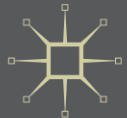# A GENDERED LENS FOR GENOCIDE PREVENTION



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and Christiane Fröhlich

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# A Gendered Lens for Genocide Prevention

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*TO THE PEOPLE OF SYRIA*

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We would like to explicitly thank Cordelia Moore, who helped us immensely with the final editing of the book manuscript.

# CONTENTS

# A Gendered Lens for Genocide Prevention

*Mary Michele Connellan and Christiane Fröhlich*

In this book, we develop, together with our authors, the concept of "a gendered lens for genocide prevention" in order to provide innovative and effective ways of understanding the role of gender in genocide studies, as well as new tools for policymaking and preventative efforts. Our starting point is that while gender has been recognized as a crucial factor in understanding genocide and mass atrocities, most notably in the work of Adam Jones,[1] a specific gendered lens for genocide prevention is still lacking in both policy and academia. Therefore, this book draws on contemporary feminist theory, concepts of masculinity, critical discussions of international law and in-depth case studies to uncover socially constructed gender roles which are crucial for the onset, form and prevention of genocide and mass atrocities.

Following a sociology of knowledge approach, we consider knowledge about genocide to be influenced by attitudes, interests and identities of individuals, all of which shape the structure and extent of what is or can be

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known about genocide. As Cushman stated, "[g]enocide is an objective reality, but it is one which people approach with a variety of personal, ideological and disciplinary dispositions which shape what we know about this all-too-real phenomenon."[2] With this book, we aim to dismantle some of the social and institutional processes which play a role in creating knowledge about genocide; these can be understood as evidence-based representations of nature, socio-cultural relations and behavior. On this basis, even more importantly, we aim to uncover how genocide and mass atrocities become accepted practices in a given group and setting; one of these processes is the development of socially constructed gender roles and their interaction with violent and non-violent behavior. We believe that this knowledge is a prerequisite for the development of effective preventative efforts.

## CENTRAL CONCEPTS: GENOCIDE, GENDER AND PREVENTION

Crucially, we recognize genocide and mass atrocity not as static phenomena, fixed across space and time, but as deeply dependent on context and perception. In accordance with Theriault,[3] we underline the necessity to historically situate events or processes, and the key role of the respective "prevailing ethical views of a time and place."[4] We see genocide and mass atrocities as contingent, unpredictable and as a product of human agency.[5] While gender too is transient, we nevertheless find that intersectional markers of difference like class, ethnicity, age or gender are relevant for understanding the perpetration and victimization caused by genocide and mass atrocities, in order to gain an insight into their mechanisms and characteristics.

Our understanding of gender is as the socio-culturally and politico-economically constructed roles and responsibilities ascribed to men and women which change over time, are context and history-specific and are inseparable from power relations.[6]

As mentioned, our ambition with this book is to provide knowledge about possible entry points for genocide and mass atrocity prevention. This indicates our fundamental belief that atrocities are preventable, and a more comprehensive knowledge about their mechanisms and characteristics will benefit future prevention efforts. In this sense, we are part of what Cushman has termed "preventionism."[7] However, answering his critique of preventionism as "an ideology which pervades the liberal project of modernity and the social sciences which are part of that

project,"[8] this book aims to critically reflect on the anthropo-, andro- and eurocentric characteristics of traditional ideas of genocide and to develop a new, more holistic and comprehensive perspective through what we call a gendered lens for genocide prevention.

## What Is a "Gendered Lens"?

Central to our conceptual argument is that by defining genocide in a static and traditional way, most commonly as the systematic killing of men and boys at fighting age (between ages 16 and 60), other, equally genocidal violence, like systematic sexual violence as a tool of ethnic de- or re-population, the destruction of communities and genocidal dispersion[9] evade adequate recognition and intervention. As Adam Jones writes: "Focusing on genocide as traditionally viewed ( . . . ) tends to give short shrift to mass atrocities against females, who are more likely to be raped and/or enslaved in such conflicts than they are to be killed outright."[10] The related term "gendercide" was coined by Mary Anne Warren, who defined it as follows:

> . . . gendercide [is] the deliberate extermination of persons of a particular sex (or gender). Other terms, such as "gynocide" and "femicide," have been used to refer to the wrongful killing of girls and women. But "gendercide" is a sex-neutral term, in that the victims may be either male or female. There is a need for such a sex-neutral term, since sexually discriminatory killing is just as wrong when the victims happen to be male. The term also calls attention to the fact that gender roles have often had lethal consequences, and that these are in important respects analogous to the lethal consequences of racial, religious, and class prejudice.[11]

Adam Jones later explored the concept of gendercide to include the idea that "civilian males of an imputed 'fighting age' were especially vulnerable to genocidal massacre,"[12] thereby adding the masculine perspective to the originally women-centered idea of a gendercide.

What this book adds to the discussion is a focus on prevention. Our particular kind of a gendered lens for genocide analysis is centered around the understanding that throughout the process of genocide, there are various entry points for prevention. Many scholars and institutions[13] have developed different frameworks for prevention, notably Gregory Stanton's ten-stage approach, which follows the process of genocide, as

"predictable but inexorable," one that is not linear, where "stages may occur simultaneously."[14] While Stanton's approach is useful and informative, it is lacking an inclusion of the role gender plays in each of the proposed ten stages. Stanton focuses particularly on genocide, whereas this book considers mass atrocities and genocide prevention simultaneously, because we believe that the role gender plays in both processes is essentially similar. As such, we suggest an approach to genocide prevention similar to Stanton's, with the addition of the following indicators, or entry points, for prevention at each stage. These indicators should likewise be applied to any framework for mass atrocity prevention:

- Direct references by agents of genocide or mass atrocity to gendered roles or expectations;
- Changes in traditional gender roles, particularly increased representations of the violent masculine;
- Increased cases of sexual or gender-related violence;
- Intimidation tactics based on gender roles;
- Gendered imbalances in survivors and the social, economic and cultural implications; and
- Gendered differences in reprisals during and after genocide.

