

A CULTURE OF IMPUNITY: UNDERSTANDING CONFLICT-RELATED SEXUAL VIOLENCE IN CONTEMPORARY PROXY WARFARE

BY MEGAN GITTOES



**CENTRE FOR
FUTURE OF
WARFARE**

Published in 2024 by The Henry Jackson Society

The Henry Jackson Society
Millbank Tower 21-24
Millbank
London
SW1P 4QP

Registered charity no. 1140489
Tel: +44 (0)20 7340 4520
www.henryjacksonsociety.org

© The Henry Jackson Society, 2024. All rights reserved.
The views expressed in this publication are those of the author and are not necessarily indicative of those of The Henry Jackson Society or its Trustees.

Title: "A Culture of Impunity: Understanding Conflict-Related Sexual Violence in Contemporary Proxy Warfare" By Megan Gittoes.

Cover image: *London, UK, May 22, 2022, Action Against the war in Ukraine "March of mothers". Demonstrator holding a sign with the inscriptions: "Russian soldiers raped Ukrainian children". Taken for Shutterstock by Mary Litva.*

Table of Contents

About the Author	4
About the Centre	4
Acknowledgements	5
Executive Summary	6
Forewords:	
i. Sarah Champion MP	8
ii. Tim Loughton MP	9
iii. Chris Law MP	10
Introduction	11
What is Conflict-Related Sexual Violence?	12
What is Proxy Warfare?	14
Strategic Problems with Proxy Warfare	16
Analysis of Contemporary Proxy Warfare and CRSV	18
Case Studies of CRSV by Location:	
i. Syria, ISIS, 2011	23
ii. Ukraine, Wagner Mercenary Force, 2014	26
iii. Democratic Republic of Congo (DRC), March 23 Movement, 2021	31
iv. Israel, Hamas, 2023	32
Policy Recommendations:	
i. Immediate Action	35
ii. UK Government Legislative and Diplomatic Priorities	35
Conclusion	37

About the Author

Megan Gittoes is a Director of Communications and Policy Relations at the Henry Jackson Society (HJS), where she oversees the organisation's media presence and its impact across both traditional and digital channels, as well as advocating for its research through Government and policy relations.

She is a recognised authority in her field, frequently featured in UK print and broadcast media, where she provides commentary on politics, international affairs and domestic security.

Prior to her role at HJS, Megan established a distinguished career in policy, serving as a Senior Aide to the Rt Hon. Tobias Ellwood MP, providing strategic media and research support and overseeing his move from Parliamentary Under Secretary of State at the Ministry of Defence to Chair of the House of Commons Defence Select Committee.

She received a BA Hons degree at the University of Birmingham in Anthropology and Political Science.

About the Centre for the Future of Warfare

The Centre for the Future of Warfare is a research programme within the Henry Jackson Society.

The centre conducts research into the changing face of modern warfare along many dimensions, both technological and strategic. Democratic nations need to adapt to this time of transformation, as new technologies from AI to drones remake the battlefield. At the same time, cyberwarfare is also becoming an important new front in the war against authoritarianism, and this also opens up the prospect of confrontations in space over satellites and the systems they enable (GPS, internet, mobile telecommunications).

The centre's research also addresses the accompanying shifts in the strategic landscape of twenty-first century warfare. That includes the emergence of grey zone and hybrid warfare, the increasing role played by campaigns of disinformation, and the humanitarian consequences of new strategies for waging war, such as the rise of conflict-related sexual violence.

The Centre for the Future of Warfare exists to provide politicians and policymakers with a deeper understanding of the changing face of warfare and how to navigate both its opportunities and its profound challenges.

Acknowledgements

I thank Dr Vladimir Rauta (University of Reading), Robert Clark (Civitas), Marc Sidwell (HJS) and Dr Helena Ivanov (HJS) for reviewing this paper and providing valuable insights.

Thank you to the following for providing valuable evidence and insights to this report: former UK Chief of Defence Staff General Sir Nicholas Carter, GCB, CBE, DSO; Former Secretary of State for Defence, Rt Hon. Sir Gavin Williamson CBE MP; Ukrainian Human Rights Lawyer Dr Kateryna Busol; and Prof. Ruth Halperin-Kaddari, Founding Head of the Rackman Center and former Vice-President of the United Nations Committee on the Elimination of Discrimination against Women (CEDAW).

And thank you to the Research Assistants of this report, Eva Lopez de Pablo Bricca, William Davis, Aaron Benjamin Lefkovits and Hannah Stephens, for their admin and research support.

Executive Summary

The rising rate of conflict-related sexual violence (CRSV) in the milieu of modern proxy warfare necessitates urgent global attention. This report analyses the concerning escalation of CRSV amidst worldwide militarisation and arms proliferation, underlining its catastrophic impact on communities and the diminishing faith in legal and governance frameworks. The strategic deployment of proxy warfare in the 21st century, involving state and non-state actors alike, has complexified the dynamics of armed conflict, heightening the risks of CRSV and fostering a culture of impunity among aggressors.

CRSV, which includes a spectrum of sexually violent acts within armed conflict, indiscriminately targets civilians, leading to generational trauma and hindering societal recovery after conflicts. This breach of human rights, motivated by political, military and economic factors, accentuates a pivotal challenge within the nuances of modern conflict dynamics. The case studies from Ukraine, the Democratic Republic of Congo (DRC), Syria and Israel offer critical insights into how proxy warfare intensifies CRSV, underscoring the imperative for a thorough international response.

The paper urges an in-depth exploration of the changing nature of warfare and the intricacies of CRSV under the guise of proxy conflicts. It calls for the establishment of stringent measures to safeguard civilians and reinforce human rights in conflict areas, including the refinement of legal frameworks to more precisely assign accountability that would allow for the bolstering of support for survivors. Policy recommendations include:

1. Immediate Action

- The Foreign, Commonwealth and Development Office to commission further research to gain a true understanding of the relationship between CRSV and proxy warfare.
- The Home Secretary should consider CRSV when exercising their discretion to proscribe an organisation under the Terrorism Act 2000.

2. UK Government Legislative and Diplomatic Priorities

- Amend the Magnitsky Sanctions to ensure that financial, logistical or material support for groups known to commit CRSV constitutes a criminal offence under UK law, closing legal loopholes that allow indirect sponsorship of such violence.
- Lead international diplomatic efforts to forge a coalition against the use of proxy warfare that contributes to CRSV:
 - i. Call on the United Nations (UN) to establish a special proxy force monitoring and reporting mechanism. This dedicated body within the UN would be tasked with monitoring, reporting and responding to incidents of CRSV. This mechanism should have the authority to investigate allegations of CRSV through state sponsorship of non-state actors and to publish its findings to the UN.
 - ii. Call on the UN to enhance accountability through a legal framework that would facilitate the prosecution of sponsoring individuals and entities responsible for CRSV, and the non-state actors that commit the crime.
 - iii. Call for the UN to monitor and record the activity of proxies where there is substantial evidence for their use of CRSV. This should be reported on annually, as is the case with annual reports on the collective activity of Islamic State/Daesh.

- Ensure protocols are established by the Ministry of Defence for the prevention of CRSV perpetuated by UK-sponsored proxy forces. UK Armed Forces must incorporate CRSV-prevention knowledge, awareness, training and practice when training proxies and in peacekeeping missions.

Foreword by Sarah Champion MP

By unveiling the pervasive issue of conflict-related sexual violence (CRSV) within proxy wars, this analysis exposes the grim undercurrents of modern conflicts - which foster an environment where perpetrators thrive in a "culture of impunity."

We are forced to confront the harsh reality: proxy wars allow for the Covert use of CRSV, frequently leaving survivors with no path to justice. This dynamic underscores the urgent need for international attention.

The Syrian civil war case study highlighted how the complexities of proxy war exacerbate the core conflict that militarized non-state actors who exist outside of international law.

In our multi-polar world, the cost of entry into these conflicts is now incredibly low. The UK must lead on future diplomatic efforts, laying the groundwork for holding those responsible for atrocious violations of international law accountable.

Sarah Champion MP is and Chair of the House of Commons International Development Committee and the Member of Parliament for Rotherham

Foreword by Tim Loughton MP

Conflict-related sexual violence (CRSV) is a little appreciated and even less talked about aspect of modern warfare, often too indelicate to confront and consequently convenient to sweep under the international carpet. Hence, this analysis of CRSV from within the shadowy realm of proxy warfare is alarming but necessary as it sheds light on the dark underbelly of modern conflicts that create a 'culture of impunity.' The author necessarily confronts us with the stark realities of how proxy wars serve as fertile ground for CRSV, often leaving survivors bereft of a platform and without recourse to justice due to the convoluted nature of these conflicts.

Not only does this highlight the urgent need for international attention and action but it challenges us to reconsider the frameworks within which we address sexual violence and armed conflict. The case studies from Ukraine, the Democratic Republic of Congo (DRC), Syria, and Israel provide a nuanced understanding of the plight of those who suffer in silence from within the intricate nexus of CRSV and our anachronistic view of warfare. The recent unprecedentedly graphic revelations from the horrors of October 7th in the last of these theatres of war, Israel, have perhaps done more to force this issue into the public psyche than anything that has gone before.

The paper calls for the Home Secretary to consider CRSV when exercising his discretion to proscribe an organisation Under the Terrorism Act 2000 and makes important proposals for the UK Government to amend the Magnitsky Sanctions with a new legal framework that recognises the financial, logistical, or material support for groups known to commit CRSV as a criminal offence. This would present a significant step towards closing legal loopholes that currently allow for indirect sponsorship of such violence. Embraced by the UK in the right way appropriate diplomatic efforts could provide building blocks to assign accountability for a heinous war crime, that would allow for the bolstering of support for survivors.

After recent high-profile events, failure to act is no longer a convenient and unnoticed option. More than ever, it must be recognised instead as a failure to honour the resilience of survivors and take a stand against the impunity that too often shadows these complex and devastating conflicts. This short paper makes a compelling case for why failure and insouciance is no longer conscionable.

Tim Loughton MP is Chair of the Conservative Party Human Rights Commission and a Member of the House of Commons Home Affairs Select Committee.

He is the Member of Parliament for East Worthing and Shoreham.

Foreword by Chris Law MP

The analysis of conflict-related sexual violence (CRSV) within the context of proxy warfare reveals a disturbing aspect of modern conflicts characterized by a 'culture of impunity'.

Political agendas, lack of direct accountability and the blurred lines of responsibility in proxy warfare often result in perpetrators evading justice, leaving survivors without proper recourse.

This complex interplay between proxy warfare and CRSV not only necessitates immediate international action, but also compels us to re-evaluate the existing frameworks for addressing sexual violence in armed conflict. The UK's sustained diplomatic efforts are crucial for securing accountability for perpetrators of egregious war crimes and providing comprehensive support for survivors' recovery.

The case of Russia's sponsorship of the Wagner Mercenary Force and other non-state actors in Ukraine from 2014 is illustrative of the damage our silence can cause.

There is an argument for using our diplomatic currency against states who sponsor sexually violent non-state actors who plague these intricate and destructive conflicts.

Chris Law MP is a Member of the House of Commons International Development Committee and the Member of Parliament for Dundee West.

Introduction

Around the world, civilians caught in the midst of armed conflict are increasingly suffering from conflict-related sexual violence (CRSV). This disturbing upward trend was confirmed during the 9378th meeting of the United Nations Security Council in 2022, where it was contextualised in part as being due to rising global militarisation and arms proliferation.¹ CRSV is not a new phenomenon, but this upsurge is more than just a reflection of historical patterns of violence. It underscores a critical challenge in contemporary conflict dynamics.

CRSV devastates communities, eroding trust in legal and governance systems and leaving lasting generational trauma. It severely impedes recovery efforts post-conflict by having dismantled the social fabric of communities and families.² Driven by a range of motives, including political, military and economic gains, this heinous violation of human rights deliberately targets civilians, causing enduring harm to victims, fracturing families and tearing apart community cohesion.

