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## KILLING THEM SLOWLY: GENOCIDAL RAPE AS A FORM OF GENDERCIDE

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### ***Exercise Solo Flight***

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## KILLING THEM SLOWLY:

### GENOCIDAL RAPE AS A FORM OF GENDERCIDE

Violence in today's world takes many forms and is perpetrated for various reasons. Genocide, a crime carried out by a specific group against another particular group, is defined as "the mass killings of all members of a nation"<sup>1</sup> and the "coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, with the aim of annihilating the group themselves."<sup>2</sup>

Arguably, genocide represents the worst type of violence that can be committed by man. It seeks to forcibly destroy another group for reasons that defy comprehension. However, it is a crime that is as old as recorded history, referenced as far back as the Old Testament. Regrettably, even with the significant recognition given to this type of crime in the modern world and the accompanying punishment that comes with being found guilty of this heinous act, it does not appear that the incidence of genocide has been reduced. Man, it seems, will too often seek to destroy those whom he perceives as a threat to his continued existence, culture or way of life.

In ancient times, genocidal killing was often perpetrated against the men of a particular group, while the women of the same group were subjected to slavery or sexual subservience.<sup>3</sup> In modern times, particularly in Bosnia and in Rwanda, the women of the group perceived as a threat have been subjected to atrocious acts of sexual torture<sup>4</sup>, acts that have come to be known

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<sup>1</sup>United Nations General Assembly, *Convention on the Prevention and Punishment of the Crime of Genocide* (New York: UN, 1948).

<sup>2</sup>*Ibid*

<sup>3</sup>Roger Smith, "Women and Genocide: Notes on an Unwritten History," *Holocaust and Genocide Studies* 8, No. 3 (Winter 1994): 317.

<sup>4</sup>Robin May Schott. "War rape, natality and genocide." *Journal of Genocide Research* 13, no. 1-2 (May 2011): 7.

as genocidal rape. While it is possible for such sexual torture to be perpetrated against males, the reality is that this type of violence is normally perpetrated by men against women. It is an act that cuts to the very quick of a society, often drawing out the sense that the men of a given culture are unable to protect their women from the genocidaires. Rape perpetrated under the auspices of genocide specifically targets the women of a given group, making it a highly gendered form of violence. As such, genocidal rape has lasting impacts on both its victims and the female gendered institutions within the societies affected by it, making it a form of gendercide.

In order to set the stage, this paper will define gender versus biological sex. The paper will then discuss gendercide as defined by various notable genocide scholars and the limitations of this definition. Next, a larger, more inclusive definition of gendercide will be proposed as defined by both feminist scholars and the larger concept of genocide. This will be followed by a review of genocidal rape as part of the larger definition of genocide, as articulated at both the International Criminal Tribunals in Yugoslavia and Rwanda. Finally, the paper will consider genocidal rape as a means of destroying a particular group. Throughout this paper, the Rwandan genocide will be used as a case study to prove that genocidal rape is indeed, a form of gendercide.

## **GENDER DEFINED**

### **Constructionism versus Essentialism: Gender versus Biological Sex**

To fully explore genocidal rape as both a tool of genocide and a form of gendercide, gender must first be defined. Gender can be defined in two ways, depending upon theoretical approach. Under an essentialist approach, gender “resides within the individual, in the form of

hormones, personality traits, and so on.”<sup>5</sup> The essentialist view sees gender as being strictly biological. Social constructionism; however, views gender as much more than biological sex. Social constructionism views gender not as trait of the individual, but something external to the individual. Under social constructionism, “gender is defined by interactions between people, by language, and by the discourse of a culture.”<sup>6</sup> In other words, gender is a social construct that is one of many undercurrents in a given culture. It is not a constant, like biological sex, but a variable that will change dependent upon societal values and norms.

Support for the social constructionism approach to gender can be found in the Rome Statute of 2002, which states that “the term gender refers to the two sexes, male and female, within the context of society.”<sup>7</sup> While the statute does not refer to the gay, lesbian, bi-sexual or transgender community, it does acknowledge that, in the modern context, gender extends far beyond biological sex. Biological sex is just that; it is biology. Biological sex is assigned to human beings at birth. Gender, however, is “the social associations that we have between women and femininities, men and masculinities, social associations that are often extended to interactions between groups, companies, states and even international organizations.”<sup>8</sup> This paper will use the social constructionism approach to gender.

## **Gender in Rwanda**

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<sup>5</sup>John D. DeLamater and Janet Shibley Hyde, “Essentialism vs. Social Constructionism in the Study of Human Sexuality.” *The Journal of Sex Research* 35, no. 1 (1998): 13.

<sup>6</sup>*Ibid.*, 16.

<sup>7</sup>International Criminal Court, *Rome Statute of the International Criminal Court* (Rome: ICC, 2002): 5.

<sup>8</sup>Laura Sjoberg, “Women and the Genocidal Rape of Women: The Gendered Dynamics of Gendered War Crimes,” last accessed 29 April 2016, [http://www.history.vt.edu/Ewing/Sjoberg\\_GRISTPaper.pdf](http://www.history.vt.edu/Ewing/Sjoberg_GRISTPaper.pdf), 7.