The contributions to this book engage with these entry points on different levels and from different perspectives, with the overarching goal of operationalizing them in order to improve prevention and mitigation efforts in situations of genocide and mass atrocities. In this sense, the concept of intersectionality is particularly useful; it can help to identify ways of approaching genocide prevention differently and more effectively.

While this is not in itself a new perspective – feminist approaches have long been characterized by the critical evaluation of intersections between gender and other power structures[15] – intersectionality as a concept has never actually entered mainstream social sciences.[16] This book aims to show that both research and policymaking would benefit from critical engagement with post-colonial, anti-racist and post-structural ideas that have informed the concept of intersectionality. Power intersections are evident in all relations and on all levels of human interaction, for example, in institutional practices or individual decision-making. The key element in power intersections is social in- and exclusion based on markers of difference, and, crucially, these markers serve as the basis for the definition of what is "normal,", while at the same time revealing underlying power

structures, which are often portrayed as "natural."[17] Such structures determine individual or group access to material and virtual resources, they influence societal structures and institutions, and they are reproduced through daily social practices. What is more, these structures often underpin processes of violence and vulnerability. This book therefore develops alternative ways of explaining and understanding social processes like identity formation, the gendered nature of everyday practices and the co-constitutive character of social roles and different positions of power in a given society and context.

## The Book

The book's framework is applied to a diverse range of topics by our authors, covering not only historic cases of genocide and its treatment by international law, for instance the Holocaust, the Red Khmer and Rwanda, but also contemporary cases like mass atrocities committed against Yazidis in Iraq and Syria.

In her conceptual chapter, *Mary Connellan* highlights the significance of the interplay between norms of recognition of genocide and experiences of vulnerability and violence. Using a feminist approach influenced by the work of Judith Butler, she draws attention to the problems associated with the notion of "protecting vulnerable groups," and deconstructs ideas of "protection" and "vulnerability," analyzing the relation between gender and violence and addressing the international legal framework on gender and sexual violence. Crucially, Connellan asks who shall be protected, by whom and how? The ways power and vulnerability are inherited by states and individuals are central to her discussion, and provide vantage points for the in-depth analysis of the key subjects of recognition and violence.

*Henri Myrttinen* uncovers both the gendered invisibility in and the centrality of men, boys and masculinities in acts and processes of genocide. He outlines how taking a critical masculinities approach can help in understanding the complex relationship between gender norms and mass atrocities. Although men play central roles as perpetrators, victims, survivors, enablers, bystanders and witnesses, they are seldom analyzed as gendered beings, with expectations projected onto them by society and in part internalized by themselves. These projections interact with age, class, sexual orientation, dis-/ability, as well as ethnic or religious background. In a situation of genocide or mass atrocity, these may push one group of

men to become perpetrators, and force others into a position as targets of violence. By outlining such an intersectional, critical approach to masculinities at the macro- and micro-levels of perpetration, Myrttinen offers the required tools to develop a more nuanced understanding of the dynamics of violence as well as of the gendered ideologies underpinning genocide.

*James Snow* critically engages with the ways women are framed in genocide studies as well as in media narratives of genocide, thereby questioning gender stereotypes and how genocide is "seen" and understood. Focusing on the genocide in Rwanda and its aftermath, including the prosecution of perpetrators, Snow analyzes how gender stereotypes direct the way women are viewed primarily as targets and victims of violence, while turning a blind eye to female perpetrators. In the rare case that women are acknowledged as actual or potential perpetrators of genocide, they are confined to one of two frames: Either they are cast as *femmes fatales*, or they are constructed as monsters and sometimes mother-monsters. Using the case of Pauline Nyiramasuhuko, Snow shows that female perpetrators are portrayed as "mother-monsters" in a way that recalls and parallels the mother-monster of Greek mythology, Medea. Snow counters this simplification and mythologization by operationalizing West and Zimmerman's framework of "doing gender" to illuminate that we need to focus on specific and local factors that might explain women's participation in genocide, to better assuage or prevent mass atrocities.

*Douglas Irvin-Erickson* reminds the reader that the world's first genocide prevention framework explicitly considered gender crimes and sexual violence to be acts of genocide, a fact often overlooked today because they were removed from the genocide discussion in the aftermath of the Second World War. Irvin-Erickson highlights the challenges arising from this for genocide prevention and persecution efforts during and after the Cold War. For instance, in the trial of Thomas Lubanga Dyilo at the International Criminal Court (ICC) and the trial of Khieu Samphan and Nuon Chea at the Extraordinary Chambers in the Courts of Cambodia (ECCC), which are widely acknowledged as landmark cases in international criminal law, the defendants were convicted of war crimes and crimes against humanity, but cleared of all charges for sexual violence, outraging observers and human rights advocates who widely considered them to have facilitated mass rape in the Democratic Republic of Congo and Cambodia. Irvin-Erickson argues that the two primary reasons why the prosecution of rape and other sexual crimes failed in both cases at the ICC and ECCC were the same challenges to the prosecution of sexual

crimes that Raphaël Lemkin identified when he urged his colleagues at Nuremberg to prosecute Nazi defendants for sexual crimes. Irvin-Erickson pays particular attention to Lemkin's insistence that prosecutors should present sexual crimes as integral to larger criminal programs, so that leaders can be held accountable in international criminal courts for acts of sexual crimes without having to prove a direct causal link between high-ranking defendants and the acts of sexual crimes committed by low-level perpetrators.