While a victim-centred approach to this crime is critical, the recent increase in CRSV must be understood against the backdrop of the 21st century's shift towards proxy warfare, a military strategy that has yet to be fully explored in relation to CRSV. Examples of the ongoing conflicts in Ukraine, the Democratic Republic of Congo (DRC), Syria and Israel exemplify the severe consequences of covert proxy warfare on the escalation of sexual violence. These conflicts will serve as critical case studies to illustrate how proxy wars can exacerbate the conditions for armed conflict, amplify the risks of CRSV and foster a climate of impunity for both the state and non-state actors involved.

Moreover, the international community's inadequate response to preventing and addressing these crimes signals an urgent need for a more profound examination of the evolving nature of warfare. By delving into the complexities of CRSV within the context of modern proxy warfare, there is an opportunity to address this multifaceted challenge, paving the way for more robust measures to protect civilians and uphold human rights in conflict zones. Such an analysis can develop more effective strategies for both prevention and accountability through a robust legal framework.

¹ "Strongly Condemning Rise in Conflict-Related Sexual Violence, Speakers Urge Security Council to Better Prevent, Enforce Accountability for Such Crimes," United Nations, 14 July 2023, <https://press.un.org/en/2023/sc15357.doc.htm>.

² "Sexual violence, the most despicable weapon in conflicts," European Union External Action, 19 June 2022, https://www.eeas.europa.eu/node/414907_fr?s=169.

What is Conflict-Related Sexual Violence?

CRSV is a war crime that encompasses an array of sexually violent acts in the context of armed conflict.³ It is perpetrated by an array of actors, both state and non-state entities, as well as by military and civilian individuals.⁴ While all forms of gender-based violence (GBV) are exacerbated amid the societal upheaval of conflict, CRSV is indiscriminate in nature, gender or age, affecting all demographics.⁵ Although this crime disproportionately affects women and girls, understanding the broad and extensive range of victims is critical to understanding CRSV within contemporary conflicts.⁶

The United Nations has provided a comprehensive definition for CRSV that covers “rape, sexual slavery, forced prostitution, forced pregnancy, forced abortion, forced sterilization, forced marriage and any other form of sexual violence of comparable gravity perpetrated against women, men, girls or boys that is directly or indirectly linked to a conflict.”⁷ This definition can extend to acts in which the victim and perpetrator have no physical contact, such as forced public nudity and forcing victims to engage in sexual acts on each other, and penetration using objects.⁸

The perpetrators’ connection to the crime hinges on their association with a state or non-state armed group. This could include terrorist organisations, militias, insurgents and private military and security companies. But it also encompasses those who exploit such events for economic incentives, such as human trafficking or forced prostitution.⁹ As for the victim, their link is tied to their affiliation with a politically, ethnically or religiously targeted minority group existing within a context of state collapse, ongoing domestic or international armed conflict, or broader cross-border and domestic disputes.¹⁰ CRSV is used as torture, and psychological warfare, perpetrated against male prisoners of war throughout history.¹¹

³ “Conflict-Related Sexual Violence,” United Nations Peacekeeping, last modified 2017, <https://peacekeeping.un.org/en/conflict-related-sexual-violence>.

⁴ Gay J. McDougall, “Systematic rape, sexual slavery and slavery-like practices during armed conflict : final report,” UN Sub-Commission on the Promotion and Protection of Human Rights, 22 June 1998, <https://www.refworld.org/docid/3b00f44114.html>.

⁵ Francis Chinedu Abara, *Sexual Violence in Conflict: A Threat to Global Security* (Irvine, CA: Brown Walker Press, 2020), p.247.

⁶ Kathleen Kuehnast and Chantal de Jonge Oudraat, “Five Gains and Gaps in the Campaign to End Conflict-Related Sexual Violence,” United States Institute of Peace, 15 November 2023, <https://www.usip.org/publications/2023/11/five-gains-and-gaps-campaign-end-conflict-related-sexual-violence>; Charu Lata Hogg and Barbara Buckinx, “Conflict-related sexual violence against boys: from recognition to response,” All Survivors Project, 22 May 2023, <https://allsurvivorsproject.org/conflict-related-sexual-violence-against-boys-from-recognition-to-response/>.

⁷ “Conflict-Related Sexual Violence,” United Nations Peacekeeping.

⁸ “UN Sub-Commission on the Promotion and Protection of Human Rights, Systematic Rape, Sexual Slavery and Slavery-like Practices during Armed Conflict” United Nations Peacekeeping.

⁹ “A theory of change for addressing conflict-related sexual violence,” Foreign, Commonwealth and Development Office report, 26 November 2022, <https://www.gov.uk/government/publications/preventing-sexual-violence-in-conflict-initiative-strategy/a-theory-of-change-for-addressing-conflict-related-sexual-violence#executive-summary>

¹⁰ “Conflict-Related Sexual Violence,” United Nations Peacekeeping.

¹¹ Francis Chinedu Abara, 2020.

“Preventing Conflict-Related Sexual Violence in Detention Settings,” All Survivors Project and International Human Rights Clinic, October 2020, <https://allsurvivorsproject.org/wp-content/uploads/2020/10/Preventing-Conflict-Related-Sexual-Violence-in-Detention-Settings.pdf>.

In all instances it may remain unnoticed or go unpunished due to various external factors, from the chain of command to governmental breakdown.¹² It is the only war crime that produces new life, making this crime even more complex.¹³ By definition, CRSV covers all conflicts including those involving proxies.

¹² Westendorf, Jasmine-Kim, and Louise Searle. "Sexual Exploitation and Abuse in Peace Operations: Trends, Policy Responses and Future Directions." *International Affairs* 93 (2)(2017.): 365–87. <https://doi.org/10.1093/ia/iix001>.

¹³ United States Institute of Peace, 2023.

What is Proxy Warfare:

Over the last decade, scholarship on proxy warfare has grown considerably¹⁴, developing into a debate with a robust set of findings and significant policy implications.¹⁵ While recent research has presented comprehensive frameworks for thinking about proxy warfare as either a logic of substitution of war, a relationship between principals and agents, and a process of delegation,¹⁶ throughout this report, proxy warfare will be defined as a conflict:

“between two (or more) actors in which at least one of them entrust another party to fight on their behalf. The external party (usually referred to as the sponsor or principal) delegates combat action to an agent (known as the proxy) and provides some form of military, economic, or diplomatic assistance to help the latter fight. As such, we can think of proxy warfare as an indirect military strategy that substitutes direct military confrontation with the opponent.”¹⁷

Adopting this definition of proxy warfare as a mode of external conflict delegation from states to armed non-state actors, presents several intellectual advantages. First, it reconciles the debate over the many labels used to refer and study the phenomenon.¹⁸ As was argued recently, “external support in civil wars, proxy war/warfare, state sponsorship of insurgency/terrorism, rebel patronage, indirect intervention, informal/transnational alliances, paramilitary operations, internationalised conflict, indirect interstate conflict, security assistance, subversion, substitution, and military aid are just some of the concepts employed in the ever-expanding semantic field of sponsorship of non-state armed groups”.¹⁹ Second, it permits a historical grounding of the analysis, by locating proxy wars on a broader timeline. It draws on both the conventional wisdom of “war by proxy” as Cold War-era conflicts between regional states that provided an alternative to direct confrontations between superpowers²⁰, as well as modern and contemporary developments in which proxy wars provided an alluring covert strategy in pursuing political influence while avoiding cross-border armed conflict that would risk nuclear escalation.

Third, it focuses the attention on the practice of *conflict delegation* in which a foreign government commits material resources or military expertise to a non-state armed group. Delegation requires some degree of control, namely state sponsors are likely to influence the aims, strategies, and tactics of rebel groups.²¹ While analysing proxy warfare, this paper will look at the frequently fostered

¹⁴ Niklas Karlén, Vladimir Rauta, Idean Salehyan, Andrew Mumford, Belgin San-Akca, Alexandra Stark, Michel Wyss, Assaf Moghadam, Allard Duursma, Henning Tamm, Erin K Jenne, Milos Popovic, David S Siroky, Vanessa Meier, Alexandra Chinchilla, Kit Rickard, Giuseppe Spatafora, Forum: Conflict Delegation in Civil Wars, *International Studies Review*, Volume 23, Issue 4, December 2021, Pages 2048–2078, <https://doi.org/10.1093/isr/viab053>

¹⁵ Vladimir Rauta. “Framers, Founders, and Reformers: Three Generations of Proxy War Research.” *Contemporary Security Policy*, 42, no. 1 (2021), 113–134. <https://doi.org/10.1080/13523260.2020.1800240>; Vladimir Rauta. “How to Think about Proxy Wars in the Twenty-first Century.” Irregular Warfare Initiative. Published August 15, 2023. <https://irregularwarfare.org/articles/how-to-think-about-proxy-wars-in-the-twenty-first-century/>.

¹⁶ Assaf Moghadam, Vladimir Rauta, and Michel Wyss. *The Routledge Handbook of Proxy Wars* (with Assaf Moghadam and Michel Wyss). Abingdon: Routledge, 2024.

¹⁷ Vladimir Rauta and Giuseppe Spatafora. “The Future of Proxy Wars”. In Artur Gruszczak and Sebastian Kaempf (eds.), *Routledge Handbook of the Future of Warfare*. Abingdon: Routledge, 2024, 178-189

¹⁸ Vladimir Rauta. “A Structural-Relational Analysis of Party Dynamics in Proxy Wars.” *International Relations*, 32, no 4 (2018), 449–467. <https://doi.org/10.1177/0047117818802436>

¹⁹ Karlén et al. 2021.

²⁰ Bar-Siman-Tov, Yaakov. “The Strategy of War by Proxy.” *Cooperation and Conflict* 19, no. 4 (1984): 263–73. <http://www.jstor.org/stable/45083584>.

²¹ Karlén et al. 2021.

conditions of conflict delegation when states facilitate the proliferation and military empowerment of, often rogue, non-state actors.

Finally, it allows the report to acknowledge and draw an important distinction between external support for non-state actors and internal state support for pro-government militias. While both of these strategies offer levels of deniability for the sponsor and involve an unpredictable non-state actor, they are different phenomena and engage different debates. The Sudanese Government's internal support for the Janjaweed militia, and the United States' external support for Syrian rebels Fursan al Haq have similar outcomes in the deniability for the sponsor but with huge distinctions in strategic motivations and the international law encompassing them.²² Both are covert in nature but internal delegation means a government can shift the responsibility of citizen repression to the militia, while external delegation is usually motivated on some level by the pursuit of geopolitical objectives.²³

While offering strategic advantages, proxy warfare encompasses many associated risks, particularly arms proliferation, regional destabilisation and the financing and dissemination of extremism and terrorism, all of which have a connection to the types of scenarios that lead to widespread campaigns of CRSV.²⁴ The ethical problems in this strand of warfare received prominent recognition in the 21st century with the July 2005 adoption of the United Nations Working Group on the use of Mercenaries.²⁵ But even in this case, the scope of this working group does not fully apply to proxy warfare or have the bandwidth across all the non-state actors who may be militarised as a result.

Policymakers, military leaders and academics are in agreement that proxy war will continue to be a central strategy in contemporary armed conflict.²⁶ When describing the future characteristics of its operating environment, the Ministry of Defence detailed, "*Whilst traditional state-on-state conflict cannot be ruled out over the next 20 years, state-sponsored terror attacks, use of proxies and cyber-attacks are more likely.*"²⁷ For this reason, work to combat CRSV requires an urgent understanding of contemporary warfare.

²² "Fresh Evidence of RSF War Crimes in Darfur Underscore Urgency of Keeping UNAMID Peacekeeping Presence," Amnesty International, 11 June 2019, <https://www.amnesty.org/en/latest/press-release/2019/06/sudan-fresh-evidence-of-government-sponsored-crimes-in-darfur-shows-drawdown-of-peacekeepers-premature-and-reckless/>

Bulos, Nabih, W.J. Hennigan, and Bennet Bennet. "In Syria, Militias Armed by the Pentagon Fight Those Armed by the CIA." *Los Angeles Times*, March 27, 2016, sec. World & Nation.

