

## **Sexual violence against Political Prisoners:**

### **An Examination of Empirical Evidence in El Salvador and Peru**

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Why do soldiers commit sexual violence in times of war? The media, human rights advocacy groups and even many academics often assert uncritically that sexual violence is a weapon of war. However, given that sexual violence varies considerably in frequency, form, perpetrator and victim both across and within armed conflicts (Cohen, 2013; Leiby, 2011; Wood, 2006 and 2009), it is unlikely that such assertions are universally true. To fully understand its causes, careful attention must be paid to document the patterns of sexual violence in war and what those patterns reveal regarding the motives behind these crimes. In this vein, this chapter provides a first attempt at rigorous, comparative analysis of the patterns of sexual violence during the civil wars in El Salvador (1978-1992) and Peru (1980-2000). The data reveal that Salvadoran and Peruvian state armed forces, particularly police and military units, engaged in the frequent sexual abuse of male and female political prisoners, targeted individually or collectively for their perceived or real opposition to the state. The evidence suggests that these acts of violence were not merely the unavoidable consequence of the chaos of war, but rather part of an explicit or implicit strategy to defeat the armed opposition.

#### **A Weapon of War? Understanding State-Perpetrated Sexual Violence**

What does it mean to call sexual violence a strategic weapon of war? To be considered a weapon of war, sexual violence must be "...used as part of a systematic political campaign which has strategic military purposes" (Skjelsbaek, 2001, p. 213). Such violence, regardless of

its frequency or form, is employed purposefully, with the knowledge and consent of commanding officers, to advance the armed group's political and military objectives (Cohen et al., 2013; Gutiérrez & Wood, 2013; Leiby, 2011).

Studies purporting sexual violence to be a strategic weapon of war emerged, in large part, in response to the atrocities committed in Bosnia-Herzegovina and Rwanda in the early 1990s. While the severity of sexual violence in these cases certainly warrants close examination, focus on these two conflicts has resulted in mono-causal theories of sexual violence as a weapon of ethnic cleansing or genocide (Allen, 1996; Bloom, 1999; Mullins, 2009; Sharlach, 2000).

Thinking more broadly, sexual violence has a number of perverse benefits as a potential weapon of war: it is relatively cheap and easy to use; it can boost the morale and unity of armed groups (Cohen, 2013); and it can supplement the incomes of combatants. Perhaps most importantly, in societies with deeply held social mores about women's honor and purity, sexual violence may be a particularly effective repressive and demoralizing weapon (Allen, 1996; Bastick et al., 2007). Because of the intimate nature of the attack on a person's understanding of self, sexual violence can be an effective method of neutralizing political opponents without killing them. As one scholar describes:

[w]ith the help of different torture methods, the authorities seek to remove any human, reliable, or mutual relationship and thereby bring the prisoner into a state of extreme physical and psychological regression, where it is no longer possible to relate to the body, to the world outside or to other people.

(Agger & Jensen, 1986, p. 307).

Sexual violence may be used as a form of state terrorism to induce fear widely throughout the civilian population. As the state increases its repressive campaign against civilians, the fear of being targeted will dissuade a potential recruit from joining the ranks or providing aid to the armed opposition (Valentino, 2004). Similarly, the state may use sexual violence against suspected “enemies of the state” to punish them for their opposition activities. Potential targets could include members of armed rebel groups, opposition political parties, or “subversive” community organizations, as well as those who support them. By targeting individuals for their participation in dissident organizations, states effectively signal to potential recruits their fate if they behave similarly and may induce some subversives either to abandon or betray the opposition (Kalyvas, 2006). Whether targeted or indiscriminate in scope, the effect of the violence is the same; it undermines the ability of armed opposition groups to recruit and retain members or supporters.

In addition to undercutting the source of strength of the rebels, the state may also use sexual violence to collect intelligence on the opposition movement. The state may employ sexualized torture techniques during the interrogation of a suspected guerrilla to gather information about the identity of rebels, location of their camps or their military strategies, as was recently reported at the U.S. detention facilities at Guantanamo Bay in Cuba, Bagram airbase in Afghanistan and Abu Ghraib in Iraq. Accounts suggest that detainees were subjected to a multitude of sexual abuses during interrogation and detention, ranging from being stripped and photographed nude, forced masturbation, rape, sodomy and simulations of electric shock torture (Human Rights Watch, 2004a & b; Leonning & Priest, 2005).