*Anna Hedlund* interrogates the dispersal of mass atrocities from Rwanda to the Congo and how gendered power structures influence the practices of memorializing genocide in rebel camps. She thus turns our attention from the male soldiers of the Democratic Forces for the Liberation of Rwanda (FDLR), who have received great attention over the years in human rights reports and academic literature, to the marginalized refugee population – women, elders and children – who move about with the rebels. Building on several months of anthropological fieldwork in a rebel camp of the FDLR in the Congo, Hedlund paints a detailed picture of the diverse roles women hold in the camp and the group based on their individual history, background, age, ethnicity and recruitment experience. By including women's voices into the analysis of the FDLR, Hedlund shows that some women are victims under FDLRs control and have traumatic memories and experiences of forced recruitment and violence, whereas other women are active participants in mobilizing violence and share the group's military, ideological and political goals to return to their home country, Rwanda. The chapter shows that applying a gendered lens to the FDLR, the Rwandan genocide and its aftermath can provide policymakers and organizations working to prevent violence and genocide with a better understanding of how gender and societal roles are lived and performed inside an armed group in contexts of ongoing violence.

*Nikki Marczak* explores the enslavement of women as a genocidal strategy against Armenian and Yazidi communities during genocides a century apart. By applying a gendered lens to both genocides, Marczak uncovers important parallels: Both peoples have endured the horrors of genocide, sexual violence, trafficking, forced marriage and forced maternity. Genocidal enslavement of women deprives them not only of physical freedom, but of their culture, identity and community, potentially leading to social death. Both cases show how genocide is as much about restricting the future potential of a group via biological, sexual and cultural strategies of destruction, as it is about the physical murder of existing members.

Marczak shows that the gendered nature of the Yazidi genocide follows a similar trajectory as the Armenian genocide and explores how an awareness of their parallels may be useful for intervention. She outlines how the use of forced conversion and assimilation, forced marriage and impregnation, sexual slavery and sexual violence, were and are underpinned by gendered and ideological concepts, designed to destroy the group's biological, cultural and social infrastructure; the identification of which may serve as important indicators for preventative efforts.

In bringing together the diversity of case studies and conceptual frameworks within the framework of a gendered lens for genocide, we hope to provide new ways of approaching genocide and mass atrocity in both research and policy. The book does not attempt to offer a single or particular solution to preventing genocide and mass atrocities, but rather highlights the fact that it is prevention that should be at the forefront of both academic work and political initiatives. We propose that any future work on genocide and mass atrocity prevention should involve a better understanding of how gendered roles interact with violence at different stages, and how working with this knowledge can assist prevention efforts.

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2. Tom Cushman, "Is genocide preventable? Some theoretical considerations," *Journal of Genocide Research* 5:4 (2003): 523.
3. Henry Theriault, "Against the grain: Critical reflections on the state and future of genocide scholarship," *Genocide Studies and Prevention* 7:1 (2012): 124f.
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5. See Cushman, "Genocide," 524.
6. See Christiane Fröhlich and Giovanna Gioli, "Gender, conflict and global environmental change." *Peace Review – A Journal of Social Justice* 27: 2 (2015).
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13. For example the UN Office for the Special Advisor on Genocide Prevention.
14. Gregory H. Stanton originally presented as a briefing paper, "The Eight Stages of Genocide" at the US State Department in 1996. Discrimination and Persecution have since been added to the 1996 model. See, http://www.genocidewatch.org/genocide/tenstagesofgenocide.html.
15. Anna Kaijser and Annica Kronsell, "Climate change through the lens of intersectionality." *Environmental Politics* 23: 3 (2013): 419.
16. For instance K Crenshaw, "Mapping the margins: Intersectionality, identity politics, and violence against women of color," *Stanford Law Review* 43:6 (1991), and Pinar Bilgin, *Identity/Security* (The Routledge Handbook of New Security Studies, ed. by J. P. Burgess, Routledge, 2010).
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# The Problem of "Protecting Vulnerable Groups." Rethinking Vulnerability for Mass Atrocity and Genocide Prevention

## *Mary Michele Connellan*

The mechanisms and structures relied upon to protect humanity have failed and continue to fail while we grow immune to scenes of horror displayed across television screens in our lounge rooms. The longer mass atrocities and genocides continue, the more "normal" they will become and societies will lose their ability to grieve and mourn. This is a "precarious life"[1]; it is a life devoid of feeling where violence is rendered normative.

This chapter explores experiences of violence in the context of mass atrocities and genocide and draws specific attention to problems associated with "protecting vulnerable groups" in these contexts. "Vulnerability" is reformulated in a way that is insightful for the prevention of genocide and mass atrocities. It is argued that what is needed for mass atrocity and genocide prevention is a theory of collective responsibility that addresses a transient vulnerable subject, and is sensitive to gendered links between different forms of violence, at different stages of escalation.

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Within a critical discussion of protection and vulnerability, a consideration of gender is essential because the root causes of violence and conflict cannot be understood without taking into account gendered behavior. Gendered roles and experiences of violence and vulnerability are inextricably connected. The three central themes in this chapter: deconstructing vulnerability and protection; analyzing the relation between gender and violence; and addressing the international legal framework on gender and sexual violence, provide a discursive background necessary for analyzing the problem of protecting vulnerable groups and for rethinking vulnerability in mass atrocity and genocide prevention.

## VULNERABILITY AND PROTECTION

Judith Butler's "precarious life" thesis provides the conceptual framework for this chapter's approach to vulnerability. Butler's thesis is appropriate because it is a critique on power structures, and this chapter argues that the contemporary notion of vulnerability is developed by structures of power like the United Nations. Butler approaches vulnerability from a critical thinking, feminist perspective and refers to the body as the site of a common human vulnerability.[2] It is the body that is at risk of vulnerability, of loss and violence. "Loss and vulnerability seem to follow from our being socially constituted bodies, attached to others, at risk of losing those attachments, exposed to others, at risk of violence by virtue of that exposure."[3] We are vulnerable simply because our bodies are vulnerable.

According to Butler, the nature of humanity implies our vulnerability; human beings are inevitably dependent on each other, on relations with one another. Butler expands the vulnerable subject to the condition of the human through a philosophical discourse. While Butler's analysis provides a conceptual framework for the discussion of vulnerability in this chapter, it is a tricky thing to translate philosophy into policy. This chapter will nevertheless attempt to do exactly that.