<https://www.latimes.com/world/middleeast/la-fg-cia-pentagon-isis-20160327-story.html>

²³ Carey, S. Colaresi, M. Mitchell, N. (2015) Governments, Informal Links to Militias, and Accountability, *Journal of Conflict Resolution*, 59:5, 850-876

²⁴ Mumford, Andrew. "Disarmament, Demobilisation and Reintegration (DDR) after Proxy Wars: Reconceptualising the Consequences of External Support." *Third World Quarterly* 42 (12)(2021): 1–18. <https://doi.org/10.1080/01436597.2021.1981762>.

Borghard, Erica Dreyfus. *Friends with benefits? Power and influence in proxy warfare*. Columbia Academic Commons. Columbia University, January

2014. <https://academiccommons.columbia.edu/doi/10.7916/D8Q81B7Z>

Lane, Ashley. "Iran's Islamist Proxies in the Middle East." Wilson Center. Published September 12, 2023.

<https://www.wilsoncenter.org/article/irans-islamist-proxies>.

²⁵ United Nations "Working Group on the Use of Mercenaries". Accessed 30th December 2023.

<https://www.ohchr.org/en/special-procedures/wg-mercenaries>

²⁶ Mumford, 2013. Pg. 76

²⁷ Ministry of Defence. "Future Operating Environment 2035." GOV.UK, December 14, 2015. Pp. 15.

<https://www.gov.uk/government/publications/future-operating-environment-2035>.

Strategic Problems with Proxy Warfare

Proxy warfare in the 21st century evolved rapidly as a result of the post-Cold War US-led war on terror and the Arab Spring and associated regime changes, which ran parallel to the already huge global share of terrorism in the Middle East and North Africa (MENA) region that saw non-state actors gaining notoriety at speed.²⁸ This saw the evolving dynamics of proxy–sponsor relationships in recent decades result in a globally diminishing level of state control over armed conflicts. For example, Hezbollah, one of Iran’s most infamous proxies, having attained a considerable level of independence in its alliances, is now regarded as a largely autonomous entity.²⁹

This blurring of lines regarding who wields force or exercises armed authority has led to a corresponding ambiguity in power dynamics, as increasingly powerful militias and terrorist organisations become rogue independent actors driven by harmful ideologies.³⁰ An illustrative case are the Islamic Republic of Iran-backed Houthi forces which have been conducting attacks on commercial vessels in the Red Sea since 18 November 2023, following reports of the Islamic Revolutionary Guard Corps (IRGC) training of Hamas terrorists ahead of the massacre that occurred in Israel on 7 October 2023.³¹

21st century conflicts across the MENA region have been characterised by non-state actors and covert state-sponsorship.³² Chronic internal and regional conflict, civil wars and uprisings open MENA up as a reoccurring site of global power proxy wars.³³ The lack of direct armed conflicts among first-tier states in recent decades should not be misinterpreted as a state of global peacetime; instead, we must acknowledge that the world has shifted towards competing via surrogate forces within developing nations.³⁴

Not only is this phenomenon predicted to continue, it is now referred to as complex conflict delegation for its development into multiple actor arrangements. In addition, it is plausible that we will see a transformation of single conflict delegation into complex proxy wars that involve composite principals. This means several states jointly or several states individually supporting a proxy or a state delegation to another state, which then supports a proxy.³⁵

²⁸ Kim Wukki and Todd Sandler, “Middle East and North Africa: Terrorism and Conflicts,” *Global Policy* 11, 4 (September 2020): 424. <https://onlinelibrary.wiley.com/doi/pdf/10.1111/1758-5899.12829>

²⁹ Emile El-Hokayem, “Hizballah and Syria: Outgrowing the Proxy Relationship,” *The Washington Quarterly* 30, 2 (2007): 35–52, https://www.stimson.org/wp-content/files/file-attachments/07spring_elhokayem_1.pdf.

³⁰ Rondeaux, Candace and Serman, David. “Twenty-First Century Proxy Warfare: Confronting Strategic Innovation in a Multipolar World.” New America. Accessed. Pp.3-11. <https://www.newamerica.org/future-security/reports/twenty-first-century-proxy-warfare-confronting-strategic-innovation-multipolar-world/executive-summary-key-findings/>.

³¹ Patrick Wintour, “Iran rejects US and UK calls to end support for Houthi Red Sea attacks,” *The Guardian*, 1 January 2024, <https://www.theguardian.com/world/2024/jan/01/iran-rejects-us-and-uk-calls-to-end-support-for-houthi-red-sea-attacks>; Summer Said, Dov Lieber and Benoit Faucon, “Hamas Fighters Trained in Iran Before Oct. 7 Attacks,” *The Wall Street Journal*, last modified 25 October 2023, <https://www.wsj.com/world/middle-east/hamas-fighters-trained-in-iran-before-oct-7-attacks-e2a8dbb9>.

³² Hafsa Halawa, “Nonstate Actors, Geopolitics, and Conflict in the Middle East,” *Carnegie Europe*, 30 November 2022, <https://carnegieeurope.eu/2022/11/30/nonstate-actors-geopolitics-and-conflict-in-middle-east-pub-88483>.

³³ Onyekachi Wambu, “Is Africa heading for a new era of proxy wars on its soil?” *New African Magazine*, 8 March 2023, <https://newafricanmagazine.com/29094/>.

³⁴ Sara Meger, “Rape in Contemporary Warfare: The Role Of Globalization In Wartime Sexual Violence,” *African Conflict and Peacebuilding Review* 1, 1 (2011): 109. <https://doi.org/10.2979/africonfpeacrevi.1.1.100>.

³⁵ Niklas Karlén and Vladimir Rauta, “Dealers and Brokers in Civil Wars: Why States Delegate Rebel Support to Conduit Countries,” *International Security* 47, 4 (2023): 107–146, https://doi.org/10.1162/isec_a_00461.

This shift has brought a change in the power balance between states and non-state actors with far-reaching escalation risks.³⁶ Al-Qaeda – which in its initial stages was supported by a network of affiliates, both state and non-state – initiated chlorine attacks in Iraq in 2007. And yet the use or possession of chemical weapons by terrorists was not thought of as a possibility prior to the 1990s.³⁷ The coinciding growth of proxy warfare and globalisation in online communications not only saw such groups emerge as local insurgents but they themselves now have a network of proxies and regional actors with shared ideological or geopolitical objectives.³⁸ This development of a multi-polar world has especially heightened exploitation of intercommunity divides, regional tensions and breakdowns in global governance, especially among resource rich regions.³⁹

General Sir Nicholas Carter, Chief of the Defence Staff from 2018 to 2021, argued that recent escalations in the Red Sea could illustrate that Iran may not have full control, suggesting a more complex dynamic at play.⁴⁰ The structural complexity of these non-state actors is rooted in their instability and ideological motivations and while they significantly contribute to regional power dynamics, their actions extend beyond mere aggression against neighbouring states. Their behaviour is marked by unpredictability, making them difficult to manage. It also presents substantial challenges for accountability under international law – including in relation to acts of CRSV.

³⁶ Daniel Byman, “Are Proxy Wars Coming Back?” *The Washington Quarterly* 46, 3 (2023): 149–64, <https://doi.org/10.1080/0163660x.2023.2259667>.

³⁷ Columb Strack, “The Evolution of the Islamic State’s Chemical Weapons Efforts,” *CTC Sentinel* 10, 9 (2017), <https://ctc.westpoint.edu/the-evolution-of-the-islamic-states-chemical-weapons-efforts/>.

³⁸ Khalid Al-Hammadi, “The Inside Story of al-Qa’ida, Part 4,” *Al-Quds al-Arabi*, 22 March 2005.

³⁹ Assaf Moghadam and Michel Wyss, “The Political Power of Proxies: Why Nonstate Actors Use Local Surrogates,” *International Security* 44, 4 (2020): 119-157, <https://direct.mit.edu/isec/article-abstract/44/4/119/12248/The-Political-Power-of-Proxies-Why-Nonstate-Actors>; C. Anthony Pfaff, “Proxy War Ethics,” *Journal of National Security Law & Policy* 9, 305 (2017): 305–53.

⁴⁰ General Sir Nick Carter, interview by author, 8 January 2024.

Analysis of Contemporary Proxy Warfare and CRSV

In many proxy conflicts, territorial control is often a contributing factor, and irregular forces, whether state-sponsored or insurgent, often resort to brutal tactics, including CRSV, as a low-cost, high-impact weapon of warfare.⁴¹ The growing reliance on mercenaries, paramilitaries and private military and security companies by conflicting parties has been paralleled by a rise in violations of international humanitarian law (IHL).⁴² Impunity has been fostered in such cases due to the ambiguous motivations of sponsors and their covert connections with their proxies, making it challenging to attribute actions to specific actors.

When acknowledging the current rise in CRSV, in the Secretary-General's report on conflict-related sexual violence, the UN pointed to escalating political and security crises.⁴³ Globally, the last decade has experienced a particular increase in militarisation and illicit arms proliferation, involving coups, unconstitutional militia and insurgent-led military takeovers that are often exacerbated by state actors exploiting the unrest to fulfil their geopolitical objectives.⁴⁴ From Afghanistan, Myanmar, and Libya, recent events have signalled an escalation in the use of both CRSV and gender-based violence (GBV).⁴⁵ In addition, chronic ongoing armed conflicts, exacerbated by state sponsoring of non-state actors in Somalia, South Sudan, Syria and Yemen were all marked by chronic and systematic use of CRSV within complex proxy war dynamics.⁴⁶

Research by Dara Key Cohen and Ragnhild Nordås into patterns of sexual violence among internal state-sponsored militias found that groups that rely on low-cost, low-tech strategies – namely child recruitment and recruitment via abduction and coercion – were also found to commit high levels of sexual violence.⁴⁷ The findings of this research suggest that it is possible that militias who use coercive

⁴¹ Stephen Watts et al., "Proxy Warfare in Strategic Competition," *Military Implications*, RAND Corporation, 9 March 2023, p.20; Victor Asal and Robert U. Nagel, "Control over Bodies and Territories: Insurgent Territorial Control and Sexual Violence," *Security Studies* 30, 1 (2021): 136-158, DOI: 10.1080/09636412.2021.1885726.

⁴² "Report of the United Nations Secretary-General on Conflict-Related Sexual Violence," Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict, 10 July 2023, <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2023/07/factsheet2022-2.pdf>.

⁴³ Ibid.

⁴⁴ Ibid.; "Sexual violence, the most despicable weapon in conflicts," European Union External Action, 19 June 2022, https://www.eeas.europa.eu/node/414907_fr?s=169.

⁴⁵ "Afghanistan 2022", Amnesty International, March 27, 2023.

<https://www.amnesty.org/en/documents/pol10/5670/2023/en/>;

Rebecca Ratcliffe, "Sexual violence is junta's 'modus operandi'", Myanmar activist tells UN", *The Guardian*, 14 July 2023, <https://www.theguardian.com/global-development/2023/jul/14/myanmar-sexual-violence-junta-modus-operandi-naw-hser-hser-tells-un#:~:text=UN%20investigators%20later%20found%20there,iceberg%2C%20Naw%20Hser%20Hser%20said;>

"Strongly Condemning Rise in Conflict-Related Sexual Violence, Speakers Urge Security Council to Better Prevent, Enforce Accountability for Such Crimes," United Nations.