Gender can also be a means of signifying relationships of power.<sup>9</sup> Not surprisingly, in Rwanda in the early 1990s, power was a substantial factor in gender relations. Division of labour was gender-based and was instilled at an early age.<sup>10</sup> There were significant gender biases within Rwandan society and the leaders of the genocide used these biases in developing not only the plan for the genocide, but also in recruiting the eventual perpetrators of the genocide. The society was highly paternalistic; women in Rwanda were systemically discriminated against in the areas of education, health, politics and employment. The primary roles of women in Rwandan society were mother and homemaker. In addition, Rwandan women were often victims of domestic abuse and they were expected to be fully dependent upon male relatives. The ideal Rwandan woman in 1994 was fertile, docile, and hard-working.<sup>11</sup>

In contrast, Rwandan men were expected to be providers. Boys learned how to defend their family and their nation by being taught combat techniques<sup>12</sup> in support of this provider role. However, due to a drought and significant economic decline in the early part of the 1990s, the majority of young Hutu men were unemployed and had little prospect for marriage. This inability to either acquire land or find employment led to what leading scholars have called a gender crisis.<sup>13</sup> This gender crisis effectively set the stage for young Hutu men to become genocidaires in order to not only gain employment, but also to live up to their societal role as providers; leaders of the genocide went so far as to sell genocidal acts to the young implementers as *work*. As well, the destruction of the Tutsi population would leave land and resources for the

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<sup>9</sup>Joan W. Scott, "Gender: A Useful Category of Historical Analysis." *The American Historical Review* 91, no. 4 (December 1986): 1067.

<sup>10</sup>Nicole Hogg, "Women's Participation in the Rwandan genocide: mothers or monsters?" *International Review of the Red Cross* 92, no. 877 (March 2010): 72.

<sup>11</sup>Binaifer Nowrojee. *Shattered Lives: Sexual Violence during the Rwandan Genocide and its Aftermath* (United States: Human Rights Watch, 1996): The Status of Women in Rwandan Society, <https://www.hrw.org/reports/1996/Rwanda.htm>

<sup>12</sup>Hogg, 72.

<sup>13</sup>Adam Jones, "Gender and Genocide in Rwanda," *Journal of Genocide Research* 4, no. 1 (2002): 66.

young male Hutu population, thus resolving the gender crisis.<sup>14</sup> Notably, the gender crisis also directly impacted the highly gendered methodology utilized during the Rwandan genocide, including most notably genocidal rape.

Another factor in the Rwandan genocide was the concept of gender subordination. In essence, gender subordination speaks to the ideals of masculinity and femininity based on class, culture, religion, race, and ethnicity. Gender subordination sets the expectations and power relationships for a given culture for the actions of both men and women;<sup>15</sup> in Rwanda, gender roles were prescriptive and subordinated the feminine to the masculine in all areas. Women as subordinates to men set the conditions for genocidal rape in Rwanda. The men who engaged in the genocide were hyper-masculinized, leading to a link between power and sexual violence.<sup>16</sup>

## **DEFINING GENDERCIDE**

Mary Anne Warren defined Gendercide as “the deliberate extermination of persons of a particular sex (or gender).”<sup>17</sup> She stated that gendercide is sex-neutral, indicating that “sexually discriminatory killing is just as wrong when the victims happen to be male.”<sup>18</sup> This initial description focused on the mass slaughter of women, making extensive use of female selective killing, female infanticide and the witch hunts of the Middle Ages to name a few.<sup>19</sup>

In response to this definition, genocide scholar Adam Jones has focused on the sex selective killing of battle age males as gendercide, citing this killing as being a “pervasive feature

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<sup>14</sup>*Ibid.*, 67.

<sup>15</sup>Sjoberg, *Women and the Genocidal Rape of Women* ..., 18.

<sup>16</sup>Allison Ruby Reid-Cunningham, “Rape as a Weapon of Genocide,” *Genocide Studies and Prevention: An International Journal* 3, no. 3 (2008): 284.

<sup>17</sup>Mary Anne Warren, *Gendercide: The Implications of Sex Selection* (Totowa: Rowman and Allenheld, 1985): 49.

<sup>18</sup>*Ibid.*

<sup>19</sup>Adam Jones, “Gender and Genocide,” *Journal of Genocide Research* 2, no. 2 (2000): 186.

of contemporary conflict.”<sup>20</sup> Jones also includes the mass rape of women followed by murder in the context of genocide as gendercide. However, he stops short of including genocidal rape as a form of gendercide, as gender in both the Jones and Warren definition focuses specifically on biological sex. In addition, gendercide, to date, speaks only of extermination and does not delve deeper into the actual definition of genocide, which expands beyond mass murder.

The feminist Charli Carpenter addresses the limitation of equating gender to biological sex. She states that “gender refers, variously, to social beliefs and institutions.”<sup>21</sup> She continues by further highlighting gender roles, stating that:

Performing one’s gender is different than performing one’s sex. Performing gender is not about whether I am male or female, but whether I am masculine or feminine: what kind of woman do I think I am and how does that sort of woman behave in a certain context?...Gender cannot be coded dichotomously as in gender selective killing.<sup>22</sup>

Based upon this definition, gendercide is not only sex-specific massacre, but rather, the massacre of gender. In this context, gendercide in a male context would be the massacre of all that is masculine; gendercide in a female context would be the massacre of all that is feminine. In sexual assault, as previously stated, the victim is feminine whereas the perpetrator is masculine, regardless of their actual biological sex. However, even in the feminist context, the definition of gendercide continues to be limited by its focus exclusively on massacre.