The term "vulnerable groups" is a term coined by the United Nations to describe people living in extremely difficult situations, usually in conflict zones or in areas where there is severe famine or disease.[4] The term has also been employed throughout the international aid community[5] and in the European Court of Human Rights.[6] The problem is that the term "vulnerable groups" is employed with little regard to the implications its use has in constructing a general identity for a diverse range of people in a variety of situations. The current framing of "vulnerable groups" is

problematic because it is a framing from the perspective of the "protector," which results in rigid and often inaccurate identification. It serves as a classification or characterization of people, which fails to provide empowerment and confines "vulnerable groups" to a perpetual state of victimhood.

The characterization of people as "vulnerable groups" becomes an issue when identification is fixed and there is little or no hope of being or becoming anyone else. The characterization also facilitates recognition of Otherness and furthers the divide between One and the Other. This is because One comes to exist by virtue of a fundamental dependency on the address of the Other. "One exists not only by virtue of being recognized, but also in a prior sense, by being recognizable."[7] From Butler's perspective, speculations on the formation of the subject are crucial to understanding the basis of non-violent responses to injury and, perhaps most importantly, to a theory of collective responsibility.[8]

A theory of collective responsibility is necessary for the prevention of mass atrocities and genocide because the nature of these crimes is that they are committed toward a collective group and the trauma that results is collective trauma. Collective trauma can be understood as "a blow to the basic tissues of social life that damages the bonds attaching people together."[9] Collective responsibility must therefore address the trauma and open up ways for healing. Collective responsibility should also play a part before and during the trauma, in that the community has a responsibility to take note of changes in violence directed against the community and vulnerability experienced by members within it, where mechanisms for early warning responses are put in place and utilized.

The international community and neighboring states also need to play a role as part of an outer circle of the collective responsible in terms of responding to early warnings from the community in ways that the community themselves have outlined as appropriate. Naturally, there is a challenge to rethink and reformulate a conception of global responsibility that counters imperialist appropriation and its politics of imposition.[10] This challenge is discussed later in terms of moving away from notions of "protection" toward mechanisms of "prevention." A theory of collective responsibility will also need to acknowledge the gendered links between different forms of violence and to readdress the vulnerable subject as transient.

The concept of vulnerability in the policy context of human rights should not be disregarded completely, but it needs to be rethought and

reworked so that it may be better-understood and applied in prevention strategies for mass atrocities and genocide. Vulnerability is a useful concept for analyzing a particular aspect of the human condition because it is connected to experiences of loss and violence. Therefore, vulnerability should not be understood as fixed and designated to a wide variety of people irrespective of the differences between them and the changes that take place among them. It is these differences and changes that shed light on experiences of vulnerability and the corresponding patters of violence. How the experiences might change and adapt will provide crucial data for prevention systems.

For example, in Srebrenica, the employment of sexual and gender-based violence, particularly mass rape, was a sign of an increase in the escalation of violence which led to crimes against humanity and genocide.[11] And while the humanitarian crisis in South Sudan increased after succession from the North and conflict over access to oil,[12] it became particularly intense with the declaration of civil war in the South.[13] Ethnic tension between the Dinka and Nuer heightened and reports of sexual violence increased. Although South Sudanese people had been exposed to various forms of violence for long periods of time, particularly in disputes with the North, the civil war in the South increased tensions between South Sudanese tribal groups and created a different kind of fear among them rendering civilians vulnerable in a different way.

In these cases, particular changes in experiences of vulnerability were an indication of the emergence of mass atrocities. What is relevant is not necessarily an increase in violence, but the changes in a particular groups exposure to loss and violence. Increases in experiences of vulnerability will not always coincide with increases in violence; it is rather the particular kind of exposure to violence that is relevant. The raping of civilians by the SPLM rebels and government forces in South Sudan were and are a clear sign of the change in the kind of violence against civilians and the change of perpetrator. These kinds of changes can only be properly addressed through grassroots systems of communication and collective responsibility, properly supported by neighboring states and the international community. It is a mistake to consider the South Sudanese as permanent victims of violence or as "vulnerable groups"; rather there should be consideration of how the changing nature of their vulnerability can be monitored to prevent future acts of violence.

There is a connection between a risk analysis for the prevention of mass atrocities and genocide and recognition norms of vulnerability. If the risk

analysis is based on grassroots early warning systems, then central to the data will be the local communities' communication of any changes to or increases in the violence they experience and whether they themselves feel that they are becoming more or less vulnerable. Of course, violence and vulnerability cannot always be pre-empted; vulnerability to another is part of bodily life. However, it can be exacerbated under certain social and political systems and may be one of the initial indicators that social and political circumstances are becoming more violent. Another indictor will be the performance of gender roles, because gender hierarchy is implicated in forms of power relations, and gender norms regulate bodies and spaces. The connection between gender and violence will be explored in the next part of this chapter.

In terms of a risk analysis for mass atrocity and genocide prevention, many non-governmental organizations have shifted focus from protection to prevention.[14] This is largely a result of the general consensus that once mass atrocities and genocide plans start, they can be difficult and costly to control and stop. Once atrocities are committed, the line between perpetrator and victim can also become blurred, where counter-atrocities are committed against initial perpetrators. It may also be too dangerous for states to intervene on the ground, as is currently the case in Syria, or in many instances there is a lack of political will by states to get involved, for example in Darfur and South Sudan.

Prevention is seen as a more viable alternative for states to combat mass atrocities and genocide. Consequently, the current focus by non-governmental organizations and the United Nations is on improving early warning systems. Early warning systems are usually designed and implemented by individual non-governmental organizations or reliance on the United Nations' system. The data that comprises relevant factors for early warning systems varies depending on the organization, their policy objectives and ultimately what they consider to be the most important indictors. In practice this leads to varied systems for early warning and a lack of consistency between different systems.