The remainder of this chapter examines a unique dataset on wartime sexual violence in El Salvador and Peru to document and understand the state’s use of such violence against political prisoners. The civil wars in El Salvador and Peru present a unique opportunity for comparative analysis of the causes of wartime sexual violence. Despite significant differences between the two cases (see Table 1), both the Salvadoran and Peruvian armed forces engaged in frequent sexual attacks – humiliation, torture, and rape – against political prisoners. Two instrumental functions for these abuses are explored: (1) to undercut popular support for opposition organizations and control the population, and (2) to acquire “actionable intelligence” on opposition organizations.

Potential Causes of SV	El Salvador	Peru
<b>Regime Type</b>	Authoritarian, military-dominated	Electoral democracy until 1992
<b>International Constraints on State Behavior</b>	Moderate-high	Low
<b>Conflict Type</b>	Counterinsurgency No ethnic dimension	Counterinsurgency Some ethnic dimension
<b>Insurgency</b>	Farabundo Marti National Liberation Front, FMLN Est. 6,000-15,000 armed forces (Cunningham, et al. 2009) Limited violence against civilians	Shining Path, SL Est. 2,000-8,000 armed forces (Cunningham, et al. 2009) Frequent and severe violence against civilians
<b>Political Violence</b>	Est. 75,000 dead Most lethal violence perpetrated by state	Est. 69,000 dead Most lethal violence perpetrated by rebels
<b>Sexual Violence, General</b>	Low frequency Highly asymmetrical	Moderate frequency Asymmetrical, but less so than in El Salvador
<b>Sexual Violence against Detainees</b>	Moderate-high frequency (as % of all state-SV)	Moderate-high frequency (as % of all state-SV)

**Table 1 Comparative Data on Civil War in El Salvador and Peru**

### **Patterns of Sexual Violence against Political Prisoners**

Data used in this study were collected over the course of 19 months from the archived human rights denunciations of two non-governmental human rights organizations in El Salvador

– The Office of Legal Aid of the Archbishop (TL), and Christian Legal Aid (SJC) – and the Truth and Reconciliation Commission (CVR) in Peru. Approximately 7,000 testimonies of violence were read and coded to create a database on state-perpetrated violence during the Salvadoran and Peruvian civil wars. In addition to 11 forms of non-sexual political violence (not the focus of the present analysis), the database covers 8 forms of sexual violence: rape, gang rape, sexual torture, sexual mutilation, sexual humiliation (such as forced nudity), attempted and threatened acts of sexual violence, and unspecified forms of sexual violence.

### *General Characteristics*

In both conflicts, sexual violence was but one form of repression used by the state. According to the human rights denunciations collected for this study, sexual violence comprised approximately 1% and 5% of all state-perpetrated violence during the Salvadoran and Peruvian civil wars, respectively. Because it is difficult (and perhaps impossible) to accurately approximate the overall frequency of sexual violence, caution should be used when drawing inferences regarding these figures (for a complete discussion of obstacles in estimating the level of sexual violence in El Salvador and Peru, please see Leiby, 2011 & 2012).

Despite the difficulty in estimating the overall frequency of wartime sexual violence, there is ample documentation that state security agents in both countries often used sexual violence against political prisoners. Of the more than 700 acts of sexual violence recorded in the database, a large percentage of them – 56% in El Salvador and 42% in Peru – were perpetrated inside state-run detention facilities against political prisoners. These crimes occurred in both formal and informal prisons, military bases and police stations. In both countries, the most frequent forms of sexual violence used against detainees were: sexual humiliation (42%), rape

and gang rape (23%), sexual torture (21%) and attempted or threatened acts of sexual violence (11%). Although forced abortion and sexual mutilation were reported to have occurred in both countries, this does not appear to have been a pattern of abuse within detention facilities.

