and froze like a mouse soaked in water” [*ab may ziatewet antchwa*—a Tigrinya saying]. Instead of punishing those who applauded her gallantry, he tried to defuse the situation by dismissing her reaction as being “excessive attention seeking.” Although she did not know the reason, the informant said, “that was the last time we saw him.” His position was filled by another commander who was equally vicious but less overtly a sexual predator.

These comments show, on the one hand, the dearth of state protection against sexual violence and the ability of some commanders to act with absolute impunity, and on the other, the indomitable agency and power of female conscripts who defy the danger of sexual slavery despite intimidation and punishment. Still, many female conscripts chose accommodation over defiance, resorting to unaffectionate marriages-of-convenience with male conscripts or with older men unaffected by the ENS, since married women are not always targeted and the fact of marriage may help a woman obtain a temporary release. Many also use pregnancy as an escape route from the ENS, since pregnancy, though not an official grounds for discharge, is usually a successful strategy, though not necessarily a permanent one. The decision about whether to recall married women and mothers back to service after an initial discharge is arbitrary and open to abuse.

The risk of being sexually molested in the army also has severe health implications. Although there is no scientific evidence that attributes the spread of HIV/AIDS specifically to militarization, many people who were interviewed saw the ENS, and the promiscuity and abuse that are widespread in the service, as the vehicle through which the transmission of the lethal

virus is accelerated. Government statistics show that in 2002 4.6 percent of men and women in the army were HIV-positive in comparison with 3 percent in the general population. Whereas HIV/AIDS was the tenth highest killer in Eritrean hospitals in 1996, by 2001 it was the second most frequent cause of death among patients over five years of age (IRIN 2002). According to the World Health Organization document titled “Best Practices in HIV/AIDS Response in Eritrea,” “extrapolated from the results of the sentinel survey, close to 48,000 people are estimated to be living with HIV and AIDS in Eritrea. . . . The peak age for AIDS infection is 29 to 34 among males and 20–24 among females” (n.d.: 11). The most affected groups, therefore, are within the age of conscription.

Former Conscripts’ Perceptions of the Prevalence of Sexual Violence in the ENS/WYDC: Survey Results

In the extensive survey conducted between 2012 and 2014 of 190 former conscripts residing in the U.K., Switzerland, Sweden, Norway, South Africa, and Sudan who had deserted from the national service, the respondents were asked the following question: “There are rumors about rape and sexual abuse against women. Do you think that commanders sexually abuse women?” The large majority—167 individuals—acknowledged the prevalence of sexual violence throughout the ENS, within and outside the Sawa military camp. It is worth noting, however, that twenty-three out of the 190 respondents presented fervent denials, at least in regard to the six-month period of military training at Sawa.

Among the deniers was R#003 (female [F]), who said, “It [sexual abuse] is unheard of. Perhaps after they are assigned to the units, a few may befriend themselves and fall in love with some of the commanders and consequently go out with them. There is no possibility for abuse at Sawa.” Another female respondent said, “Sexual abuse is inconceivable at Sawa. There is rigorous discipline. At least this was the case when I was there” (R#068). Other women made similar claims: “Unless one consents, I don’t believe there is unwanted sexual relations” (R#79); “There is no sexual abuse” (R#81). Some male respondents agreed. Some referred only to their own subjective observations (“I saw no abuse at all,” said R#126), but some—including military trainers who later fled the country because of the indefinite time frame of service—made more categorical denials. “It is a lie,” said R#128. “There is no forcible sexual relationship. At the time I was in the ENS, sexual relations were based on mutual consent.” Another male respondent agreed. “There is no sexual abuse at all. No sexual relationship is possible unless the woman concerned wants to have such a relationship” (R#129). R#167 acknowledged that the accusations might have been true elsewhere, but certainly not in the Sawa training camp: “The rumors are confused. Outside Sawa, sexual abuse is possible but not in Sawa during the six months [of] military training. In our time, there was rigorous discipline and the measures against abuse would have been severe.” And R#169 said, even more

definitively, “I don’t believe women can forcibly enter into sexual relationship against their will” (R#169).