The United Nations Office of the Special Advisor on the Prevention of Genocide has provided *A Framework of Analysis for Atrocity Crimes*. The framework lists eight common risk factors for atrocity crimes as well as specific risk factors for genocide, crimes against humanity and war crimes. They include situations of armed conflict or other forms of instability; record of serious violations of international human rights and humanitarian law; weakness of state structures; motives or incentives; capacity to

commit atrocity crimes; absence of mitigating factors; enabling circumstances or preparatory action; and triggering factors. The specific risk factors for genocide are intergroup tensions or patterns of discrimination against protected groups and signs of intent to destroy in whole or in part a protected group.

In the United Nations' early warning system, there is no inclusion of a gender sensitive mechanism for the prevention of atrocities, and gender is only mentioned in relation to the prevention of gender-related crimes. While there is a need to focus on prevention rather than protection, early warning systems also need to address the role that gender plays in the planning and perpetration of these crimes. When there are cases of heightened "violent masculinity,"[15] for example an emphasis on power and control, or cases of brainwashing boys and men (but possibly also girls and women) into believing they have a right to use violence against specific groups in order to protect their entitlements, then these actions need to be included in a risk analysis.

The "violent masculine" in this context can be understood as a 'state of being' created within a military environment, either by government or rebel forces. There is a connection with the use of weaponry and the subsequent psychological effects of power and control. This is not to say that only men commit atrocities. Therefore when people begin to behave in a masculine way, this should be a sign for atrocity prevention. It is that there are socially constructed characteristics which are attributed to the "violent masculine" that portray a figure conditioned to control, exert power and use violence in order to protect what they believe they are entitled to. And it is this gendered behavior that is relevant in a risk analysis for preventing atrocities and genocide.

The Responsibility to Protect doctrine[16] was the United Nations attempt to "protect vulnerable groups." It attributes responsibility to states to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. It implies that a violation of core human rights, central to the survival of populations, can result in overriding national sovereignty in order to protect populations at risk.[17] In Responsibility to Protect policy documents, "populations at risk" appear to mean the same thing as vulnerable groups. The difference is that the Responsibility to Protect language seems to imply that populations at risk are in a transient stage and will not always be at risk. Nevertheless, the problem with the Responsibility to Protect is the focus on protection rather than prevention.

The Responsibility to Protect has largely been a failure due to its misuse by Western powers intervening in states like Iraq and Libya for private gain under the guise of "protecting populations at risk," and for its lack of use in situations like Darfur; but it also reveals a broader problem of a lack of effective policy for prevention. The failure of the Responsibility to Protect is an indicator that the international community has been organizing modes of protecting populations at risk based on "after the fact" intervention. The methods resulted in collapsing dictatorships but also in creating unstable, weak political systems and situations of insecurity. Rather than working from grassroots-based early warning systems and long-term strategies for the prevention of mass atrocities and genocide, the Responsibility to Protect is a band-aid answer to complex situations.

The failure of the Responsibility to Protect is in essence a failure of the United Nations' mandate to protect vulnerable groups. In Darfur, it was claimed that the international community's unwillingness to act is also tantamount to complicity in the crimes that are committed there, that powerful states and institutions that could have stepped in to make a difference became accessories to acts of genocide.[18] The problem with Darfur is not that the Responsibility to Protect didn't work because it wasn't properly implemented; it is that there were no adequate early warning systems in place. For any lasting strategy to prevent mass atrocities and genocide, the local community must be at the forefront and properly supported by the international community. This is central to the theory of collective responsibility.

### Gender and Violence

Gender roles have an effect on the kind of violent acts that are committed and experienced. And gender roles also render certain people more or less vulnerable, not withstanding that the state of vulnerability can be overcome and is not permanent. It is relevant to consider the connection between gender and violence when considering vulnerability, both as a mode of recognition and as an experience or physical state, because gender will have an effect on the way vulnerability is recognized and experienced. The vulnerability of the human condition translates into gender roles.

In addressing the connection between vulnerability and violence, the access to and use of violence should be acknowledged as intrinsically gendered, in that armed forces, heads of state, diplomats, foreign and defense ministers and the world's richest persons are predominately men.

However, it is crucial not to take the connection between violence and masculinity as something natural or unchangeable. In the same way, it is crucial not to restrict the role of women to peacemakers. It is not to say that women by virtue of being women are incapable of being violent or that men by virtue of being men are doomed to be aggressive, but rather that socially entrenched roles of the masculine and feminine influence the ways in which men and women become agents or recipients of violence. In this sense, notions of masculinity and femininity become central for a more profound understanding of vulnerability.

The outcome of gendered power relations and the hypocrisy of state protection emerges in its extreme form through sexual violence and rape by state-funded armed and security forces. In South Sudan, reports reveal the systematic rape of civilians by armed forces in lieu of wages,[19] while in Syria, human rights activists claim that women, boys and men are being raped in state prisons.[20] These are cases where national armed forces have not only committed atrocities, but have been permitted and even encouraged to do so. What gendered power relations in this context means is that the construction of the violent male through military training and ideology creates the idea of a weak, passive, feminine. Violence and violation create a vulnerable state, and the vulnerable state is dependent on gendered roles. The passive feminine need not only apply to women and girls but also men and boys. These discourses shape the male and female realms and create power to violate as well as vulnerability.

Ironically, it is often women in conflict zones who are doing the active protection, securing food and safety for children, the elderly and disabled, and these women are also deemed "vulnerable groups" in need of protection. In Syria, women have neither been spared any aspect of the brutality, nor are they merely passive victims.[21] Kurdish forces fighting ISIS[22] are comprised of a significant number of female combatants.[23] In these cases, the so-called "vulnerable" protect the "vulnerable." By confining these women to "vulnerable groups," we are effectively ignoring the possibilities for their contribution to development and security plans crucial for the prevention of mass atrocities and genocide in their own communities, and depriving them of empowerment.

Alternatively, the role of women in violent combat is also being disregarded. It is therefore important to question the formation of the vulnerable subject in these cases. Whose lives are vulnerable? And according to whom are they vulnerable? It is in uncovering the answers to these questions that a more informed understanding of vulnerability can

transpire, not one that is constructed by the "protector" but rather a concept of vulnerability that acknowledges vulnerability is reciprocal, that it is not fixed and that it depends on structures of power and gender and on acts of violence and loss. In terms of recognition of the vulnerable subject, what is important is *self*-recognition.