⁴⁶ "UN Officials Express Grave Concern over Rising Levels of Sexual Violence in Somalia" United Nations, 5 August 2021, <https://childrenandarmedconflict.un.org/2021/08/un-officials-express-grave-concern-over-rising-levels-of-sexual-violence-in-somalia/>; "Fresh Evidence of RSF War Crimes in Darfur Underscore Urgency of Keeping UNAMID Peacekeeping Presence," Amnesty International; "Thousands of women, men, children raped in Syria's war - U.N. report," Stephanie Nebehay, Reuters, 16 March 2018,

<https://www.reuters.com/article/idUSKCN1GR1Q8/>; Moammar Al-Eryani, "Preventing the Next Kabul:

Confronting the Houthi's Violent Suppression of Women in Yemen," *Wilson Center*, 24 March 2023,

<https://www.wilsoncenter.org/article/preventing-next-kabul-confronting-houthis-violent-suppression-women-yemen#:~:text=A%20human%20rights%20report%20issued,Sana%27a%2C%20abduction%20of%202024;>

⁴⁷ Dara Kay Cohen and Ragnhild Nordås, "Do States Delegate Shameful Violence to Militias? Patterns of Sexual Violence in Recent Armed Conflicts," *Journal of Conflict Resolution* 59, 5 (2015): 877, <http://www.jstor.org/stable/24546331>.

recruitment and child abduction are likely to have low group cohesion and CRSV may be employed to increase camaraderie among ranks.⁴⁸ It was acknowledged that groups committing human rights violations in one form – such as child recruitment – are more likely to cross other “red lines”.⁴⁹ Militias who recruited children were found to be almost three times more likely to commit sexual violence⁵⁰. While this is a phenomenon from within internal delegation, it is important to note this trend in behaviour among non-state actors.

Proxies such as the Maoist rebel factions in Nepal, guerrilla organisations in Colombia and militias in Congo, Ivory Coast and Sri Lanka who employ these recruitment methods also perpetrate high levels of CRSV.⁵¹ The report suggested that states which themselves commit CRSV or GBV as a practice may also diffuse this among their proxies.⁵² Again looking at an example of Iran-backed proxy militias, the Houthis, Hezbollah and Hamas are all found to recruit child soldiers and commit widespread CRSV.⁵³ Similarly, the religious and ideological IRGC, which trains Iranian proxies, frequently uses sexually violent crimes to oppress civilians.⁵⁴

The increasing reach of Iran’s influence through its proxies is evidence of how this warfare can tap into a vast and globally dispersed network of support. The Houthi rebels raised nearly US\$300,000 of supportive aid for Hezbollah.⁵⁵ These proxy forces have grown into quasi state entities and regularly commit human rights violations – including CRSV – in Iraq, Syria, Yemen, Lebanon and Israel.⁵⁶

⁴⁸ Ibid.

⁴⁹ Rondeaux, Candace and Sterman, David. “Twenty-First Century Proxy Warfare: Confronting Strategic Innovation in a Multipolar World.”

⁵⁰ Cohen and Nordås, “Do States Delegate Shameful Violence to Militias?” p.885.

⁵¹ Nikita Malik, “Trafficking Terror: How Modern Slavery and Sexual Violence Fund Terrorism,” The Henry Jackson Society, 8 October 2017, <https://henryjacksonsociety.org/wp-content/uploads/2017/10/HJS-Trafficking-Terror-Report-web.pdf>; “Nepal: Conflict-Era Rapes Go Unpunished,” Human Rights Watch, 23 September 2014, <https://www.hrw.org/news/2014/09/23/nepal-conflict-era-rapes-go-unpunished>; “Colombia: Impunity for conflict-related sexual violence against women. Facts and Figures,” Amnesty International, 23 September 2011, <https://www.amnesty.org/en/wp-content/uploads/2021/07/amr230282011en.pdf>; “Success Story – Stopping Rape as a Weapon of War in Congo,” Human Rights Watch. n.d., <https://www.hrw.org/success-story-stopping-rape-weapon-war-congo>; Amnesty International, “Cote d’Ivoire – Targeting Women: the Forgotten Victims of the Conflict,” Reliefweb, 15 March 2007, <https://www.refworld.org/docid/45ffa4dd2.html>; Richard Traunmüller, Sarah Kijewski and Markus Freitag, “The Silent Victims of Sexual Violence during War: Evidence from a List Experiment in Sri Lanka,” *Journal of Conflict Resolution* 63,9 (2019): 2015-2042, <https://doi.org/10.1177/0022002719828053>.

⁵² Cohen and Nordås, “Do States Delegate Shameful Violence to Militias?” p.885.

⁵³ Moammar Al-Eryani, “Preventing the Next Kabul: Confronting the Houthi’s Violent Suppression of Women in Yemen,” Wilson Center.; “Child Soldiers Global Report 2004 – Occupied Palestinian Territories,” Child Soldiers International, 2004, <https://www.refworld.org/docid/4988063ac.html>; Phoebe Greenword, “Rape and domestic violence follow Syrian women into refugee camps,” *The Guardian*, 25 July 2013, <https://www.theguardian.com/world/2013/jul/25/rape-violence-syria-women-refugee-camp>; Jeffrey Gettleman, Anat Schwartz and Adam Sella, “‘Screams Without Words’: How Hamas Weaponized Sexual Violence on Oct. 7,” *The New York Times*, 28 December 2023, <https://www.nytimes.com/2023/12/28/world/middleeast/oct-7-attacks-hamas-israel-sexual-violence.html>.

⁵⁴ “Iran: Security forces used rape and other sexual violence to crush “Woman Life Freedom” uprising with impunity,” Amnesty International, 6 December 2023, <https://www.amnesty.org/en/latest/news/2023/12/iran-security-forces-used-rape-and-other-sexual-violence-to-crush-woman-life-freedom-uprising-with-impunity/>.

⁵⁵ Lizzie Porter, “Yemen’s Houthi Rebels Raise Nearly \$300,000 for Hezbollah,” *The National*, 22 July 2019, <https://www.thenationalnews.com/world/mena/yemen-s-houthi-rebels-raise-nearly-300-000-for-hezbollah-1.889034>; Vladimir Rauta, “‘Proxy War’ – A Reconceptualisation,” *Civil Wars* 23, 1 (2 January 2021): 1–24, <https://doi.org/10.1080/13698249.2021.1860578>.

⁵⁶ “2.17.5. Child Recruitment,” European Union Agency for Asylum, January 2021, <https://euaa.europa.eu/country-guidance-iraq-2021/2175-child-recruitment>; Pierre Bousset, “The Quds Force

Moreover, the blurred lines of authority and responsibility in proxy conflicts can result in a lack of accountability for CRSV, further emboldening perpetrators.⁵⁷

Notably, evidence substantiates Sudan's deliberate policy of systematic support, coordination and the providing of impunity for the Janjaweed militias.⁵⁸ The International Criminal Court (ICC) investigation, initiated in June 2005, has yielded multiple cases with suspects including Sudanese Government officials, leaders of the militia Janjaweed, as well as leaders associated with the Resistance Front. The charges include genocide, crimes against humanity, war crimes and, notably, widespread instances of CRSV.⁵⁹ While Sudan has not ratified the Rome Statute, making it a non-state party to the ICC, the ICC's jurisdiction was extended to encompass crimes specified in the Rome Statute that occurred within the territory of Darfur, Sudan, starting from 1 July 2002.⁶⁰

This expansion of jurisdiction was made possible through United Nations Security Council Resolution 1593.⁶¹ This particular ICC investigation has only released seven warrants of arrest and only one leader is in custody despite 87% of women and girls who were raped in South Sudan during a three-month period in 2018 stating that they were assaulted by more than one perpetrator. Despite enormous work to ensure the opposite, this shows a systemic level of CRSV and a systemic lack of accountability.⁶²

When discussing the nature of contemporary conflict and CRSV, Professor Halperin-Kaddari, former Vice-President of the United Nations Committee on the Elimination of Discrimination against Women (CEDAW), argued that there is possibly a disparity between the theoretical underpinnings of international law, including human rights and humanitarian law, and the framework governing institutions like the International Court of Justice (ICJ). Although there has been theoretical advancement in recent years, the institutional framework remains entrenched in an outdated view of warfare.⁶³ This gap highlights the lag in adapting legal institutions to the complexities of modern conflict, where non-state actors play increasingly prominent roles, and militarisation and sponsorship of proxies should be subject to redress.

The presence of non-state actors increases the total number of participants in a conflict zone, and many of them employ indirect methods of warfare like terrorism, posing significant military, political, financial and legal challenges for redress.⁶⁴ Non-state actors now have transnational reach through

in Syria: Combatants, Units, and Actions," Combating Terrorism Center at West Point, 23 June 2023, <https://ctc.westpoint.edu/the-quds-force-in-syria-combatants-units-and-actions/>; Al-Eryani, "Preventing the Next Kabul"; Patrick Wintour, "How Iran uses proxy forces across the region to strike Israel and US," *The Guardian*, 1 November 2023, <https://www.theguardian.com/global/2023/nov/01/how-iran-uses-proxy-forces-across-the-region-to-strike-israel-and-us>; Gettleman, Schwart and Sella, "'Screams Without Words'".

⁵⁷ Kilian Roithmaier, "Ensuring state responsibility in proxy warfare: the concept of state complicity in violations of international humanitarian law by non-state armed groups," *European journal of legal studies* 14, 2 (2023): 141-156, <https://hdl.handle.net/1814/75165>.

⁵⁸ "Sudan: Fresh evidence of government-sponsored crimes in Darfur drawdown of peacekeepers premature and reckless", 2019.

⁵⁹ "Darfur, Sudan," International Criminal Court, accessed 1 February 2024, <https://www.icc-cpi.int/darfur>.

⁶⁰ "Sudan and the Rome Statute," Parliamentarians for Global Action, 30 June 2022, <https://www.pgaction.org/ilhr/rome-statute/sudan.html>.

⁶¹ U.N. Secretary-General, "Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General," U.N. Doc. S/2005/60, 25 January 2005.

⁶² International Criminal Court, 2024; "Report on Conflict-related sexual violence in northern Unity," OHCHR, February 2019, <https://www.ohchr.org/sites/default/files/Documents/Countries/SS/InfographicsReportNortherUnitySouthSudan.pdf>.

⁶³ Prof. Halperin-Kaddari, interview by author, 7 January 2024.

⁶⁴ Assaf and Wyss, "The Political Power of Proxies".

online communications and recruitment, as well as benefiting from global arms proliferation and militarisation. This means countering their activities necessitates intricate and expensive international cooperation across diplomatic, legal, military, intelligence and humanitarian domains.⁶⁵

Many of these groups survive and fund themselves through forms of CRSV – namely sexual trafficking and sexual slavery. The most prominent acknowledgment of this relationship between CRSV and financial resources is the United Nations Security Council Resolution 2331 which determined that sexual violence is used as a source of revenue for terrorists.⁶⁶ This is noteworthy as another crucial component to a terrorist group’s emergence as a global actor is often through proxy sponsorship. Terrorist cells are often supported by diasporas or regimes with shared affiliations and ideology. This interplay further increases CRSV outside the realms of accountability.⁶⁷

⁶⁵ Ibid.

⁶⁶ “S/RES/2331 (2016),” United Nations Security Council, 20 December 2016, <https://www.un.org/securitycouncil/s/res/2331-%282016%29>.

⁶⁷ Watts et al., “Proxy Warfare in Strategic Competition,” p.21.

Case Studies of CRSV by Location

The conflicts covered by these case studies show the significant challenges posed when there is a lack of accountability or a failure to assign the actions of non-state actors to their state sponsor or to prevent such militarisation. Not only are they ongoing, but they exhibit global arms proliferation, insurgency and militarisation – the very themes outlined by the UN Security Council when confirming the rise in CRSV.

The case studies will further explore how these aspects have fostered an environment for non-state actors/proxies to form their own network, leading to unpredictable security outcomes or prolonging conflict and creating unstable regions in which extremism can capitalise. They all present a case for a re-evaluation of the international approach to CRSV within proxy wars.

The analysis will look in detail at one location, one non-state actor within the conflict and the year a specific escalation began.

Syria, ISIS, 2011

The Syrian conflict officially commenced in March 2011, sparked by peaceful protest against President Assad following the arrest of teenagers accused of anti-government graffiti. It escalated into rebellions in several locations across the country and eventually erupted into civil war. It caused a humanitarian crisis that left around half a million people dead and devastated the country's infrastructure, and became the site of a long and complex global power proxy war for over a decade.⁶⁸ What initiated the conflict was the Government's crackdown on civilian opposition, but as the response by the Assad Government became more violent, militias and insurgent rebel groups became increasingly militarised.