Some respondents who denied the prevalence of sexual abuse in the national service, at least during the six months of military training at Sawa, also claimed such allegations are used by the enemies of the government as a means of discrediting the ENS. Even the most staunch deniers of sexual violence were not prepared to go as far as saying that it does not occur after the six-month training period. But they were more categorical about that initial period when, in their view, the degree of monitoring and supervision are most rigorous.

The rumors about widespread rape and sexual abuse are politically motivated. There is rigorous discipline at Sawa during the six months.”—R#165 (M)

No sexual abuse exists at Sawa. The reason people claim there is sexual abuse is because they want to use this as weapon of criticism of the government and the national service.”—R#166 (F)

[These are] only rumors intended to damage the reputation of the national service (*tseleme*).—R#23 (M)

There is a campaign of denigration against the national service.—R#25 (M)

There is no abuse. It is probably people who have a political agenda who spread such rumors in order to defame the service.—R#90 (M)

I think the people who fabricate the existence of sexual abuse are the ones who have political motives and those who are against the ENS.—R#91 (F)

It is people with ulterior motives who spread such rumors.— R#121 (M)

There is no sexual abuse. The reason there are such rumors is perhaps because of Woyane propaganda” [i.e., propaganda by the Ethiopian government].—R#144 (M)

However, the overwhelming majority of the respondents said that female conscripts are subjected to sexual violence at the Sawa military camp and elsewhere within the ENS. One female conscript interviewed by an Italian journalist reported that “every day, at the sunset, the male officers used to enter bossily inside our tents to choose one of us in order to spend the night with him. These officers, although . . . married, considered it normal to go to bed every night with a different female soldier. Very soon I got pregnant and as a result I was immediately sent back home” (Rini 2002). Some of the respondents to the questionnaires attributed the prevalence of sexual violence to unequal power relations between the commanders and conscripts in general—and female conscripts in particular—as well as the absence of any accountability. For example, R#49 (M) said, “The conscripts

are forced to do whatever their commander orders them to do. The power of the commander is absolute and as a result, nothing can stop him from doing whatever he wants, including raping or sexually abusing female conscripts.” R#151 (M) said, “Yes women are subjected to sexual abuse because those who have power in Eritrea are able to do anything they want with impunity and without accountability.”

As we have seen, most women are unlikely to admit that they have been violated for fear of being stigmatized, bringing “shame” and “dishonor” to her family, and damaging her reputation in ways that may affect her prospects of finding a husband in the future. Fear of repercussions from the perpetrator and fear of forcibly being married to the abuser may also keep her quiet. Given the sexist attitudes of the police, fear of not being believed is also a major factor. The commanders are aware of this dark culture of silence and exploit it to their advantage. It is an irony, of course, that it is the abused rather than the abusers who are preoccupied with the potential loss of honor and reputation.

Many of those interviewed also dreaded the cruel and inhuman punishment regime pervading the ENS. Punishment is used in the national service mainly to instill obedience, discipline, and fear of authority, to break the will of conscripts, and most important, to deter “misbehavior” from others. Punishment is also used as a means of intimidating female conscripts to submit to sexual violence. In general, the rationale of the punishment regime in the ENS is similar to Friedrich von der Decken’s justification for the punishment regime of the French Revolution; punishment was necessary, he said, to “make the soldiers used to the rudest and most arduous labors, to break their will, to make them obey in a lavish manner, and to transform the unruly people into machines that come to life only through the voice of their officers” (quoted in Hippler 2006:137).

Some commanders blackmail women by denying them home leave, which is not regulated but rather given or denied arbitrarily. R#131 (M) said, “the reason a woman may be forced to have unwanted sex with her commander is due to pressure to go on home leave. . . . Women do not report such [sexual] violations.” Some of these punishments, as mentioned above, consist of assignment to potentially dangerous locales, such as being sent to the front.