The subject should not always be understood as an individual, but also at times a "model for agency and intelligibility."[24] The subject, while vulnerable, is capable of mobilizing and organizing its own mode of protection or strategies for prevention. Central to this idea is the notion that vulnerability cannot be fixed and must be transient. Mass atrocity and genocide prevention based on collective responsibility, are prevention based on the idea that individuals in the community from which atrocities are committed will have, at some stage, the ability to intervene in some way to prevent violence.

The idea that mass atrocity and genocide prevention should be based on systems of collective responsibility stems from the belief that genocides are not committed without a plan and are not committed by a lone *génocidaire*, contrary to the view taken by the International Criminal Tribunal for the former Yugoslavia (ICTY).[25] Collective responsibility for mass atrocity and genocide prevention supports the International Criminal Court Statutes' position that genocide takes place in the context of "a manifest pattern of similar conduct directed against that group or conduct that could itself effect such destruction."[26]

In terms of protecting "vulnerable groups" from genocide, the Genocide Convention is explicitly limited to the protection of enumerated groups, which are "national, ethnical, racial and religious in character."[27] This chapter focuses on the characterization of these groups, and particularly the people within them, as "vulnerable." There is no attempt to critique the rigidity of the enumerated groups in the Genocide Convention, but rather the language that is used in a policy context when referring to members within them. In the case of *Akayesu*,[28] there was an attempt by the International Criminal Tribunal for Rwanda (ICTR) to define each of the terms separately.[29] The ICTR focused only on including groups that were "stable" in nature. Apparently it was the lack of stability in cultural and political groups that saw them excluded from the Convention.

Since *Akayesu*, the ICTY in the case of *Krstić*[30] has provided a more authoritative view on defining the enumerated groups. The ICTY indicated "the preparatory work of the Convention shows that setting out

such a list was designed more to describe a single phenomenon, roughly corresponding to what was recognized before the second world war as 'national minorities', rather than several distinct prototypes of human groups.[31] To attempt to differentiate each of the named groups on the basis of scientifically objective criteria would thus be inconsistent with the object and purpose of the Convention."[32] In the ICTY case of *Prosecutor v Semanza*,[33] it was held that the perception of the perpetrator that the victim is a member of that group suffices for them to be considered a member for the purposes of genocide.[34] The case law of the ICTR and ICTY has since clarified the notion of "group" according to a subjective evaluation, moving away from an objective test.

## The International Legal Framework on Gender and Sexual Violence

The international legal framework on gender and sexual violence is relevant because this chapter deals with the construction of vulnerability within human rights policy for mass atrocity and genocide prevention. There is therefore an overlap with international human rights law, international humanitarian law and international criminal law. The connection between gender and vulnerability has been made apparent and an analysis of the international legal framework on gender and sexual violence is important in uncovering how particular crimes have been addressed. Vulnerability has been used to discuss human rights policy because it provides a unique vantage point to view policy from a philosophical and critical thinking perspective.

In terms of the international legal framework on gender and sexual violence, The Rome Statute of the International Criminal Court and the International Criminal Tribunals for former Yugoslavia and Rwanda have made it clear that gender-related international crimes include rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization and any other form of sexual violence of comparable gravity.[35] The explicit inclusion of these crimes as war crimes and crimes against humanity if committed as part of a widespread or systematic attack[36] has been a landmark in terms of the codification of gender-specific crimes under international law.

Following this, Security Council Resolution 1325 on Women Peace and Security called on all parties to armed conflict to take special measures

to protect women and girls from gender-based violence in situations of armed conflict, particularly rape and other forms of sexual abuse, which has since been solidified by the establishment of National Action Plans. There is the concern however, that men and sexual minorities have been left out of these resolutions, although there is also the argument that international law is by no means confined to groups that have been explicitly recognized in the treaties, and that international human rights law has proven itself to be flexible in addressing the plight of groups whose vulnerability may not have been in the minds of treaty drafters.[37]

However, both real efforts for implementation and the advancement of national capacities and political will are still missing. On October 18, 2013, the United Nations Security Council adopted Resolution 2122, which created a roadmap for systematic approaches to the implementation of measures outlined in Security Council Resolution 1325, including measures to end impunity for gender and sexual violence during armed conflict. The effectiveness of Security Council Resolution 2122 is yet to be determined. In addition, these resolutions are not necessarily binding, as they are not taken under Chapter VII so they rely predominantly on persuasive strategies and political will.

The 2015 *Global Study on the Implementation of United Nations Security Council Resolution 1325* highlights that there has been progress in terms of increased attention to gender and sexual violence by United Nations agencies and within United Nations resolutions, and credits "the international community" with adopting "a comprehensive framework with regard to sexual violence in conflict."[38] However, it also finds that "despite the comprehensive framework, there are very few actual prosecutions, particularly at the national level."[39] A significant achievement was the launch of the *International Protocol on the Documentation and Investigation of Sexual Violence in Conflict*[40] during the June 2014 Global Summit to End Sexual Violence in Conflict. The Summit promoted the "full integration of sexual and gender based violence responses and promotion of gender equality into all security sector reforms and training programs,"[41] and the Protocol provides practical guidance toward its achievement. What will be critical for the future is whether this effects political will and translates into the National Action Plans.

In 2008, the United Nations Committee against Torture adopted a General Comment on implementation obligations, which emphasized the protection of those who are especially at risk of torture because of "race, gender, sexual orientation, transgender identity . . . or any other status of

adverse distinction."[42] While noting the difference in the functions between the Committee against Torture and the Office of the Special Advisor on the Prevention of Genocide (OSAPG), and the narrow definition of enumerated groups in the Genocide Convention, it could be useful for the OSAPG to take a similar approach and include gender in its framework for genocide prevention.