Due to weak institutions in Iraq and Syria, the Islamic State (IS) saw rapid growth which brought the West further into the conflict.⁶⁹ IS, also known as the Islamic State of Iraq and Syria (ISIS) or Daesh, is a transnational jihadist group that rose so far as to become an unrecognised quasi-state.⁷⁰ While a recipient of significant foreign funding, IS was not a state proxy. It is its growth to notoriety and quick advance, fostered by proxy warfare, that makes this case significant.

CRSV was perpetrated by various factions throughout the Syrian civil war, including pro-Government supporters, Free Syrian Army members and IS.⁷¹ But it is the rapid birth of IS, and the character of this complex civil war, that underscores a critical link between proxy warfare and CRSV. External nations such as Russia, Iran, Turkey, Qatar, Saudi Arabia and the US-led Western coalition all contributed weapons and military training or financial backing of armed groups. Complex proxy warfare in this civil war complicated negotiations and created a dynamic that exacerbated the core conflict. It caused further sectarian divisions and societal breakdown - an environment that led to increased CRSV.⁷² Despite similar objectives among many state sponsors, the fragmented approach ultimately allowed IS to exploit the chaos and make rapid advances.⁷³

The Rt Hon. Sir Gavin Williamson MP, when reflecting on his tenure as Secretary of State for the Ministry of Defence during the UK's engagement in the Syrian civil war, emphasised several key factors which contributed to the Islamic State's expansion. Williamson noted that IS thrived on the back of frail institutions in Iraq caused by a strategic reallocation of Western focus and resources into

⁶⁸ "Why has the Syrian war lasted 12 years?" BBC News, 15 March 2016, <https://www.bbc.com/news/world-middle-east-35806229>; Catia Florian, "The Syrian Conflict and the Role of the International Criminal Court," University of Padova Human Rights Centre, 2019, <https://unipd-centrodirittiumani.it/en/schede/The-Syrian-Conflict-and-the-Role-of-the-International-Criminal-Court/425>.

⁶⁹ <https://www.bbc.co.uk/news/world-middle-east-35806229> 23/01/2024.

⁷⁰ "The Islamic State," Stanford University Center for International Security and Cooperation, last modified April 2021, <https://cisac.fsi.stanford.edu/mappingmilitants/profiles/islamic-state>; Faisal Irshaid, "Isis, Isil, IS or Daesh? One group, many names," BBC News, 2 December 2015, <https://www.bbc.com/news/world-middle-east-27994277>; Daniel L. Byman and Jennifer R. Williams, "ISIS vs. Al Qaeda: Jihadism's global civil war," Brookings, 24 February 2015, <https://www.brookings.edu/articles/isis-vs-al-qaeda-jihadisms-global-civil-war/>.

⁷¹ "Thousands of women, men, children raped in Syria's war - U.N. report," Stephanie Nebehay, "Syrian Arab Republic," Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict, United Nations, accessed 1 February 2024, <https://www.un.org/sexualviolenceinconflict/countries/syrian-arab-republic/>; Omar Abdulkader, "Young Yazidi woman rescued after 8 years of forced marriage, rape and captivity at the hands of ISIS," CBS News, 7 September 2022, <https://www.cbsnews.com/news/yazidi-young-woman-rescued-isis-rape-captivity-al-hol-camp/>.

⁷² Theodore McLaughlin, "The Loyalty Trap: Regime Ethnic Exclusion, Commitment Problems, and Civil War Duration in Syria and Beyond," *Security Studies* 27, 2 (2018): 296-317, DOI: 10.1080/09636412.2017.1386938; Lise Morjé Howard and Alexandra Stark, "How Civil Wars End: The International System, Norms, and the Role of External Actors," *International Security* 42, 3 (2018): 127-71, https://doi.org/10.1162/isec_a_00305; David E. Cunningham, "Blocking resolution: How external states can prolong civil wars," *Journal of Peace Research* 47, 2 (March 2010): 115-27, <http://www.jstor.org/stable/25654549>.

⁷³ Byman and Williams, "ISIS vs. Al Qaeda".

Afghanistan, and the heavy involvement of a myriad of actors, both state and non-state. These circumstances caused a highly competitive and turbulent environment, with numerous smaller regional and sub-regional groups vying for influence. IS capitalised on this disarray and the resultant Western fatigue in the Middle East to establish and expand its control. The race to militarise militias, rebels and insurgents led to unexpected consequences, especially as support was disorganised amidst strategic competition.⁷⁴

Illustrating this is the two United States proxies in 2016 – CIA-armed Fursan al-Haq and Pentagon-backed Syrian Democratic Forces – which began fighting each other, using significant resources to do so and highlighting the unaccountable nature of rogue proxies.⁷⁵

General Sir Nicholas Carter also underscored the transformation of the Syrian conflict from an initial uprising into a complex and strategically confused situation, exacerbated by the involvement of multiple state actors. This involvement led to chaos and was ultimately a contributing factor to the emergence of IS. Carter’s analysis illuminates the intricate dynamics of the Syrian proxy war, underlining how the initial civil unrest spiralled into widespread violence and turmoil, further complicated by the active participation of international powers.⁷⁶

IS emerged from the remnants of Al-Qaeda in Iraq but was initially dispersed by the increased presence of Western armed forces in the region. However, the Western shift in focus from Iraq into Afghanistan saw the organisation regroup, taking the US-led “war on terror” by surprise.⁷⁷ The infighting between rebel militias in Syria, their use of cruelty and barbaric practices – including the strategic use of CRSV – and sophisticated online recruitment led to the implementation of the US-led coalition ‘Operation Inherent Resolve’ in 2014.⁷⁸ Prior to this, from 2011 to 2012, the Syrian uprising was extremely competitive. Rebel forces were fighting for funds through various networks and support and money was funnelled to these group from a variety of non-state individuals/actors and foreign states including Qatar and Saudi Arabia.⁷⁹ This competition encouraged greater acts of brutality. This, along with the ideology of IS, and the availability of funding, helped lead to the subsequent increase in CRSV.

The United Nations Security Council has determined through multiple resolutions that sexual violence has been used as a source of revenue for terrorists.⁸⁰ IS became notorious for its genocidal acts toward the Yazidi people, which combined sexual violence with economic exploitation. The systematic brutality against Yazidis, mainly women and girls, involved trafficking, enslavement and transportation to IS prisons, military training camps and the homes of fighters across eastern Syria. In these locations, women and young children endured repeated rape and beatings and were subjected to sexual

⁷⁴ Rt Hon. Sir Gavin Williamson CBE MP, interview by author, 24 January 2023.

⁷⁵ Bulos, Hennigan and Bennet, “In Syria, Militias Armed by the Pentagon Fight Those Armed by the CIA.”

⁷⁶ General Carter, 8 January 2024.

⁷⁷ “Timeline: the Rise, Spread, and Fall of the Islamic State,” Wilson Center, 28 October 2019, <https://www.wilsoncenter.org/article/timeline-the-rise-spread-and-fall-the-islamic-state>; Aviva Guttman, “The Rise of ISIS as a Partial Surprise: An Open-Source Analysis on the Threat Evolution and Early Warnings in the United Kingdom,” *International Journal of Intelligence and CounterIntelligence* 36, 3 (August 2023): 686-710, DOI: 10.1080/08850607.2022.2095543.

⁷⁸ Ibid.; Christophe Paulussen, “ISIS and Sexual Terrorism: Scope, Challenges and the (Mis)Use of the Label,” International Centre for Counter-Terrorism, 27 January 2021, <https://www.icct.nl/publication/isis-and-sexual-terrorism-scope-challenges-and-misuse-label>

⁷⁹ Anand Gopal and Jeremy Hodge, “Social Networks, Class, and the Syrian Proxy War,” *New America*, 6 April 2021, <http://newamerica.org/future-security/reports/social-networks-class-and-the-syrian-proxy-war/>.

⁸⁰ Jayne Huckerby, “When Human Trafficking and Terrorism Connect: Dangers and Dilemmas,” *Just Security*, 22 February 2019, <https://www.justsecurity.org/62658/human-trafficking-terrorism-connect-dangers-dilemmas/>.

humiliation and sold within the caliphate's sexual slavery trade.⁸¹ When these women or girls fell pregnant, they often suffered brutal late-term forced abortions; if they carried to term, the child and mother were separated.⁸² Yazidi women captured with their children were raped daily in front of them. They were forced into marriages and traded between IS fighters.⁸³ Islamic State saw women as a monetary resource.⁸⁴

These atrocities also advanced the group's mission to rid Syria of non-Muslims, in an overlap of their religious, ideological and political objectives.⁸⁵ As the civil war was prolonged by many competing proxies, IS made advances. As the conflict evolved into a broader battle against IS, the group innovatively funded itself through sexual exploitation and other illicit means. The involvement of ethnoreligious non-state armed groups, often supported by diasporas or regimes with shared affiliations, highlights the complex interplay of ethnoreligious, ideological and political motives within proxy war.⁸⁶ Such dynamics point to a shift in the character of warfare where the West must reckon with the decreasing "cost of entry" into such wars. These themes have been particularly concerning in recent years, with a rising proportion of civil wars, and thus proxy wars, involving militant Islam or jihadism.⁸⁷

The exact level at which strategic competition between the proxies was responsible for the growth of ISIS would require further investigation. But current analysis shows the conflict did foster an environment fertile for the terrorist group's advances in Syria during this period. This case study also illustrates the unpredictable nature of non-state actors that are financed by ideological fellow-travellers. Most disturbing is the sense of impunity among IS militants, as witnessed by their own documentation and distribution of their crimes online, with no regard for humanitarian law.⁸⁸

⁸¹ Cathy Otten, "Slaves of Isis: the long walk of the Yazidi women," *The Guardian*, 25 July 2017, <https://www.theguardian.com/world/2017/jul/25/slaves-of-isis-the-long-walk-of-the-yazidi-women>.

⁸² Atika Shubert and Bharati Naik, "ISIS 'forced pregnant Yazidi women to have abortions'," CNN, 6 October 2015, <https://www.cnn.com/2015/10/06/middleeast/pregnant-yazidis-forced-abortions-isis/index.html>.

⁸³ Susannah Cray, "International Criminal Court Jurisdiction Over ISIS Leaders," *Columbia Undergraduate Law Review*, 4 September 2022, <https://www.culawreview.org/current-events-2/international-criminal-court-jurisdiction-over-isis-leaders>.

⁸⁴ Williamson, interview by author, 2024.

⁸⁵ Nadia Al-Dayed and Andrew Mumford, "ISIS and Their Use of Slavery," International Centre for Counter-Terrorism, 27 January 2020, <https://www.icct.nl/publication/isis-and-their-use-slavery>.

⁸⁶ Watts et al., "Proxy Warfare in Strategic Competition," p.21.

⁸⁷ Williamson, interview by author, 2024.

⁸⁸ Lilie Chouliaraki and Angelos Kissas, "The communication of horrorism: a typology of ISIS online death videos," *Critical Studies in Media Communication* 35, 1 (2018).

Ukraine, Wagner Mercenary Force, 2014

Prior to the full-scale 2022 invasion, Russia launched a major operation in 2014 to undermine Ukrainian sovereignty in a stark example of the politicised nature of proxy warfare. It did so by using ‘pro-Russian separatists’ and ‘Russian-affiliated forces’, led by Russian secret services, as well as Russian troops.

A theoretical framework referred to as *sovereign defection* noted the different avenues of proxy intervention used in this period.⁸⁹ This concept illustrates the complexities of Russia’s covert military strategy leading up to the full-scale invasion and shows that the Kremlin’s strategy of both inward and outward approach damaged Ukraine’s sovereignty. Not only did this foster an environment for CRSV to spread among militarised proxies, but the Kremlin hugely benefitted from the chaos in the region and the appearance of civil war.

The events that followed the invasion in February 2022 will be covered in this analysis. But the military strategies employed by Russia up to this point underscore the need for a contemporary analysis of warfare in the context of CRSV. The Kremlin’s use of proxies and covert military operations went unchecked by the international community and fostered a culture of unpredictable and violent non-state actors acting with impunity.