In both countries, sexual violence against political prisoners was heavily concentrated in urban centers, notably San Salvador (51% of all such cases in El Salvador) and Lima (34% in Peru). In addition, sexual violence in detention centers was significantly more frequent during periods when the states' counterinsurgency strategies emphasized population control measures, such as the detention, interrogation and abuse of suspected "terrorists." In Peru in the early 1990s, for example, President Fujimori redirected the state's counterinsurgency efforts to include more targeted operations that distinguished among friendly, neutral and enemy populations. Fujimori established a new special-operations intelligence group (known as GEIN) within the National Counter-terrorism Directorate (DINCOTE) whose sole mission was to identify members of the Shining Path and gather intelligence that would lead to the capture of their leader, Abimael Guzmán. During this period, the overall level of violence against civilians fell (CVR, 2004). However, at the same time, sexual violence, particularly against political prisoners, rose markedly. In fact, almost half of all detention-related sexual offenses during the civil war occurred during Fujimori's presidency. This could indicate that counterterror police forces were ordered to commit sexual violence or that they were given carte-blanche to use whatever means necessary in the pursuit of Peru's "public enemy #1."

The level of sexual violence in El Salvador similarly correlates with changes in the state's counterinsurgency strategy. The most significant shift came in 1984 after a visit by then U.S. Vice President George H. W. Bush, who threatened the withdrawal of military aid, particularly

air support, if the Salvadoran armed forces did not improve its human rights record. Knowing that such a withdrawal would almost certainly mean defeat, the state avoided the kind of wholesale and highly visible community massacres that characterized the early 1980s (Peceny & Stanley, 2010). Careful to avoid international scrutiny, the state moved its repressive operations behind closed doors. This change in policy resulted in a decrease in the level of lethal violence, but at the same time led to an increase in the arbitrary detention, torture and sexual abuse of individuals suspected of “subversion.” That the armed forces’ repertoire of violence shifted so quickly (and in response to a vital security concern) suggests that commanders had at least some knowledge of and control over their subordinates’ behavior.

### *Victims*

Included in the database are 291 unique victims, each of whom suffered at least one form of sexual abuse while in state custody. According to the data, 66% of victims of sexual violence in Salvadoran detention facilities were men. This is significantly higher than is commonly thought and significantly higher than that reported in Peru (32%). This finding is confirmed by the non-governmental Human Rights Commission of El Salvador (CDHES). In a unique study of torture at La Esperanza men’s prison between January and August 1986, the CDHES found that 76% of the 434 prisoners interviewed had suffered one or more forms of sexual violence. According to the testimonies, the most common forms of sexual violence were forced nudity (58%), genital beatings (20%), electric torture (14%), threats of rape (15%) and rape (0.5%) (CDHES, 1986).

As is often the case, men in Peru and El Salvador were more likely to be viewed as political threats, and as a result, were more likely to be detained by the state and subsequently

subjected to sexual violence. While the exact proportion of male-female victims may vary due to reporting biases, the data reveal that men are much more likely to be the victims of sexual violence than is recognized by the academic or policy literatures.

Both male and female victims were often young (between 20-30 years old), unmarried and either a recent graduate or current university student. Students and teachers made up more than one-third of the political prisoners subjected to sexual violence. As rebel groups frequently recruit members from high schools and universities, it is unsurprising that the state would target this subgroup of the population for repression.

Sexual violence was often reserved for prisoners who were accused of being members of or collaborating with “terrorist” or “subversive” organizations. Individuals could come under the suspicion of the state for belonging to an opposition political party, labor union, or any number of community-based groups thought to be fronts for rebel organizing. Thirty-eight percent of victims of sexual violence in detention were accused of being terrorists; however, only six percent actually confessed to being members of the FMLN or SL. While political prisoners certainly have no incentive to declare an association with armed guerrilla groups, it is quite likely that this figure reflects the states’ indiscriminate anti-terrorist policy, which failed to distinguish between legal and illegal opposition organizations.

Lastly, victims of sexual violence in detention centers were very often the targets of repeated abuse by the state. Twenty percent of victims reported having previously been the victims of human rights abuse or knowing someone who was. As it is statistically improbable that an individual would be victimized more than once by chance, this kind of repeated abuse may suggest an intentional targeting on the part of the state.