An inclusion of gender into the prevention framework of the OSAPG would mean that through modes of collective responsibility where grassroots movements are mobilized, there is a communication of experiences of vulnerability and any changes to these. Particularly relevant will be instances of gender- and sexual-based violence, given the strong correlation between gender, vulnerability and violence. These communications should form part of a risk analysis for early warning systems. It is critical for the success of early warning systems to include a gender analysis in order to be more accurate and to make use of signs that may only be apparent through a gendered lens such as changes in behavioral patterns; an increase in "violent masculine" acts; and heightened experiences of vulnerability.

## CONCLUSION

This chapter develops a conceptual framework for mass atrocity and genocide prevention on the basis of rethinking vulnerable groups and vulnerability in these contexts. In this sense, vulnerable groups should be understood as people in a transient state of vulnerability who can be empowered if included in a collective responsibility approach to the prevention of mass atrocities and genocide in their own communities. Colonial structures of intervention under the guise of protecting vulnerable groups or populations at risk only further entrench systems of dependence and patters of vulnerability. Human rights policy therefore needs to engage with the vulnerable subject from a prevention approach rather than a protectionist approach. It is the "protector," in most cases the United Nations, the author of the policy, designating or assigning the term "vulnerable" to the so-called vulnerable groups without fully understanding the layered and complex nature of vulnerability.

The problem is one of recognition. "If vulnerability is one precondition for humanization, and humanization takes place differently through variable norms of recognition, then it follows that vulnerability is fundamentally dependent on existing norms of recognition if it is to be attributed to

any human subject."[43] If vulnerability is understood as defined from the perspective of the protector, then we are negating the subjectivity of the vulnerable. The recognition of the vulnerable subject should depend on norms of self-recognition, and the attribution of vulnerability to the subject should not be fixed.

The most effective forms of prevention start at a community level, because it is the communities themselves who are most knowledgeable about their capacities and resources, their needs and the ways in which they are best able to protect themselves. An approach to genocide prevention that is based on community engagement and is directed by community alerts is more viable and sustainable than a "protective approach." Alerts, or early warning signs, need to be organized on a case by case basis, where communities that might be particularly exposed to mass atrocities or genocide are involved in creating and implementing unique risk assessments relevant to their specific location and experience. It is through a reorganization of preventative strategies that colonial structures of the protector and vulnerable can be dismantled.

## NOTES

1. Judith Butler, *Precarious Life: The Powers of Mourning and Violence* (London: Verso, 2004).
2. Ibid., 26.
3. Ibid., 20.
4. United Nations News Centre, "Rights of vulnerable groups must be focus of new development agenda, San Marino tells UN," http://www.un.org/apps/news/story.asp?NewsID=46095#.U9IvY4CSxuA, 2013, (accessed June 12, 2014). See also United Nations News Centre for recent and frequent reference to "vulnerable groups."
5. With the exception of the International Red Cross, where vulnerability is explained as "relative and dynamic" and a gender analysis is recommended in terms of assessing vulnerability. See http://www.ifrc.org/en/what-we-do/disaster-management/about-disasters/what-is-a-disaster/what-is-vulnerability/, 2016 (accessed September 28, 2016).
6. See for example *Kiyutin v Russia* (2011) 53 EHRR 26.
7. Judith Butler, *Excitable Speech: A Politics of the Performative* (New York: Routledge, 1997), 5.
8. Butler, *Precarious Life*, 44.
9. Kai Erikson, *A New Species of Trouble: Explorations in Disaster, Trauma, and Community* (Norton: W. W. Norton & Company, 1995), 187.

10. Judith Butler, *Frames of War: When is Life Grievable?* (London: Verso, 2010), 37.

11. Anne-Marie de Brouwer, *Supranational Criminal Prosecution of Sexual Violence: The ICC and the Practice of the ICTY and the ICTR* (Cambridge: Intersentia, 2005).

12. Tore Knos and Michele Zebich-Knos, "South Sudan: Oil, the Environment and Border Conflicts," National Geographic, *Ideas and Insights from Explorers* (March 22, 2013).

13. In December 2013, Riek Machar, the former Vice President of South Sudan led a rebel faction of the SPLM rebels to overturn Salva Kiir.

14. For example, the Budapest Centre for the International Prevention of Genocide and Mass Atrocities and Aegis Trust.

15. For a more descriptive account, See Henri Myrttinen's chapter in this book on "Men, Masculinities and Genocide."

16. The Responsibility to Protect doctrine was set out in the outcome document of the 2005 UN World Summit Outcome Document.

17. 2005 World Summit Outcome Document, adopted by the United Nations General Assembly on September 16, 2005.

18. Nsongurua J. Udombana, "An Escape from Reason: Genocide and the International Commission of Inquiry on Darfur," *International Lawyer* 40: 1(2006): 42.

19. Hannah McNeish, "South Sudan: women and girls raped as 'wages' for government-allied fighters," *The Guardian,* September 28, 2015, also see "Assessment mission by the Office of the United Nations High Commissioner for Human Rights to improve human rights, accountability, reconciliation and capacity in South Sudan," March 10, 2016.

20. "Syrian women break their silence on rape," *Aljazeera English,* June 9, 2014.

21. Samar Muscati, *We are Still Here: Women on the Front Lines of Syria's Conflict*, Human Rights Watch, July 2, 2014.

22. The Islamic State of Iraq and the Levant or Daesh.

23. For a more detailed account see Nikki Marczak's chapter "A Century Apart: The Genocidal Enslavement of Armenian and Yezidi Women" in this book.

24. Butler, *Precarious Life,* 44–45.

25. *Prosecutor v Jelesić,* Judgement, IT-95-10-A, July 5, 2001, para 48.

26. Elements of Crimes, Art 6(1)(a). Element 4, ICC/ASP/1/3.

27. Article II(1) Genocide Convention.

28. *Akayesu*, Judgement, ICTR, TR, September 2, 1998.

29. *Akayesu*, TC, para 512, 513, 514.

30. *Kristić*, Judgement, ICTY, AC, April 19, 2004.