Returning to the United Nations definition of genocide, genocide constitutes:

any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

(a) Killing members of the group;

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<sup>20</sup>*Ibid.*, 189.

<sup>21</sup>C. Carpenter, “Beyond ‘Gendercide’: Incorporating Gender into Comparative Genocide Studies,” *The International Journal of Human Rights* 6, no. 4 (2002): 80.

<sup>22</sup>*Ibid.*, 82.

- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.<sup>23</sup>

Making use of the more inclusive definition of genocide, it follows that gendercide should not be limited simply to gender specific massacre. Gendercide should also include causing physical or mental harm to a specific gender, deliberately inflicting conditions of life on a specific gender that are calculated to bring about physical destruction in whole or in part and imposing measures intended to prevent births within the group. By broadening both the definition of gender to include all that is masculine or feminine and expanding gendercide beyond sex specific massacre, the concept of genocidal rape falls firmly within gendercide. Genocidal rape as a tool of genocide will be discussed next.

## **GENOCIDAL RAPE**

Rape has been employed as a weapon of warfare virtually since the beginning of time. Logically, as genocide has accompanied conflict, it follows that sexual assault has been employed during genocide. Little mention has been made of rape during genocide in historical accounts or during tribunals held after the fact. In Nuremberg, despite evidence to the contrary, there was no mention made of Nazi sexual crimes against French women or the rape employed at Auschwitz.<sup>24</sup> At the Tokyo Tribunal, charges were brought for the *Rape of Nanking* in which Japanese Army soldiers raped between 20 000 and 80 000 women.<sup>25</sup> However, the enslavement of up to 200 000 *comfort women*, implying continual rape by Japanese troops, was never

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<sup>23</sup>United Nations General Assembly, *Convention on the Prevention and Punishment ...*, 280.

<sup>24</sup>Schott, *War Rape, Natality ...*, 7.

<sup>25</sup>Reid-Cunningham, *Rape as a Weapons ...*, 282.

mentioned.<sup>26</sup> This fact changed with the two ad hoc tribunals of the 1990s, specifically, the International Criminal Tribunal for Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) in 1994. In the case of Rwanda, specifically in the ICTR versus Akayesu, the court found that “rape and sexual violence ... constitute genocide in the same way as any other act as long as they were committed with the specific intent to destroy in whole or in part, a particular group.”<sup>27</sup> Specifically, the findings were:

The acts of rape and sexual violence described above, were committed solely against Tutsi women, many of whom were subjected to the worst public humiliation, mutilated, and raped several times, often in public, in the Bureau communal premises or in other public places, and often by more than one assailant. These rapes resulted in physical and psychological destruction of Tutsi women, their families and their communities. Sexual violence was an integral part of the process of destruction, specifically targeting Tutsi women and specifically contributing to their destruction and to the destruction of the Tutsi group as a whole.<sup>28</sup>

The ICTR versus Akayesu represented the first time in history that rape was defined as a genocidal act.<sup>29</sup> For Yugoslavia, in the case of Kadic vs Karadzic, rape committed during hostilities was identified as having “the specific intent of destroying ethnic religious groups.”<sup>30</sup> These two landmark judgments have led to the concept of genocidal rape. While both of the tribunals for Rwanda and Yugoslavia spoke to the idea of rape employed during genocide as being genocidal, the follow on Rome Statute did not specifically articulate this fact, choosing instead to articulate rape as a crime against humanity. Article 7 of the Rome Statute states that “crime against humanity means any of the following when committed as part of a widespread or

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<sup>26</sup>Rhonda Copelon, “Women’s Initiatives for Gender Justice,” *McGill Law Journal* (November 2000): 3.

<sup>27</sup>ICTR v. Jean Paul Akayesu [2 September 1998] ICTR-96-4-7

<sup>28</sup>*Ibid.*

<sup>29</sup>Sherrie L. Russell-Brown, “Rape as an Act of Genocide,” *Berkeley Journal of International Law* 21, no. 2 (2003): 371.

<sup>30</sup>Kadic v. Karadzic [1995] United States Court of Appeals Second Circuit.

systematic attack against any civilian population”<sup>31</sup> and specifically highlights “Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity.”<sup>32</sup> In contrast, the United Nations Security Council Resolution 1820 on Women, Peace and Security, adopted on June 19<sup>th</sup>, 2008, speaks specifically of violence against women and girls and includes rape within the context of genocide. This resolution not only makes commentary about the mention of sexual violence in the two ad hoc tribunals and the Rome Statute, but goes further to state that “rape and other forms of sexual violence can constitute a war crime, a crime against humanity or a constitutive act with respect to genocide.”<sup>33</sup> This acknowledgement, combined with the Rome Statute and the findings of both the ICTY and ICTR, has brought genocidal rape to the forefront, leading to debate on the issue. This issue will be explored next.