### *Perpetrators*

The state armed forces perpetrated the vast majority of all wartime sexual violence in El Salvador and Peru (97% and 88%, respectively). Within the state armed forces, however, there is great variation in the frequency and repertoire of violence perpetrated by each security sector. As expected, units charged with internal security and population control, including the National Guard (GN) and Treasury Police (PH) in El Salvador, as well as the National Police and special operations counterterror police forces in El Salvador and Peru were the most frequent perpetrators of sexual violence against political prisoners. Police forces committed 70% of all such offenses; more than half of which were perpetrated by specially trained counterterrorist squads. In comparison, the national armies of El Salvador and Peru committed 28% of sexual violence against detainees. Based on reported cases, sexual violence, of any form, was not a significant component of the repertoires of violence of the Air Force, Navy, or state-sponsored paramilitary groups in either country.

Both the regular Army and police forces were more likely to engage in sexual humiliation than any other form of sexual violence (39% and 43% of all sexual abuses perpetrated by the military and police, respectively). Beyond sexual humiliation, the Army was much more likely to rape or gang rape detainees, while police officers committed various forms of sexual torture, including blunt genital trauma, electrical torture and genital cutting.

### *Context*

As this chapter focuses solely on sexual violence within detention centers, one might assume that most, if not all, acts of sexual violence occurred during the interrogation of “suspects.” However, only 36% and 23% of all reported acts of sexual violence in El Salvador

and Peru were committed in an explicit effort to acquire information or coerce a confession from the victim. The case of Claudia from Peru is emblematic of this pattern (all names have been changed):

[One night] in October in 1983 at 9pm, 20 soldiers entered the house when I was alone with the kids. They interrogated my older daughter, Julia, who was 13 at the time. ...They took me from the house in my pajamas, put me in the armored truck and tied me up. We arrived at the prison at 11pm. The next day, they took me from the room where I was detained and transferred me to another room...Three soldiers interviewed me. They said I had to collaborate with them. They asked me if I knew any terrorists, and where they were. I said I don't know anything. They accused me of being a terrorist and inserted a pipe into my genitals. Then they brought my daughter into the room, right in front of me and threatened to 'enjoy' her if I didn't cooperate. Two of the soldiers raped me from behind....

(CVR Testimonies, 200012).

In El Salvador, another victim, who refused to give his name, was captured by armed men (some in military uniform, others in plainclothes) while waiting for the bus outside of the National University (UNES). The men threw the victim into the back of their car and immediately began asking him questions about the guerrillas. They accused him of being a terrorist and beat him in the stomach with their guns. They took him to a police station (the victim did not know where he was) and put him in an interrogation room. The room was covered in human waste. The men stripped him and left him in the room naked. After awhile, a uniformed officer entered, removed his belt and tied it around the victim's testicles. They blasted

loud music into the room and began to beat him again – in the stomach, neck and head. Each time he refused or did not answer satisfactorily their questions, they would beat him again and tighten the belt another notch (SJC, 26.7.3).

Even sexual humiliation, an offense not currently recognized by the International Criminal Court as a war crime or a crime against humanity, can be used to dehumanize prisoners and to “prep” them for interrogation. In one such case in El Salvador, armed men in civilian clothes abducted Juan, his father and his brother from their home and took them to the local PH station. When they arrived at the police station, the three men were separated. The officers stripped Juan and forced him to wear a pair of women’s underwear, mocking him and calling him a faggot. Afterwards, they sent him to the interrogation room. They asked him the same questions over and over again. *What is your name? Where do you live? Who do you work for? Do you know Alesandro, Nerio or Josef?* The officers accused Juan of being a member of the Armed Liberation Forces (FAL, one of the guerrilla groups unified under the FMLN banner) and threatened to kill him and his mother if he did not confess and give them the names of his leaders (TL, 10.1.13). Stripping prisoners is a common tactic used by the police to underscore the detainee’s vulnerability and in this case attack the victim’s identity as a heterosexual man, both of which serve to disarm and disorient the prisoner, making him more malleable.

Despite these cases, the vast majority of sexual violence in detention centers was *not* perpetrated during interrogation sessions. Instead, as the examples below demonstrate, state armed actors used sexual violence as a common form of punishment, often alongside other forms of physical and psychological torture. In this context, sexual violence can so thoroughly

dehumanize and terrorize victims that they (and those to whom they serve as witness of the state's power and brutality) withdraw from political and social life.