[The commanders] threaten women saying “unless you have sex with me, you will be sent to the frontline.”—R#60 (M)

The commanders threaten women that they would be sent to the warfront unless they obey orders, including having sex with them.—R#66 (F)

[They intimidate women by saying] either do as you are told or you will be sent to the war front.—R#171 (M)

It is up to the commander[;] if he wants her and if she refuses, he has the power to send her to the war zone. If she says “yes,” she will be in a good place.”—R#71 (F)

It does happen most of the time[,] as there is no rule of law in the country and no one to sue to the court who has done such a crime because all of the commanders are like the two faces of a coin.”—R#012 (F)

If you listen to [the commanders], you don’t have to toil, you will have access to good food, be granted home leave, avoid serving in the frontline. In order to avoid any form of difficulty, [a woman] is forced to toe the line of the commanders.—R#029 (M)

How does sexual abuse happen? Good question. First of all, the best looking girls are assigned to be domestic workers of the commander and after that, they are subjected to sexual abuse.—R#046 (M)

A conscript is forced to do whatever their commander orders them to do. The power of the commander is absolute and as a result, nothing can stop him from doing whatever he wants, including sexually abusing female conscripts.—R#049 (M)

There is sexual abuse. A commander assigns the woman he likes to have a relationship with to his unit, battalion, office or division and then assaults her sexually.”—R#82 (M)

It [sexual violence] is 100% true.”—R#113 (F)

Yes, it is true. Those in power abuse their power and life for women is too hard.—R#146 (M)

Yes, they are scared of being punished. There is no law.”—R#149 (M)

Yes[,] women are subjected to sexual abuse because those who have power in Eritrea are able to do anything they want with impunity and without being accountable. They can order any woman they like to work as a secretary in their office and they can have unwanted sex with her either by threatening or blackmailing her.—R#151 (M)

Yes[,] mainly in the hands of commanders and sometimes in the hands of the *ageglot* (male conscripts) who threaten “I will kill you and kill myself unless you are willing to make love to me.”—R#161 (M)

They intimidate them by saying “either do as you are told or you will be sent to the war front”—R#171 (M)

As we have seen, some women are subjected to violent and even gruesome punishments such as beating, detention in shipping containers or underground cells, and exposure to extreme heat, and also various procedures of physical torture: the “helicopter” or the “otto” (in which the hands and the feet of the victim, or the hands alone, are tied behind the victim’s back and she is placed face down and left outside in the hot sun); the “goma” (in which the victim is forced to lie doubled up inside a tire for long periods

of time); and the “Jesus Christ” (in which the victim is tied with rope to a tree—which conscripts refer to as a “cross”—and then left to hang there, and are sometimes beaten).

Of the twenty-three respondents who denied that sexual abuse occurs, seventeen were male and six were female. About half were in the age range of thirty-one to thirty-five; about one-quarter were younger (26–30), and about one-quarter were older (36–40). Of the fourteen respondents in the survey who were twenty-five years and under, none denied the prevalence of sexual abuse in the ENS, perhaps because this age group is the most vulnerable to the abuse. Among those who denied abuse, most (17) were from the Tigrinya ethnic group (the others were Saho, Tigre, or Bilen). On average, the members of this group had spent five years in the ENS—i.e., a year less than the general average—and twenty-one of the twenty-three had left Eritrea between 2004 and 2010. It is not surprising that they were the majority among the deniers since the Tigrinya speakers are the large majority in the ENS as well as among victims of sexual violence; among the 190 respondents to the questionnaire, 122 were Tigrinya-speakers.

As the comments above suggest, there also seemed to be a discernible pattern in the questionnaire answers of those who denied the existence of sexual abuse. Not only did they praise every aspect of the ENS and the government, but they also used identical terminology in their denial of sexual violence, referring to “enemy propaganda,” “defamation,” and lies used as “weapons to attack and criticize the government.” Many of them were members of the patriotic youth organization called the Young People’s Front for Democracy and Justice (YFPDJ), a diasporan branch of the People’s Front for Democracy and Justice (PFDJ).

Conclusion

The problem of establishing pervasiveness of sexual violence in a social context in which victims, for variety of reasons, including lack of state protection, are unwilling to report or admit their victimization is fraught with methodological complexity. It is further complicated by the fact that the act of sexual violence usually takes place in private. The social stigma attached to victims of rape and sexual abuse also presents daunting methodological challenges. Nevertheless, the findings of the study show indisputably that female conscripts in Eritrea are subjected to sexual violence and that the absolute lack of accountability and state protection enables some military commanders to treat conscripts, especially females, with contempt and without any fear of consequences.