The Wagner Mercenary Group (WGM), or the ‘Wagner Mercenary Force’, operates as a Russian proxy private military company (PMC) or paramilitary entity.⁹⁰ It is recognised for offering both military and operational assistance to the Russian Government in global conflict zones and civil conflicts, operating as a Russian proxy force.⁹¹ WGM played a critical role in the annexation of Crimea and the occupation of parts of the eastern Donbas region in early 2014. Wagner’s strategic support has been the subject of significant controversy and is associated with numerous conflicts and human rights violations, notably in Ukraine, Syria, Libya, Mali, the Central African Republic and various other regions. The group has allowed a level of deniability for the Russian Government in terms of the scale of criminal activities and atrocities, including the strategic use of CRSV.⁹²

⁸⁹ Vladimir Rauta, “Proxy agents, auxiliary forces, and sovereign defection: assessing the outcomes of using non-state actors in civil conflicts,” *Southeast European and Black Sea Studies* 16, 1 (2016), <https://doi.org/10.1080/14683857.2016.1148416>. This article introduces the concept of *sovereign defection* and defines it as a break-away from an existing state. It is classified into two categories: *inward and outward*. *Outward sovereign defection* relates to occupying territory, as seen with Russian occupation of the Crimean Peninsula, while *inward sovereign defection* categorises the external sponsorship of rebels and using proxy forces in the Eastern regions as a means of creating fractures in Ukraine’s governmental structures.

⁹⁰ András Rác, “Band of Brothers: The Wagner Group and the Russian State,” CSIS: Center for Strategic & International Studies, 21 September 2020, <https://www.csis.org/blogs/post-soviet-post/band-brothers-wagner-group-and-russian-state>.

⁹¹ Ben Brimelow, “Russia is using mercenaries to make it look like it’s losing fewer troops in Syria,” *Business Insider*, 13 February 2018, <https://www.businessinsider.com/russian-mercenaries-dying-in-syria-2018-2>.

⁹² Lilia Rzhetska, “Ukrainian POWs say Wagner Group violated laws,” *dw.com*, 26 October 2023, <https://www.dw.com/en/ukrainian-pows-say-wagner-group-violated-war-laws/a-67223859>; “The case against Russia’s Wagner Group and what it means for Syria,” Syria Justice and Accountability Centre, 22 June 2022, <https://syriaaccountability.org/the-case-against-russias-wagner-group-and-what-it-means-for-syria/>; “Mali: New Atrocities by Malian Army, Apparent Wagner Fighters,” Human Rights Watch, 24 July 2023, <https://www.hrw.org/news/2023/07/24/mali-new-atrocities-malian-army-apparent-wagner-fighters>; “UN Human Rights Council 54: Statement on Central African Republic,” UK Mission to the WTO, 10 October 2023, <https://www.gov.uk/government/news/un-human-rights-council-54-statement-on-central-african-republic>; Noël James, “UN Reports Sexual Violence in Mali; Russian Wagner Group Implicated,” Council on Foreign

The UK Government proscribed them as a terrorist organisation under the UK Terrorism Act 2000 in September 2023.⁹³ When doing so the then Home Secretary, cited them as “violent and destructive... a military tool of Vladimir Putin’s Russia” whose “continuing destabilising activities only continue to serve the Kremlin’s political goals”.⁹⁴

Although the actions of the Wagner Group in Ukraine after the full invasion of 2022 earned it greater notoriety, it had been involved in covert Russian action against Ukraine for many years. The mercenary group emerged as an entity in 2014, during Russia’s seizure of Crimea, and was involved in Russia’s invasion of eastern Ukraine throughout 2015.⁹⁵ Arguably, the Kremlin’s covert use of Wagner caused a Western miscalculation over the extent of Russia’s presence in eastern Ukraine in this period. This allowed Wagner and Russia to act with a high degree of impunity.

The use of sexual violence in Ukraine by Russian forces only received formal recognition following Russia’s full-scale invasion in 2022. The UN Independent International Commission of Inquiry on Ukraine, in its October 2023 report, detailed how the Russian military, alongside affiliated forces and proxies, committed widespread sexual violence.⁹⁶ This brutality, which targeted men, women, children and the elderly, included rape, forced nudity, sex trafficking, threats of sexual violence for confessions, castration, sterilisation, sexual slavery and other forms of abuse, sometimes perpetrated in front of victims’ family members.⁹⁷

Yet there is evidence that in the period from 2014 to 2021, Russia’s proxy forces in eastern Ukraine were already committing appalling acts of CRSV, while escaping Western attention.

Relations, 11 August 2023, <https://www.cfr.org/blog/un-reports-sexual-violence-mali-russian-wagner-group-implicated>.

⁹³ “Proscribed Terrorist Groups or Organisations,” Home Office, last modified 19 January 2024, <https://www.gov.uk/government/publications/proscribed-terror-groups-or-organisations--2/proscribed-terrorist-groups-or-organisations-accessible-version>.

⁹⁴ “Wagner to be declared a terrorist organisation by UK”, BBC News, 6 September 2023, <https://www.bbc.co.uk/news/uk-66724396>

⁹⁵ “Russia’s Wagner Private Military Company (PMC),” Congressional Research Service, 1 August 2023, <https://crsreports.congress.gov/product/pdf/IF/IF12344>.

⁹⁶ “Report of the Independent International Commission of Inquiry on Ukraine,” Independent International Commission of Inquiry on Ukraine, 19 October 2023, <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/coiukraine/A-78-540-AEV.pdf>.

⁹⁷ Volodymyr Zelenskyy, “Address to the Parliament of Lithuania,” Kyiv, American Rhetoric Online Speech Bank, 12 April 2022, <https://www.americanrhetoric.com/speeches/volodymyrzelenskylithuaniaparliament.htm>; Amal Nassar, Dr Kateryna Busol and Alexa Sydor-Czartorysky, “Ukraine study on the status of and opportunities for reparations for survivors of conflict-related sexual violence,” Global Survivors Fund, May 2022, <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2022/07/report/ukraine-study-on-the-status-of-and-opportunities-for-reparations-for-survivors-of-conflict-related-sexual-violence/GSFUkraineEng.pdf>.

General Sir Nicholas Carter, Chief of the Defence Staff 2018–2021, during a speech on the integrated operating concept given at the Policy Exchange on 30 September 2020, acknowledged the Wagner force and Russia’s use of proxies for deniability:

Using companies, like the Wagner Group, Moscow can support state and non-state partners, extract resources, influence foreign leaders, and do so with plausible denial. Their military skills and capabilities lend a form of limited power projection, strengthening partners, establishing new military footholds, and altering regional balances to achieve strategic advantage. CSIS estimates that operations like these are underway in 30 countries across some four continents.⁹⁸

Dr Kateryna Busol, Human Rights Lawyer and co-author of the Global Survivors Fund 2022 report on Ukraine CRSV, argues that the proxy war in the initial stages between 2014 and 2021 gave Russia significant deniability. Stressing, that Ukrainian human rights non-governmental organisations (NGO) submitted evidence of CRSV during this period to the United Nations, and argued that both Russia’s military and paramilitaries were present and controlling eastern Ukraine.⁹⁹ However, it was not until the European Court of Human Rights in *Ukraine and the Netherlands V. Russia* 2022 (the MH17 case) handed down its ruling in November 2022 that it was confirmed – and widely acknowledged – that Russia had control over the paramilitaries in eastern Ukraine.¹⁰⁰

Despite numerous human rights NGOs providing evidence of Russian presence in Ukraine through Wagner, the Kremlin was not held responsible. Dr Busol further emphasises that even in the full invasion, Russia’s continued use of proxies heavily bolsters Kremlin propaganda, by limiting the need for mobilisation.¹⁰¹ A UK House of Commons Foreign Affairs Committee inquiry also found that Russia’s use of PMCs in Ukraine was attractive to the Kremlin for its deniability in case of excesses.¹⁰² This also indicates a chronic failure of the international community to understand CRSV within contemporary warfare – and therefore to accredit responsibility.

The Wagner Group played a significant role in the massacre in Bucha in 2022. It conducted operations with severe brutality. Determining whether these severe acts of violence are the result of independent actions by unauthorised factions or were specifically directed by the Kremlin’s military chain of command remains uncertain.¹⁰³ But their sheer brutality is evidence of the grave implications of unaccountable proxies, regardless of whether the Kremlin gave the orders.

Videos of atrocities and human rights abuses during the full-scale invasion have been posted online by the Wagner Group, illustrating a potential pattern of brutal non-state actors using online platforms

⁹⁸ Nick Carter, “Chief of the Defence Staff, General Sir Nick Carter launches the Integrated Operating Concept,” Ministry of Defence, 30 September 2020, <https://www.gov.uk/government/speeches/chief-of-the-defence-staff-general-sir-nick-carter-launches-the-integrated-operating-concept>.

⁹⁹ Kateryna Busol, interview by author, 18 January 2024.

¹⁰⁰ “Eastern Ukraine and flight MH17 case declared partly admissible,” European Court of Human Rights, 25 January 2023, <https://hudoc.echr.coe.int/app/conversion/pdf/?library=ECHR&id=003-7550165-10372782&filename=Grand%20Chamber%20decision%20Ukraine%20and%20the%20Netherlands%20v.%20Russia%20-%20Flight%20MH17%20and%20eastern-Ukraine-conflict%20case%20partially%20admissible,%20will%20proceed%20to%20judgment.pdf>; Kateryna Busol, Interview by author.

¹⁰¹ Kateryna Busol, Interview by author.

¹⁰² “Guns for gold: the Wagner Network exposed,” Foreign Affairs Committee, 26 July 2023, <https://committees.parliament.uk/committee/78/foreign-affairs-committee/news/196695/guns-for-gold-the-wagner-network-exposed/>.

¹⁰³ Sean McFate, “The Mercenaries Behind the Bucha Massacre,” *Wall Street Journal*, 12 April 2022, <https://www.wsj.com/articles/mercenaries-behind-bucha-massacre-russia-ukraine-putin-attack-terror-brutality-wagner-group-moscow-geneva-convention-war-crimes-atrocities-11649797041>.

to display clear breaches of international law. This contemporary characteristic of modern conflicts that involve non-state actors points to a culture of impunity.¹⁰⁴

Reports in 2023 suggested that Russian convicts implicated in crimes of rape and murder had been released prematurely and enlisted by the Wagner mercenary group to join its operations in Ukraine. This shows that even after the full invasion of 2022, the Kremlin continued to lack the will for full mobilisation and continued to tolerate sexual predators working for its proxy.¹⁰⁵ The UN Commission of Inquiry on Ukraine determined that Russia has not adequately trained its service personnel to adhere to international law. Evidence provided by CRSV victims in formerly occupied regions and villages include reports of widespread use of alcohol and intoxication, especially among lower ranks.¹⁰⁶ This points to a poor chain of command.

As highlighted earlier in this report, there is evidence to suggest that militaries who themselves commit CRSV diffuse the practice amongst their trained proxies and do not prohibit such actions.¹⁰⁷ In addition, it was suggested that CRSV may be used for troop cohesion, especially among units – like the Wagner Group – that have high levels of forced or coerced recruitment and low levels of shared allegiances.¹⁰⁸ These two factors are illustrative in the case of Ukraine. Russia’s avoidance of mass mobilisations, and a lack of regard for international law in its own troops, have allowed a culture of such sexual violence within its proxy forces.¹⁰⁹

The use of mercenary and proxy forces comes with a particular set of problems unique to this style of warfare. This is a result of independent rogue actors, outside of the rules of war, who are legitimised and unleashed with unpredictable consequences. This was demonstrated to the Kremlin in June 2023 when the Wagner Group launched a mutiny on Moscow, led by Yevgeny Prigozhin.¹¹⁰ The rebellion was over in 48 hours but the entire world watched as the group occupied critical Russian war headquarters in Rostov-on-Don, shot down six helicopters and an airplane – killing 13 military service personnel – and got within 125 miles (200km of Moscow).¹¹¹ The militarisation of these groups is not just a danger for the balancing act of the power between states and sponsor. The power they wield, paired with the lack of accountability for their crimes, has enormous implications for human rights violations and CRSV. As demonstrated in this case, the character of Russia’s actions in Ukraine, both before and after the invasion of 2022, has in part been led by Putin’s political objectives at home, and his desire for covert action on the international stage. This led to an enormous transfer of power onto

¹⁰⁴ Isabel Keane, “Video claims to show Russian mercenary executed by sledgehammer,” *New York Post*, 13 June 2023, <https://nypost.com/2023/02/13/video-claims-to-show-russian-mercenary-executed-by-sledgehammer/>.