In one case, GN agents in uniform and civilian clothes broke into Alejandro's house in Santa Ana and detained him, accusing him of being a commander of the People's Liberation Forces (FPL, another guerrilla group within the FMLN) and committing crimes of treason against the state. They took him to the Central Base of the GN in San Salvador. The next morning they began to interrogate him. They said he was in charge of distributing weapons to the various fronts in the war. He denied their accusations. They stripped him, tied a bucket of water around his penis, and beat him all over his body. They blindfolded him and tied his hands behind his back, submerging his head in water and demanding that he confess to his crimes. One of them said "[d]on't bother with this motherfucker, we already know everything we need to know. We have been following you for 5 years" (CDHES, 1986, p. 102). The next day the torture and questioning resumed. They shocked him with 320 volts of electricity on his tongue and ears and he passed out. After reviving him, they shocked him again, this time on his penis and anus.

In his testimony, Alejandro stated that unlike others in the community who were also detained, but who were targeted collectively because they lived in La Palma, he was singled out for the worst forms of torture because the authorities suspected him of being a guerrilla commander. As his testimony reflects, Alejandro was sexually victimized during police interrogation. However, he insists the attack was designed not to elicit information, but to destroy him. According to his testimony, this method of torture was effective: after only two days of detention and torture at the GN base, he began to lose track of time; he began to lose his mind and would have said anything for them to stop the abuse (CDHES, 1986, p. 102-109).

The case of Leonardo in Peru reflects a similar pattern of dehumanization and punishment of political opponents. Leonardo was at a meeting of the leftist political party United Left (IU) on October 16, 1988 when he was arrested and accused of being a member of the Shining Path. “The government always said that all leftist organizations and political opposition groups were terrorist organizations, but that wasn’t so. In fact, a lot of members of these groups also had problems with the Shining Path” (CVR Testimonies, 100403). Leonardo was blindfolded and taken by plainclothes officers of the Peruvian Investigative Police (PIP, a branch of the National Police) to the local PIP station. While detained, he was subjected to severe psychological and physical torture. Officers threatened to capture his parents and treat them the same way if he did not cooperate with them. Coronel Castro and Captain Reyes oversaw the torture of Leonardo and actively participated in what they called “the butterfly” – where the prisoner is forced to stand with his hands tied behind his back, is submerged in water and then electrocuted on his tongue, armpits and testicles. They threw freezing water on him and stuck pins underneath his fingernails (CVR Testimonies, 100403, 100471, 100472).

Despite significant differences in the domestic and international political environment, as well as the strength, tactics and goals of the insurgency, the Salvadoran and Peruvian military and police engaged in a clear pattern of frequent sexual abuse against political opponents and detainees. These abuses ranged from forced nudity to rape and sexual torture. They were perpetrated against men and women, teachers and students, and others suspected of supporting the FMLN or SL. They were perpetrated during interrogation and/or torture sessions.

### **Discussion: Considering State Strategy and Perpetrator Motives**

What accounts for these patterns of sexual abuse in El Salvador and Peru? What motivates state armed actors to rape, torture, or otherwise sexually victimize prisoners in times of war? Is wartime sexual violence a strategic weapon of war?

Attempts to prove the “weapon of war” thesis face several challenges (see Agirre Aranburu, 2012 for a full discussion). Among the most difficult is the absence of evidence of direct orders or a military policy to commit sexual violence. However, the lack of such evidence does not preclude the possibility of a state strategy. Requiring definitive proof of this kind sets an unachievable standard and unnecessarily privileges state impunity.

I argue that when there is a clear pattern of sexual violence occurring at times and places and in contexts which appear beneficial to the state’s goals; when sexual abuse is targeted against particular subgroups of the population, perpetrated in state-controlled detention centers, often with the express knowledge or participation of high-ranking officers (as in the case of Leonardo, described above), *and* when these crimes go uninvestigated and unpunished, it is untenable to suggest that leaders had no knowledge of and did not benefit from the continued practice of sexual violence. According to the evidence presented, the sexual abuse of political prisoners in El Salvador and Peru was *either* explicitly ordered by the politico-military command *or* was permitted under a doctrine of total warfare, wherein “anything goes” in the state’s fight against “terrorism.” In both scenarios, sexual violence can be seen as a strategic weapon of war, used to advance the state’s interests and goals.

While the conclusions drawn from such work must be considered preliminary, attempts like this one to better document and examine the variable patterns of wartime sexual violence are

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essential to efforts to hold perpetrators (direct and indirect) accountable for their crimes and to prevent such crimes from occurring in the future.

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