Scholarly and legal debate on the concept of genocidal rape abounds. Feminist scholars have expressed concern over the focus on rape during genocide, noting that combining the term rape with the term genocide could result in the omission of one or both terms. Specifically, the concept of rape as a crime against an individual could become lost, with the focus shifting to being a crime against a group. This focus could potentially lead to women being “viewed as the object through which and by which, the destruction of the group occurred.”<sup>34</sup> In addition, there is a fear that rape committed during armed conflict, but outside of genocide, could be rendered invisible through the use of the term genocidal rape.<sup>35</sup>

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<sup>31</sup>International Criminal Court, *Rome Statute ...*, 3.

<sup>32</sup>*Ibid.*

<sup>33</sup>United Nations Security Council, *Resolution 1820* (New York, UN, 2008), 3.

<sup>34</sup>Russell-Brown, *Rape as an Act ...*, 355.

<sup>35</sup>*Ibid.*, 351.

Catherine MacKinnon was one of the first feminist scholars to address the concept of genocidal rape. She posited that, up until the mass rapes in Bosnia, genocidal rape was grasped as ethnic or religious, representing an attack against a particular group, or as sex specific, representing an attack on an individual.<sup>36</sup> She went on to further define genocidal rape as “ethnic rape as an official policy of war in a genocidal campaign for political control”<sup>37</sup> further calling it “rape under orders”<sup>38</sup> and “rape under control.”<sup>39</sup>

On the legal front, investigators for the ICTR were initially reticent to investigate sexual crimes, stating that “genocide is killing”<sup>40</sup> and that “the women who were raped and survived were lucky they were not dead.”<sup>41</sup> Indeed, rape in the context of the Rwandan genocide was only investigated when significant pressure was brought to bear by Judge Navanethem Pillay, the only woman judge with the ICTR. This pressure ultimately led to the historic ICTR v. Akayesu finding.<sup>42</sup>

In spite of both scholarly and legal concerns, there can be no doubt that genocidal rape seeks to do the same thing as full scale killing of members of a specific ethnic group; it seeks to “destroy, in whole or in part, a national, ethnical, racial or religious group.”<sup>43</sup> Genocidal rape succeeds in this destruction by both “causing serious bodily or mental harms to members of the group”<sup>44</sup> and potentially, “imposing measures intended to prevent births within the group.”<sup>45</sup> Ultimately, “rape is a forced sexual penetration that can cause death, lead to serious bodily and

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<sup>36</sup>Catherine A. MacKinnon, “Rape, Genocide and Women’s Human Rights,” *Harvard Women’s Law Journal* 17 (1994): 10.

<sup>37</sup>*Ibid.*, 11.

<sup>38</sup>*Ibid.*

<sup>39</sup>*Ibid.*

<sup>40</sup>Copelon, *Women’s Initiatives for Gender ...*, 5.

<sup>41</sup>*Ibid.*

<sup>42</sup>*Ibid.*

<sup>43</sup>United Nations General Assembly, *Convention on the Prevention and Punishment ...*, 280.

<sup>44</sup>*Ibid.*

<sup>45</sup>*Ibid.*

mental harm, bring about the physical destruction of the group, and impede births,<sup>46</sup> making it an act of genocide. Like other means of or incitement to genocide, rape dehumanizes its victims, making them *other*.<sup>47</sup> However, in order for rape to be considered genocidal, intent must be proven; in other words, there must be an expressed intent by the perpetrators to destroy the target group through the use of rape and sexual violence.<sup>48</sup> The Rome Statute and UNSCR 1860 clearly support this fact and as such, genocidal rape does indeed exist and should be considered as a factor in any genocide. It then follows that, by making use of a larger definition of gendercide, genocidal rape is a form of gendercide. Next, the impact of genocidal rape on both the individual and society will be discussed.

### **Individual and Societal Impacts of Genocidal Rape**

Rape committed during genocide has impacts on both the victims and the members of the society subjected to the genocide. The ramifications of genocidal rape continue long after genocide ends, making rape a particularly effective tactic for genocide. During genocidal rape, “the woman’s body becomes a ceremonial battlefield on which competing opponents conduct anti-morale campaigns.”<sup>49</sup>

From an individual perspective, the ramifications of any rape, but in particular, genocidal rape, are wide and varied. Physically, survivors of genocidal rape are commonly infected with HIV, hepatitis or syphilis. They also experience higher than normal incidences of chronic diseases like diabetes, asthma and arthritis.<sup>50</sup> Many rape survivors also incur significant injuries

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<sup>46</sup>Reid-Cunningham, *Rape as a Weapon ...*, 280.

<sup>47</sup>Jasminka Kalajdzic, “Rape, Representation and Rights: Permeating International Law with the Voices of Women,” *Queens Law Journal* 21 (1995-1996): 465.

<sup>48</sup>Russell-Brown, *Rape as an Act ...*, 362.

<sup>49</sup>Kalajdzic, *Rape, Representation and Rights ...*, 466.