¹⁰⁵ Arsenii Sokolov, Tim Whewell and Nina Nazarova, “Russian Convicts Released to Fight with Wagner Accused of New Crimes,” *BBC News*, 9 August 2023, <https://www.bbc.com/news/world-europe-66364272>.

¹⁰⁶ “Conference room paper of the Independent International Commission of Inquiry on Ukraine,” Office of the United Nations High Commissioner for Human Rights, 29 August 2023, https://www.ohchr.org/sites/default/files/2023-08/A_HRC_52_CRP.4_En%20%28003%29.pdf.

¹⁰⁷ Cohen and Nordås, “Do States Delegate Shameful Violence to Militias?” p.891.

¹⁰⁸ Dara Kay Cohen, “Explaining Rape during Civil War: Cross-National Evidence (1980-2009),” *American Political Science Review* 107, 3 (2013): 461–77, <http://www.jstor.org/stable/43654918>.

¹⁰⁹ Kateryna Busol, Interview by author.

¹¹⁰ Zoran Ivanov, “Changing the character of proxy warfare and its consequences for geopolitical relationships,” *Security and Defence Quarterly* 31, 4 (2020): 37-51, <https://doi.org/10.35467/sdq/130902>; Anastasia Lotareva, “Wagner mutiny: Junior commander reveals his role in the challenge to Putin,” *BBC News*, 22 July 2023, <https://www.bbc.com/news/world-europe-66247915>.

¹¹¹ Kimberly Marten, “The perplexing aftermath of the Wagner mutiny shows Putin is more vulnerable than ever,” *The Guardian*, 4 August 2023, <https://www.theguardian.com/commentisfree/2023/aug/04/wagner-group-mutiny-putin-prigozhin-russia>.

an unaccountable actor and impunity for CRSV, both in the years leading up to the full-scale invasion as well as during the invasion itself.

Democratic Republic of Congo (DRC), March 23 Movement, 2021

In the resource-rich Democratic Republic of Congo (DRC), with already deep-seated sectarian or ethnic divisions, civilians have endured one of the world's longest running proxy wars. Powers such as China have used their presence to maintain influence, both in the internal conflict and the Congolese economy. China has unmatched access to vital metals in the DRC, facilitating its production of electronics and clean energy technologies. The trading relationship enables the Congolese Government to use Chinese drones and weapons to combat M23 rebels.¹¹²

After a decade-long hiatus, the M23 rebel group, which originally emerged in eastern DRC following the 1994 Rwandan genocide, renewed hostilities against the Congolese army in late 2021. Despite international peace initiatives, a lasting resolution remains unfound. During these clashes, men were forcibly separated from their families and killed, while women and girls endured horrifying incidents of sexual violence, often in front of their children. In North Kivu, a region that has seen a strong M23 presence, there was a 37% surge in gender-based violence in the first three months of 2023 compared with the same period in 2022, resulting in the reporting of several thousand cases of CRSV.¹¹³

The conflict's opposing factions have been increasingly leveraging ethnic affiliations, thereby gravely endangering groups of women in conflict areas. In regions under the control of M23 forces, men who managed to survive were often subjected to abduction and forced recruitment into the rebel group. This is a common strategy employed by various militias, as previously detailed in this paper. It significantly escalates the likelihood that these individuals will engage in perpetrating CRSV, compared to forces who are not forcibly affiliated.¹¹⁴ CRSV victims have recounted that the fighters identified themselves as being sponsored by Rwanda. One victim chillingly recounted, "As they were raping me, one said 'We've come from Rwanda to destroy you'".¹¹⁵

It has been argued that Western nations often avoid confronting the harsh realities of proxy warfare or "silent wars" possibly due to political considerations or reluctance to intervene directly. There has been a chronic failure to properly condemn Rwanda's involvement in the Congo and their sponsoring of the M23 rebels.¹¹⁶ This pattern of reluctance is emblematic of a broader issue within the international community and governments, inadvertently enabling CRSV to persist unchecked. It suggests that some governments maintain a naive hope for spontaneous resolution, despite evidence to the contrary.¹¹⁷ This underscores the challenges of addressing proxy warfare and stresses the need for a more honest and contemporary understanding of war and CRSV in the 21st century.

The Rwandan-backed M23 rebels and China, a major external player with significant economic interests, are entangled in a resource-driven proxy war that exposes the limitations of the UN's anachronistic perspective on war. This case demonstrates the potential proxy wars have to bring about huge devastation, over a long period of time, with little accountability for sponsoring states.

¹¹² Katherine Wells, "China's Monopoly over Critical Minerals," *Georgetown Security Studies Review*, 1 June 2023, <https://georgetownsecuritystudiesreview.org/2023/06/01/chinas-monopoly-over-critical-minerals/>.

¹¹³ Sophie Neiman, "Sexual violence plagues women displaced by DR Congo's M23 conflict," *The New Humanitarian*, 12 July 2023, <https://www.thenewhumanitarian.org/news-feature/2023/07/12/sexual-violence-plagues-women-displaced-dr-congo-m23-conflict>; "DR Congo: Rwandan-backed M23 rebels perpetrating summary killings and rapes," Amnesty International, 17 February 2023, <https://www.amnesty.org/en/latest/news/2023/02/dr-congo-rwandan-backed-m23-rebels-perpetrating-summary-killings-and-rapes/>.

¹¹⁴ Cohen and Nordås, "Do States Delegate Shameful Violence to Militias?"

¹¹⁵ "DR Congo: Killings, Rapes by Rwanda-Backed M23 Rebels," Human Rights Watch, 13 June 2023, <https://www.hrw.org/news/2023/06/13/dr-congo-killings-rapes-rwanda-backed-m23-rebels>.

¹¹⁶ Williamson, interview by author, 2024.

¹¹⁷ Ibid.

Israel, Hamas, 7 October 2023

On 7 October 2023, Hamas launched an attack in Israel that killed over 1200 Israelis, marking one of the most significant escalations in the Israeli–Palestinian conflict in decades. This barbaric attack was indiscriminate in its targeting of civilians and saw the slaughter of the elderly, men, women, children and infants. Hamas used torture, burned entire families alive, mutilated dead bodies, kidnapped others and used sexual violence, all while recording and broadcasting these crimes online and on the victims’ own social media platforms.¹¹⁸

Formed in 1987, the Hamas charter advocates for the establishment of an Islamic Palestinian state in place of Israel and rejects all agreements between the Palestinian Liberation Organization (PLO) – the internationally recognised representative of the Palestinian people – and Israel.¹¹⁹ It is a proscribed terrorist organisation under UK and US law.¹²⁰

The evidence pointing to Hamas’ use of sexual violence as a systemic weapon of war is extremely high and showed a campaign of planned humiliation and torture inflicted through sexual assault, mutilation and rape upon hundreds of Israelis. Victims ranged from the elderly to small children.¹²¹ Leaked videos from interrogations show alleged Hamas terrorists detailing instructions they were given to rape Israeli women.¹²² As such, Special Representative of the Secretary-General (SRSG) Pramila Patten led an official visit to Israel, supported by a team of technical experts that lasted from 29 January to 14 February 2024.¹²³

Collating such evidence in the aftermath of the attack has been exceptionally complex. This is due to the condition of many of the victims’ bodies. Some were rendered unexaminable as a result of burning of the victims. The circumstances of their discovery further complicated forensic analysis, as in the immediate aftermath of the attack, the site was still an active warzone and therefore not preserved as a crime scene. In adherence to Jewish customs, the deceased were buried quickly. Many survivors of the sexual violence were forcibly taken to Gaza as hostages. Some of these hostages have returned to Israel and have been able to provide evidence of the crimes both on 7 October and while they were

¹¹⁸ Isaac Chotiner, “How Hamas Used Sexual Violence on October 7th,” *The New Yorker*, 10 December 2023, <https://www.newyorker.com/news/q-and-a/how-hamas-used-sexual-violence-on-october-7th>; Anat Peled and Rory Jones, “Israel’s ‘Black Sabbath’: Murder, Sexual Violence and Torture on Oct. 7,” *WSJ*, 31 December 2023, <https://www.wsj.com/world/middle-east/israel-hamas-oct-7-murder-sexual-violence-torture-45aab439>; Janice Turner, “Why’s the #MeToo crowd silent on Hamas rape?” *The Times*, 1 December 2023, <https://www.thetimes.co.uk/article/whys-the-metoo-crowd-silent-on-hamas-rape-g8m5mkpf9>.

¹¹⁹ C. Ernest Dawn, “Madiha Rashid Al Madfai, Jordan, the United States and the Middle East Peace Process, 1974–1991,” *Cambridge Middle East Library* 28 (Cambridge: Cambridge University Press, 1993), p. 298, *International Journal of Middle East Studies* 27, no. 1 (1995): 103–5, <https://doi.org/10.1017/S0020743800061663>.

¹²⁰ “UK and US target Hamas with new sanctions to isolate terror,” Foreign, Commonwealth & Development Office, 13 December 2023, <https://www.gov.uk/government/news/uk-and-us-target-hamas-with-new-sanctions-to-isolate-terror-group#:~:text=Membership%20and%20expressing%20support%20for,designated%20it%20a%20terrorist%20group>.

¹²¹ Lucy Williamson, “Israel Gaza: Hamas raped and mutilated women on 7 October, BBC hears,” *BBC News*, 5 December 2023, <https://www.bbc.com/news/world-middle-east-67629181>.

¹²² Bethan McKernan, “Evidence points to systematic use of rape and sexual violence by Hamas in 7 October attacks,” *The Guardian*, 18 January 2024, <https://www.theguardian.com/world/2024/jan/18/evidence-points-to-systematic-use-of-rape-by-hamas-in-7-october-attacks>.

¹²³ “Following visit to Israel and the occupied West Bank, UN Special Representative of the Secretary-General on Sexual Violence in Conflict, Ms. Pramila Patten, finds sexual violence occurred on 7 October, and against hostages and calls for a fully-fledged investigation”, Office of the Special Representative of the Secretary General on Sexual Violence in Conflict, United Nations, 4 March 2024, <https://www.un.org/sexualviolenceinconflict/press-release/israel-west-bank-mission/>

in Gaza. There was available evidence from some locations, alongside eyewitness accounts, this enabled events to be reconstructed. At least seven individuals provided testimonies of rapes witnessed first-hand. So while we cannot point to mass rape as per the legal definition, there is significant evidence showing, at minimum, the strategic use of CRSV.¹²⁴

Following her visit to Israel, SRSG Patten encourages the Israeli government to grant access to the Office of the High Commissioner for Human Rights and the Independent International Commission of Inquiry on the occupied Palestinian Territory, including East Jerusalem and Israel to conduct a “fully-fledged independent investigations into all alleged violations to complement and deepen the findings emerging from her mission.”¹²⁵

These testimonies recount acts of gang rape marked by extreme brutality, including mutilation such as the cutting off of breasts and bullet wounds inflicted upon genital areas. The positioning and state of the female victims’ bodies, found either completely naked or with clothing removed from the waist down and legs apart, underscores the violence endured. This pattern of mutilation, noted in various locations, points to a systematic approach to sexual violence. Men were not spared from such brutality, with reports of genital mutilation through cutting or gunshot wounds, indicating a broader scope of sexual violence affecting both women and men.¹²⁶ Those who suffered genital mutilation, rape or other sexual violence not only experienced this publicly, in view of family, but in some cases, it was recorded, and the footage was distributed online by Hamas, adding to the violation and humiliation.¹²⁷

Following the 7 October attack, a grassroots campaign called #MeTooUnlessUrAJew was founded to highlight what had occurred. In December, around eight weeks after the attack, the organisation UN Women condemned the use of CRSV and Pramila Patten, the Special Representative of the Secretary-General on Sexual Violence in Conflict, activated the UN Action network to gather UN-sourced and verified information on incidents, patterns and trends of CRSV.¹²⁸ Prior to this acknowledgement, on 20 October, UN Women published an emergency report titled “Rapid assessment and humanitarian response in the Occupied Palestinian Territory” and shortly followed it with an official UN Women statement on 27 October entitled “In-focus: The conflict in Gaza”.¹²⁹

Following the October 7th Massacre, many have pointed to Iran as a sponsor of such crimes. The US has stated that it cannot substantiate Iran’s involvement in the attack.¹³⁰ This response has been

¹²⁴ Halperin-Kaddari, interview by author, 7 January 2024; 7 October footage, viewed by author, 16 January 2024.