However, it is important to guard against the assumption that all those who are sexually harassed end up being molested by their commanders. Some female conscripts put up stiff resistance against the indignity of violation by accepting gruesome punishments and deprivation of home leave. They say “No,” regardless of the consequences. The tendency is to punish the women who defy the orders of the commanders under the pretext of

military discipline and deterrence, although even the few stories of defiance told here suggest that there must be many other untold heroic narratives of resistance and defiance. The stories of the daring women who defy the sexual threats of the commanders also show that if female conscripts openly challenge and expose abusive commanders, discounting the potential dangers, the authorities may be forced to intervene as a face-saving measure by removing or transferring the commander in question. Nevertheless, notwithstanding the fact that the pervasiveness of sexual violence perpetrated by military commanders and military trainers is a widely acknowledged among Eritreans, the incumbents have failed to provide protection to victims of sexual violence and to punish the perpetrators. In the absence of state protection and in a context of impunity, sexual violence in the ENS, including at the Sawa military camp, continues to be perpetrated.

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Notes

1. Although it may be true that up to 35 percent of the EPLF combatants were women, this does not mean that all participated in frontline combat.
2. The Warsai-Yikealo Development Campaign (WYDC) is an overarching national social and economic development effort that extends the statutory eighteen months duration of the ENS indefinitely in order to force all male and female adults to work at the direction of the state in various capacities until, in practice, the age of 50 or 55. In 2012 the government also introduced the "People's Army" in which older conscripts are forced to participate. They undertake periodic military training and weekly participation in public works projects, guard duty, or security patrols, without pay until the age of 70 (see Globalsecurity.org. (n.d.) and Human Rights Watch (2016).

3. Not only has the National Assembly not met since 2002, but out of the seventy-five members of the Central Council, eighteen are under incommunicado detention, six died in prison, seven are frozen (suspended with full pay), six died in office, seven are in exile, and one died in the U.K. and was denied burial in Eritrea (Awate Team 2015).
4. See chapters 2 and 3, “Eritrean Transitional Laws,” in the Federal Negarit Gazeta (1991).
5. The Prosecutor v. Jean-Paul Akayesu, case no. ICTR-96-4-T. <http://unictr.unmict.org/en/cases/ictr-96-4>; Prosecutor v. Anto Furundajla, case no. ICTY & IT-95-17/1-T, Dec. 10, 1998. <http://www.icty.org/x/cases/furundzija/tjug/en/fur-tj981210e.pdf>; Prosecutor v. Dragoljub Kunarac Radomir Kovac and Zoran Vukovic, case no. IT-96-23-T & IT-96-23/1-T, Feb. 22, 2001. <http://www.icty.org/x/cases/kunarac/tjug/en/kun-tj010222e.pdf>; Prosecutor v. Dragoljub Kunarac Radomir Kovac and Zoran Vukovic, case no. IT-96-23 & IT-96-23/1-A, June 12, 2002. <http://www.icty.org/x/cases/kunarac/acjug/en/kun-aj020612e.pdf>; Laurent Semanza v. The Prosecutor, case no. ICTR-97-20-A, May 20, 2005. http://hrlibrary.umn.edu/instree/ICTR/SEMANZA_ICTR-97-20/SEMANZA_ICTR-97-20-A.pdf; The Prosecutor v. Mikaeli Muhimana, case no. ICTR- 95-1B-T, April 28, 2005. http://humanrts.umn.edu/instree/ICTR/MUHIMANA_ICTR-95-1B/MUHIMANA_ICTR-95-1B-T.html
6. Buchhandler’s position is part of a general ongoing debate among legal analysts about the conceptualization of rape. Buchhandler references Stephen Schulhofer, for example, who rejects the reliance on the traditional concepts of force and consent elements by arguing that at the heart of sexual offense is the violation of sexual autonomy—that is, the impermissible interference without the concerned party’s sexual choices (2011:1999). Alan Wertheimer, however, argues that essentially, there is no difference between Schulhofer’s sexual autonomy and the consent model stating, “autonomy refers to the value that is protected, whereas consent refers to the means for protecting and promoting that value . . .” (2003:31–32). By defining rape as the abuse of power, however, Buchhandler, expands the argument so that it encompasses, in the most general sense, a woman’s right to noncoercion and sexual autonomy.