<sup>50</sup>Reid-Cunningham, *Rape as a Weapon ...*, 285.

as a result of the rape. These injuries include torn vaginal walls and genital mutilation, both of which often lead to a loss of reproductive capacity.<sup>51</sup>

From a psychological perspective, the impacts are arguably much greater. In highly patriarchal societies, survivors of sexual violence are not permitted to discuss their experiences for fear of bringing shame to both their male relatives and themselves.<sup>52</sup> These women often suffer from post-traumatic stress disorder as well a wide range of other psychological symptoms, depending upon the severity and frequency of the rape as well as the physical injuries sustained.<sup>53</sup>

The societal impacts of genocidal rape are equally as significant. As indicated in *Shattered Lives*, the Human Rights Watch Report on Sexual Violence in the Rwandan Genocide:

The humiliation, pain and terror inflicted by the rapist is meant to degrade not just the individual woman but also to strip the humanity from the larger group of which she is a part. The rape of one person is translated into an assault upon the community through the emphasis placed in every culture on women's sexual virtue: the shame of the rape humiliates the family and all those associated with the survivor. Combatants who rape in war often explicitly link their acts of sexual violence to this broader social degradation. In the aftermath of such abuse, the harm done to the individual woman is often obscured or even compounded by the perceived harm to the community.<sup>54</sup>

Women who are victims of genocidal rape are often viewed as the object through which the destruction of the entire group occurred. In certain genocides, births within the victim group are prevented through the use of forced impregnation.<sup>55</sup> Forced impregnation reduces the number

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<sup>51</sup>*Ibid.*, 286.

<sup>52</sup>Lori Handrahan, "Conflict, Gender, Ethnicity and Post-Conflict Reconstruction," *Security Dialogue* 35, no. 4 (2004): 435.

<sup>53</sup>Reid-Cunningham, *Rape as a Weapon ...*, 287.

<sup>54</sup>Nowrojee, *Shattered Lives ...*, Introduction.

<sup>55</sup>Russell-Brown, *Rape as an Act ...*, 335.

of births within the victim group while increasing the number of births within the perpetrator group. Genocidal rape can also be viewed as *constructive deportation*, as both victims and their families often flee from their communities in an effort to forget what happened and to avoid shame.<sup>56</sup> Genocidal rape is “rape to drive a wedge through a community, to shatter a society, to destroy a people.”<sup>57</sup> The conditions set by genocidal rape seek to destroy a people. In this way, genocidal rape is most definitely a form of genocide and should be also called gendercide based upon its impact on the feminine gender in society.

### **Genocidal Rape as a Gendered Crime**

Rape in general is more prevalent in patriarchal societies. Such cultures are often more accepting of aggression, anger and hostility toward women. Rigid gender roles combined with this acceptance of aggression positively correlate with higher incidence of rape in society in general.<sup>58</sup> Given this fact, it follows that societies with higher incidences of rape due to rigid gender roles are more likely to employ rape as a weapon of genocide.

Genocidal rape specifically differs from war rape in that it targets individuals based both upon both gender and ethnicity.<sup>59</sup> Rape employed during genocide has been called a gendered tactic; it is “almost exclusively reserved for those persons biologically classifiable as female and exclusively for those who are gendered female”.<sup>60</sup> Women are targets of genocidal rape because of their highly gendered role as caretakers of the community; women ensure the functioning of

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<sup>56</sup>Kalajdzic, *Rape, Representation and Rights ...*, 482.

<sup>57</sup>MacKinnon, *Rape, Genocide and Women's ...*, 12.

<sup>58</sup>Reid-Cunningham, *Rape as a Weapon ...*, 283.

<sup>59</sup>Russell-Brown, *Rape as an Act ...*, 351,

<sup>60</sup>Sjoberg, *Women and the Genocidal Rape ...*, 3.

the society and are absolutely essential to the continuity of a given ethnicity or group.<sup>61</sup> It is for this reason that rape is often employed not only in genocide, but also in conflict situations. Quite simply, raping the women of a given group has significant psychological consequences for the group as a whole.

Rape in all situations reinforces male dominance and female subordination. Genocidal rape goes further in that it feminizes the men of the victim group, highlighting their inability to protect their women.<sup>62</sup> The men of the victim group are effectively emasculated by genocidal rape, making them feel even more powerless. Indeed, in patriarchal societies, genocidal rape is effective because it uses existing gender structure and cultural dynamics to render the rape act all the more damaging.<sup>63</sup> It also follows that male perpetrators of genocidal rape are often hyper-masculinized; this hyper masculinization leads to an increased sense of power, making sexual violence all the more likely.<sup>64</sup> Strong gendered roles, hyper-masculinization and female subordination are the gender factors that make genocidal rape a gendered crime.

## **GENOCIDAL RAPE IN THE RWANDAN GENOCIDE**

In modern times, both the Rwandan and Bosnian genocides have been highlighted for their extensive use of sexual assault as a weapon of genocide. In both of these cases, the preparation for, execution of and follow on impacts of genocidal rape have strong gendered markers. These markers point to a direct attempt by the Hutu majority to destroy the Tutsi through extensive use of sexual violence as part of the overall genocidal campaign. This fact will

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<sup>61</sup>Rhonda Copelon, "Surfacing Gender: Re-Engraving Crimes Against Women in Humanitarian Law," *The International Journal of Human Rights* 6, no. 4 (1994): 262.