¹²⁵ Office of the Special Representative of the Secretary General on Sexual Violence in Conflict, United Nations,

¹²⁶ Ibid.

¹²⁷ Halperin-Kaddari, interview by author, 7 January 2024; 7 October footage, viewed by author, 16 January 2024.

¹²⁸ “UN Women statement on the situation in Israel and Gaza,” UN Women, 1 December 2023, <https://www.unwomen.org/en/news-stories/statement/2023/12/un-women-statement-on-the-situation-in-israel-and-gaza>.

¹²⁹ “Rapid assessment and humanitarian response in the Occupied Palestinian Territory,” UN Women, 20 October 2024, <https://www.unwomen.org/en/digital-library/publications/2023/10/un-women-rapid-assessment-and-humanitarian-response-in-the-occupied-palestinian-territory>; “In-focus: The conflict in Gaza,” UN Women, 27 October 2024, <https://www.unwomen.org/en/news-stories/in-focus/2023/10/in-focus-the-conflict-in-gaza>.

¹³⁰ Summer Said, Benoit Faucon and Stephen Kalin, “Iran Helped Plot Attack on Israel Over Several Weeks,” *The Wall Street Journal*, 8 October 2023, <https://www.wsj.com/world/middle-east/iran-israel-hamas-strike-planning-bbe07b25>

argued to be part of the Biden Administration's policy of maintaining diplomatic relations with Tehran.¹³¹

Iran, primarily through the IRGC, has long sponsored the terrorist activities of Hamas, providing hundreds of millions of dollars in financial assistance – upwards of \$100 million a year – and furnishing it with weapons and offering operational training towards its terrorist activities and political oppression of the Palestinian people.¹³² Reports of the IRGC perpetrating sexual violence on Iranian citizens are frequent and this violent control tactic could in part be passed on to their proxies.¹³³ It has been argued that Hamas would not have been able to plan and conduct such operations without years of support.¹³⁴ It was reported by senior members of Hamas and Hezbollah – another Iran-backed militant group – that Iranian security officials helped plan Hamas' 7 October attack and approved the assault during a meeting in Beirut. This allegedly included the IRGC collaborating with Hamas from August to plan air, land and sea incursions. Iran has indicated that the regime was surprised by the atrocities, but the evidence of Hamas' multiple income streams and training indicates a long-term sponsorship of and influence on the group's escalating violence and capabilities.¹³⁵

This case study demonstrates the complex relationships existing in proxy war and their influence on the extremities of conflict. The Iranian regime has for decades executed enormous levels of power and enforced its ideological objectives through militant forces in the region with little redress. Calls for the UN to acknowledge this fact existed prior to 7 October. The scale on which Hamas committed the atrocities and the subsequent actions of Hezbollah and the Houthis in the region have brought new attention to the scale of Iran's culpability over its proxy sponsorship.¹³⁶

The cost of entry into conflict is now exceptionally low compared with the impact it has on lives and global security in already strategically competitive and unstable regions. The Houthis, employing straightforward, low-cost tactics, managed to interrupt international trade and entice Western nations into direct confrontation.¹³⁷ The recent and rapid transition from a peripheral entity among Iranian-aligned forces to a significantly disruptive militant group shows the damage of militarising non-state actors.

These groups are extremely unpredictable and there should be caution when looking to place the entire responsibility for the regional instability following 7 October on Iran. Hamas, similarly to ISIS and the Wagner Force, documented its human rights abuses – including CRSV in some cases – and distributed them on online platforms. This suggests a blatant disregard for international law.¹³⁸ Within this analysis, it is clear that focusing on individual states and the UN no longer covers the scale of the

¹³¹ Kasra Aarabi, "The evidence shows Iran's lead role in October 7," *The Jewish Chronicle*, 21 December 2023, <https://www.thejc.com/lets-talk/the-evidence-shows-irans-lead-role-in-october-7-pgzng3q0>.

¹³² "United States and United Kingdom Take Coordinated Action Against Hamas Leaders and Financiers," U.S. Department of the Treasury, 14 November 2023, <https://home.treasury.gov/news/press-releases/jy1907>; Max Boot, "If Israel can defeat Hamas, it would be a major blow against Iran's proxy strategy," *The Washington Post*, 30 October 2023, <https://www.washingtonpost.com/opinions/2023/10/30/hamas-iran-proxies-houthis-hezbollah-deter-combat/>.

¹³³ Deepa Parent, "Iranian regime accused of raping and violating protesters as young as 12," 6 December 2023, <https://amp.theguardian.com/global-development/2023/dec/06/iranian-regime-accused-of-rape-and-violating-protesters-as-young-as-12>.

¹³⁴ Said, Faucon and Kalin, "Iran Helped Plot Attack on Israel".

¹³⁵ Matthew Levitt, "The Hamas-Iran Relationship," The Washington Institute for Near East Policy, November 2023, <https://www.washingtoninstitute.org/policy-analysis/hamas-iran-relationship>.

¹³⁶ Goli Ameri, "What Will It Take for the UN to Stand With the People of Iran?" Freedom House, 9 November 2022, <https://freedomhouse.org/article/what-will-it-take-un-stand-people-iran>.

¹³⁷ Williamson, interview by author, 2024.

¹³⁸ Ibid.; Alya Shandra, "Video of ISIS-style execution of Ukrainian POW shared by Russian TG channels," Euromaiden Press, 12 April 2023, <https://euromaidenpress.com/2023/04/12/isis-style-execution-of-ukrainian-pow-shared-by-russian-tg-channels/>; Chouliaraki and Kissas, "The communication of horrorism."

complex and unstable elements which threaten global security.¹³⁹ When looking at the global rise of CRSV and this case study, it is clear the UN must take a contemporary analysis of armed conflict to improve accountability.

Policy Recommendations

CRSV is a clear war crime, under international human rights law and laws at state level. However, there is a fragmentation in international law that has not recognised that proxy warfare fosters environments where international responsibility is unclear, and attributing actions to non-state actors by states encourages a culture of impunity. International humanitarian law does not encompass a specific concept that addresses military occupation conducted through proxies. The Hague Convention (IV) concerning the Laws and Customs of War (1907), as outlined in Article 42, envisions a state engaging in occupation through its own armed forces directly. Consequently, it primarily contemplates a more traditional form of military occupation.¹⁴⁰

The UN's diminishing ability to confront member states for the actions of their proxies creates a culture that emboldens states to commit atrocities at one remove without fear of repercussions, as evidenced by the escalation in these case studies. Comments made by Dr Busol show the West's reluctance to acknowledge Russia's involvement in CRSV in Eastern Ukraine since 2014 despite clear victim testimonies.¹⁴¹

Even when these proxy and sponsor relationships are recognised on an individual state level, the United Nations has appeared chronically unwilling to address them publicly. Iran's use of proxies is well-documented, but there has been no general UN Security Council resolution on Iran's regional activities or systemic support for armed groups in the Middle East. Neither are there annual reports on the collective activity of these groups, as there is, for example, on the activities of Islamic State/Daesh.

The UK is a world leader in addressing CRSV and in 2022 launched a new Preventing Sexual Violence in Conflict (PSVI) strategy, pledging £12.5 million over three years; it is also a large funder of grassroots-led, victim-centred charities and NGOs. But for this position to be maintained, more must be done.¹⁴²

1. Immediate Action

- The Foreign, Commonwealth and Development Office to commission further research to gain a true understanding of the relationship between CRSV and proxy warfare.
- The Home Secretary should consider CRSV when exercising their discretion to proscribe an organisation under the Terrorism Act 2000.

2. UK Government Legislative and Diplomatic Priorities

¹³⁹ Carter, 2024.

¹⁴⁰ Natia Kalandarishvili-Mueller, "Russia's 'Occupation by Proxy' of Eastern Ukraine – Implications Under the Geneva Conventions," Just Security, 22 February 2022, <https://www.justsecurity.org/80314/russias-occupation-by-proxy-of-eastern-ukraine-implications-under-the-geneva-conventions/>.

¹⁴¹ Kateryna Busol, interview by author,

¹⁴² Eleanor Davis and Philip Loft, "Conflict-related sexual violence and the UK's approach," House of Commons Library, 14 April 2023, <https://commonslibrary.parliament.uk/research-briefings/cbp-9577/#:~:text=The%20UK's%20new%20strategy%20aims,and%20hold%20perpetrators%20to%20account.>

- Amend the Magnitsky Sanctions to ensure that financial, logistical or material support for groups known to commit CRSV constitutes a criminal offence under UK law, closing legal loopholes that allow indirect sponsorship of such violence.

- Lead international diplomatic efforts to forge a coalition against the use of proxy warfare that contributes to CRSV:
 - i. Call on the United Nations (UN) to establish a special proxy force monitoring and reporting mechanism. This dedicated body within the UN would be tasked with monitoring, reporting and responding to incidents of CRSV. This mechanism should have the authority to investigate allegations of CRSV through state sponsorship of non-state actors and to publish its findings to the UN.
 - ii. Call on the UN to enhance accountability through a legal framework that would facilitate the prosecution of sponsoring individuals and entities responsible for CRSV, and the non-state actors that commit the crime.
 - iii. Call for the UN to monitor and record the activity of proxies where there is substantial evidence for their use of CRSV. This should be reported on annually, as is the case with annual reports on the collective activity of Islamic State/Daesh.

- Ensure protocols are established by the Ministry of Defence for the prevention of CRSV perpetrated by UK-sponsored proxy forces. UK Armed Forces must incorporate CRSV-prevention knowledge, awareness, training and practice when training proxies and in peacekeeping missions.

By adopting an all-encompassing approach that reforms our understanding of warfare, we can pave the way for a future where every individual's dignity and rights are upheld.

Conclusion

The increase in CRSV within the context of modern proxy warfare represents a complex threat that requires a strong international response. The examined case studies from Ukraine, the DRC, Syria and Israel clearly demonstrate the severe effects of proxy conflicts on civilians, due to the amplification of rogue non-state actors that exist outside of international norms.

These conflicts reveal both the devastating impact on communities and the intricate nature of contemporary warfare, where non-state actors, covertly backed by state sponsors, perpetrate widespread atrocities with considerable impunity. There is a pressing need for a thorough understanding of the link between proxy warfare and CRSV. Traditional international law and human rights frameworks prove insufficient for the subtleties of proxy warfare, where levels of culpability are often ambiguous. Consequently, the UN must face the challenge of revising its accountability, prevention and response frameworks to align with the diversifying threats we face, if it wishes to remain relevant.

This entails updating legal frameworks to assign responsibility more accurately, enhancing support for survivors and bolstering international efforts to curb arms proliferation and the emergence of militarised proxy groups. Additionally, there is a vital need for more political commitment and resources to facilitate the investigation and prosecution of CRSV, ensuring justice for victims.

The persistent rise of CRSV amidst proxy warfare serves as a stark reminder of conflict's evolving landscape, necessitating a unified and comprehensive global effort to confront its causes and effects.



Published in 2024 by The Henry Jackson Society

The Henry Jackson Society
Millbank Tower 21-24
Millbank
London
SW1P 4QP