<sup>62</sup>*Ibid.*, 263.

<sup>63</sup>Reid-Cunningham, *Rape as a Weapon ...*, 291.

<sup>64</sup>*Ibid.*, 283.

be proven through both a review of the steps taken by the Hutu leaders prior to the genocide and the actual conduct of the genocide.

### **Setting the Stage for Genocidal Rape**

A key feature of the Rwandan genocide was the extensive use of propaganda as a means of inciting the Hutu majority to become perpetrators. Continuous and increasingly malicious anti-Tutsi hate propaganda in the form of political rallies, speeches and newspaper and radio announcements began immediately on the heels of the Rwandan Patriotic Front invasion of October 1990.<sup>65</sup> In particular, print and radio media painted a picture of the Tutsi woman as a seductress who would willingly seduce Hutu men in order to assist her Tutsi brothers to gain access to power.<sup>66</sup> Further, Tutsi women were portrayed as spies who pursued Hutu men as a means of infiltrating and controlling the Hutu community.<sup>67</sup> Tutsi women were also branded as arrogant; according to the press, Tutsi women viewed Hutu men as inferior and ugly.<sup>68</sup> These broad characterizations were extensively reinforced through specific media outlets that targeted both the Hutu elite and the general population, slowly building upon the hatred that already existed.

Initially, print media was the most common form of propaganda. *Kangura*, a periodical that circulated to approximately 10 000 of Rwanda's ruling elite, was established immediately on the heels of the RPF invasion.<sup>69</sup> The periodical was financed by military officers, the Rwandan

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<sup>65</sup>International Panel of Eminent Personalities (IPEP), *Rwanda: The Preventable Genocide* (Ethiopia: Organization of African Unity, 2000): para 7.20.

<sup>66</sup>Human Rights Watch, *Leave None to Tell the Story: Genocide in Rwanda* (Human Rights Watch, 2004), Propaganda and Practice.

<sup>67</sup>Nowrojee, *Shattered Lives ...*, Genocide Propaganda against Tutsi women.

<sup>68</sup>*Ibid.*

<sup>69</sup>IPEP, *Rwanda: The Preventable ...*, para 7.21.

ruling party (MRND) and the intelligence branch of the Rwandan government<sup>70</sup> and, was widely utilized as a means of anti-Tutsi hate messaging during the early phases of ethnic cleansing. The periodical frequently printed graphic cartoons featuring Tutsi women using their sexual prowess against UN peacekeepers, including the head of the United Nations Assistance Mission for Rwanda (UNAMIR), General Romeo Dallaire.<sup>71</sup> These cartoons successfully portrayed Tutsi women as being *other*, making them appear as perpetrators and, in contrast, making Hutu women appear as victims. Tutsi women were continuously highlighted as beautiful, highly sexualized seductresses; in contrast, Hutu women were described as having been made for work.<sup>72</sup>

The publication of the Hutu Ten Commandments in the December 1990 issue of *Kangura* represented another significant means of de-humanizing Tutsi women. The Hutu Ten Commandments were highly inflammatory and were specifically designed to incite acrimony and hatred. Of note, the first three commandments spoke specifically of women. As articulated in *Kangura*, they were:

1. Every Hutu male should know that Tutsi women, wherever they may be, work for the interest of their Tutsi ethnic group. As a result, a Hutu who marries a Tutsi woman, befriends a Tutsi woman, or employs a Tutsi woman as a secretary or a concubine shall be considered a traitor.
2. Every Hutu should know that our daughters are more suitable and conscientious in their role as woman, wife and mother. Are they not beautiful, good secretaries, and more honest?
3. Hutu women, be vigilant, and try to bring your husbands, brothers, and sons back to reason.<sup>73</sup>

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<sup>70</sup>Linda Melvern, *Conspiracy to Murder: The Rwandan Genocide* (London: Verso, 2004): 49.

<sup>71</sup>Nowrojee, *Shattered Lives ...*, Genocide Propaganda against Tutsi women.

<sup>72</sup>*Ibid.*

<sup>73</sup>Kangura, "Appeal to the Bahutu Conscience (With the Hutu Ten Commandments)," *Kangura*, December 1990.

The first commandment in particular clearly labels Tutsi women as treacherous. This commandment portrays Tutsi women as being *other* and serves to reinforce the stereotypes that had previously been highlighted in graphic cartoons.<sup>74</sup> In contrast, the second and third commandments speak to the purity and the role of Hutu women, highlighting Hutu women as possessing all of the appropriate gender qualities within the Rwandan patriarchal society. These qualities are highlighted at the expense of Tutsi women<sup>75</sup>; Hutu women are viewed as being everything that is good in Rwandan society while Tutsi women are demonized. All three commandments are highly gendered in their portrayal of women in general; they set the stage for the genocidal rape campaign that would follow 40 months later, sowing seeds of hatred amongst all Hutu and creating a desire for revenge.

While print media was successful at targeting the elite of Rwandan society, the best means of reaching the masses was through radio. Radio-Television des Mille Collines (RTLM) was created in 1993 and played a key role in both inciting the genocide and in conveying order during the genocide.<sup>76</sup> RTLM's messaging was very similar to that portrayed in *Kangura*; Tutsi women were portrayed as evil seductresses while Hutu women were portrayed as pure. RTLM's messaging became all the more vile as time progressed, seeking to incite impassioned hatred amongst the Hutu majority.<sup>77</sup> This messaging set the stage for the genocidal campaign that included genocidal rape as a key weapon of destruction. The messaging against Hutu women was highly gendered; it attacked a specific ethnicity and a specific gender within that ethnicity. These factors point to a broader definition of gendercide.

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<sup>74</sup>Sara E. Brown, "Female Perpetrators of the Rwandan Genocide," *International Feminist Journal of Politics* 16, no. 3 (2014): 455.

<sup>75</sup>*Ibid.*

<sup>76</sup>IPEP, *Rwanda: The Preventable ...*, para 7.22.

<sup>77</sup>*Ibid.*, para 7.23.

## Conduct of the Rwandan Genocide

The Rwandan genocide began on April 12<sup>th</sup>, 1994.<sup>78</sup> It continued for 100 days and led to the killing of approximately 800 000 Rwandan people.<sup>79</sup> Beyond mass slaughter, sexual violence was a key feature from the outset of the genocide. Rape as a genocidal weapon was pervasive. In fact, Mr. René Degni-Ségui, the United Nations Special Rapporteur of the Commission on Human Rights characterized the Rwandan genocide by stating that “Rape was the rule and its absence the exception.”<sup>80</sup> Tutsi women were subjected to individual and gang rape. They were raped with foreign objects, held as sexual slaves and often sexually disfigured.<sup>81</sup> The rape was genocidal as it was not simply opportunistic or used as an accessory to the slaughter of the Tutsi population. Instead, the rape of Tutsi women was carried out with the express intent of exterminating all Tutsi. The Hutu leadership believed that rape would cause enough psychological and physical harm to lead to the ultimate destruction of the Tutsi people, even if the Tutsi women did not die following the rape.<sup>82</sup>

Rape was perpetrated by all factions participating in the genocide, including the military and the militia. The use of rape as a weapon was not only condoned, but encouraged, by the Rwandan government.<sup>83</sup> Rape was seen as a means of breaking Tutsi resistance by humiliating

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<sup>78</sup>*Ibid.*, para 14.3.

<sup>79</sup>*Ibid.*, para 14.2.

<sup>80</sup>Rene Degni-Segui, *Report on the Situation of Human Rights in Rwanda* (New York: United Nations Economic and Social Council, 1996): para 20.

<sup>81</sup>Nowrojee, *Shattered Lives ...*, Introduction.

<sup>82</sup>Nowrojee, *Shattered Lives ...*, Sexual Violence as an Act of Genocide.

<sup>83</sup>*Ibid.*

its victims and the men who were expected to protect them. It was viewed as an effective tool to shatter Tutsi society.<sup>84</sup>

The commune of Taba, led by Burgomaster Jean-Paul Akayesu, is but one example of the employment of rape as tool of genocide. As burgomaster, Mr. Akayesu controlled both the police and the gendarmes for the commune. He was also responsible for executing laws and the administering justice.<sup>85</sup> Mr. Akayesu was found guilty of genocide for acts that included the rape of multiple Tutsi women.<sup>86</sup> As stated in the court transcripts:

Many women were forced to endure multiple acts of sexual violence which were at times committed by more than one assailant. These acts of sexual violence were generally accompanied by explicit threats of death or bodily harm. The female displaced civilians lived in constant fear and their physical and psychological health deteriorated as a result of the sexual violence and beatings and killings.<sup>87</sup>

Often, these women were raped in the communal office.<sup>88</sup> Sanctioned rape was but one means of effecting genocide. As indicated in the trial transcript, the women subjected to rape lived in fear and suffered from significant physical and psychological health difficulties, both during and after the genocide. These issues will be further explored as gendercide in the context of the Rwandan genocide.

## **GENOCIDAL RAPE IN RWANDA AS GENDERCIDE**

Rwandan Genocide rape survivors continued to suffer long after the genocide ended. Given Rwandan patriarchal society, rape survivors have been stigmatized, with the blame being

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<sup>84</sup>Catrien Bijleveld, Aafke Morssinkhof and Alette Smeulers, "Counting the Countless: Rape Victimization During the Rwandan Genocide," *International Criminal Justice Review* 19, no. 2 (June 2009): 211.

<sup>85</sup>ICTR v. Jean Paul Akayesu [2 September 1998] ICTR-96-4-7

<sup>86</sup>Helen Fein, "Genocide and Gender: The uses of women and group destiny," *Journal of Genocide Research* 1, no. 1 (1999): 56.

<sup>87</sup>ICTR v. Jean Paul Akayesu [2 September 1998] ICTR-96-4-7.

<sup>88</sup>Human Rights Watch, *Leave None to Tell ...*, Rape and Sexual Servitude.

shifted from the perpetrator to the victim.<sup>89</sup> Victims continue to endure both physical and psychological injuries which have been all the more aggravated by the sense of isolation from their communities.<sup>90</sup> In this sense, victims of genocidal rape have been caused both serious bodily and mental harm, making genocidal rape a form of gendercide.

Many of the issues for Rwandan rape survivors are similar to those previously highlighted. However, from an economic perspective, Rwandan rape survivors have suffered significantly. Women's second class status under Rwandan law has prevented survivors from inheriting property unless they are specifically identified as the beneficiary. They have been prevented from obtaining the pensions of their spouses and they have no legal claim to homes, land or bank accounts. In addition, the international community provided minimal funding following the genocide to support victims of gender crimes.<sup>91</sup> From an economic perspective, the conditions of life imposed upon genocidal rape survivors have the potential to bring about the partial destruction of the group. In addition, these conditions have led to a continued perpetration of women as victims in Rwandan society.

Next, rape survivors in Rwanda have, in essence, suffered a *social death* as defined by the renowned feminist, Claudia Card. Card views social death as being central to the concept of genocide. She states:

Social death, central to the evil of genocide, distinguishes genocide from other mass murders. Loss of social vitality is loss of identity and thereby of meaning for one's existence. Seeing social death at the center of genocide takes our focus off body counts and loss of individual talents, directing us instead to mourn losses of relationships that create community and give meaning to the development of talents.<sup>92</sup>

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<sup>89</sup>IPEP, *Rwanda: The Preventable ...*, para 16.22.

<sup>90</sup>Nowrojee, *Shattered Lives ...*, Introduction.

<sup>91</sup>*Ibid.*

<sup>92</sup>Claudia Card, "Genocide and Social Death," *Hypatia* 18, no. 1 (2003): 63.

Ostracized by the communities that are supposed to support them and living in poverty as a result of the restrictions on inheritance, the women of Rwanda continue to suffer based upon gender. Many state that they have lost their will to live.<sup>93</sup> This suffering highlights how the extensive use of genocidal rape in Rwanda can be seen as a form of gendercide.

Feminine institutions have also been significantly impacted by genocidal rape. The family unit in Rwanda was destroyed; young women who were raped were no longer seen as marriageable by Rwandan society.<sup>94</sup> Further, genocidal rape was used as a means to destroy all interpersonal relationships within the community, breaking both the victim's sense of identity and security.<sup>95</sup> This situation is only further exacerbated when women become pregnant as a result of rape. In the case of Rwanda, 35 percent of genocidal rape victims became pregnant following the attack.<sup>96</sup> Women who bear children as a result of rape are often ostracized from their communities as the children are viewed as being a reminder of the genocide,<sup>97</sup> ultimately impacting on the important bond between mother and child. Not only has genocidal rape caused measures to be put in place to prevent births within the group, it has also fundamentally impacted the feminine gendered role of motherhood and what it means to be a mother in Rwandan society. In this sense, genocidal rape is once again equivalent to gendercide.

Finally, the physical and psychological impacts of the genocidal rape employed in Rwanda are significant and qualify as causing significant mental or bodily harm to members of the group. Estimates are that 35 percent of the Rwandan army and 25 percent of the Rwanda

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<sup>93</sup>African Rights, *Rwanda: Broken Bodies, Torn Spirits: Living with Genocide, Rape and HIV/AIDS* (Kigali: African Rights, 2004): 9.

<sup>94</sup>Nowrojee, *Shattered Lives ...*, Stigma, Isolation and Ostracization.

<sup>95</sup>Bijleveld et al, *Counting the Countless ...*, 208.

<sup>96</sup>IPEP, *Rwanda: The Preventable ...*, para 16.26.

<sup>97</sup>African Rights, *Rwanda: Broken Bodies ...*, 74.

general population were HIV positive at the outset of the genocide. Infected perpetrators passed along the virus to their victims. However, ascertaining the number of women infected has proven difficult; many women do not get tested due to the cost of health care and the social stigma attached to HIV/AIDs.<sup>98</sup>

Also on a physical level, Rwandan rape survivors, particularly the young, suffered from complications either due to child birth or as a result of attempts to abort the children conceived in rape.<sup>99</sup> These physical complications have led to many rape survivors being unable to bear further children. In this sense, genocidal rape has imposed measures that prevent births within the group. As child birth is exclusively female and falls into the feminine gendered role, this qualifies as gendercide.

## CONCLUSION

The Rwandan genocide provides a solid case study to show how genocidal rape ultimately kills a gender, in this case, female. The women who suffered during the genocide have died a social death; they have been killed slowly by their attackers, as their will to live is gone. In this sense, the feminine gender was killed in Rwanda due to the extensive use of genocidal rape.

Genocidal rape is one of the most heinous crimes that exist in our world today. The impact of genocidal rape goes well beyond the individual victim, creating conditions of life that are difficult for the societies affected by it. The actions taken by the international community vis-à-vis sexual assault in conflict and genocide are promising, but provide no guarantee that this crime will cease to be perpetrated. Rape and sexual servitude are as old as time itself; cultural

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<sup>98</sup>Nowrojee, *Shattered Lives ...*, Health.

<sup>99</sup>*Ibid.*, Children from Rape.

shifts and an increase in women's rights are truly the only way that genocidal rape will come to an end. The international community must be prepared to assist women in conflict zones during the early phases; a repeat of what happened in Rwanda and Bosnia should never again be permitted.

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