31. *Krstić*, Trial Chamber, n 22, para 556.

32. *Krstić*, Trial Chamber, n 22, para 556.

33. *Prosecutor v Semanza,* Judgement, IT-95-10-A, July 5, 2001.
34. *Prosecutor v Semanza,* Judgement, IT-95-10-A, July 5, 2001, para 48.
35. ICC Statute, Article 8(2)(b)(xxii) and (e)(vi) (§ 1565).
36. ICC Statute, Article 7(1).
37. Michael O'Flaherty, "Sexual Orientation and Gender Identity," in: Daniel Moeckli, Sangeeta Shah, Sandesh Sivakumaran (eds), *International Human Rights Law* (Oxford University Press, 2014), 303.
38. "Preventing Conflict, Transforming Justice, Securing Peace," in: *A Global Study on the Implementation of United Nations Security Council Resolution 1325,* 2015 UN Women, 14.
39. Ibid., 14.
40. The International Protocol on the Documentation and Investigation of Sexual Violence in Conflict, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/319054/PSVI_protocol_web.pdf
41. A. Paul, Global Summit to End Sexual Violence in Conflict, *Women in International Security (WIIS)* (web blog), June 17, 2014, http://wiisglobal.org/wordpress1/2014/06/17/global-summit-to-end-sexual-violence-in-conflict/, (accessed June 19, 2014).
42. General Comment 2, n86, para 21.
43. Butler, *Precarious Life*, 44.

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# Men, Masculinities and Genocide

*Henri Myrttinen*

As with so many acts of violence, genocide and mass atrocities involve men and boys in central roles – be it as perpetrators, victims and survivors; as enablers, preventers, by-standers or chroniclers. However, as with men's engagement with violence more generally, men's varied roles in genocides and mass atrocities have often not been analyzed from a critical gender perspective. In other words, the way violence interacts with how men and boys are expected by society, and by themselves, to act as men and boys of and in a particular age, class, ethnicity, religious group and the like remains understudied. Furthermore, where there has been a degree of engagement of genocide studies/studies of mass atrocities with critical masculinity studies, as discussed below, it has been uneven, either focusing on men and boys as a particular category of victims targeted because of their sex or painting men as perpetrators with often relatively broad "masculinity" brushes, without nuancing between different men in different positions of power and agency.

The study of genocide and of violence is, unfortunately, immensely broad – a testament to the darker sides of human behavior. Given the central and multiple roles played by men and boys in these processes, there

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is no one way of looking at men, masculinities and genocide. However, I do believe that the use of a "critical masculinities" approach can help us in better comprehending these acts and, perhaps, thereby contribute to preventing them. In this chapter I will therefore begin with an outline of my understanding of a critical masculinities approach, followed by how I see this fitting – and not fitting in – with the international legal framework for genocide. I will then focus on how an understanding of masculinities can help in better understanding the ideological underpinnings which enable genocide and mass atrocities, and also the micro-dynamics of perpetration at the personal and unit level. Finally, I examine the masculinities of victims and survivors, including those of acts of sexual and gender-based violence (SGBV) which can be seen as genocidal in intent, and how the masculinities of these men and boys are represented and viewed by broader society. Throughout, I note lacunae in the research of masculinities and genocide that I hope will prompt new research. I will concentrate here mainly on men and boys, and the role of masculinities, in relation to perpetrators and victims. There are, of course other men and boys, and other masculinities, which play roles in genocidal processes, such as those of by-standers or interveners, but these are beyond the scope of the chapter.

I draw here on research on genocides and other acts of mass violence which has, to different degrees, engaged with men and masculinities, as well as on literature that deals more broadly with masculinities and violence. My views have also been shaped by the research that I have conducted over the past decade and a half on gender and conflict, some of it in societies which have lived through recent genocides and mass atrocities, such as Burundi, Democratic Republic of Congo or Timor-Leste. No doubt my views have also been shaped by having grown up as a child in West Germany and having later in my adult life worked and lived in Lithuania and Ukraine, thus being exposed to the histories and legacies of the Holocaust and Soviet mass atrocities.

While recognizing the valuable, if often controversial, contributions of "gendercide" approaches (i.e. ones focusing on sex-selective killing of men/boys, women/girls, or those not identifying with/identified as belonging to these categories), I will only touch upon them briefly. This is firstly because the literature spawned by the debates is already rich and too broad to summarize, and I can only encourage the reader to engage with it at length.[1] Secondly, my aim here is to take a broader view of gender beyond biological sex, and examine how the social, political,

cultural and economic expectations of what it means to be a certain kind of man at a given time in a given place interacts with genocidal violence.

## USING A CRITICAL MASCULINITIES APPROACH

Critical studies of men and masculinities began emerging as an academic field of inquiry in the mid-1970s, and have since their beginning been closely tied to, and building on, feminist scholarship. In particular, so-called third wave feminism has been a major influence with its insistence on examining gender as a social construct rather than as a given, and on interrogating the intersectionality of gender. This means taking into account that "men," "women" or other gender categories are not homogenous, but rather that age, class, sexual orientation, ethno-religious background and other factors intersect with gender. Thus, depending on these multiple social identity markers, different men and different women will face different societal expectations, be in different positions of power, and have different degrees of agency and vulnerability than other men and women. Hence, the term "masculinities" is also used in the plural rather than the singular, as the ways of being a man vary greatly between different men, different locations and historical settings, and any man or boy will enact multiple different forms of masculinity throughout their lives. Furthermore, gender norms, roles and expectations are co-constructed by men and women alike, and defined relationally to one another.[2] The approaches are "critical" both in the sense of questioning the framing of masculinities as being merely part of a "natural order of things" and in the sense of actively questioning and challenging patriarchy and male privilege.

The earliest precursors of critical studies of masculinities and genocide come from 1950s analyses of the Holocaust. These have, from early on, engaged with the interplay between expectations of particular forms of manhood and masculinity and the actions of the perpetrators; for example in the Frankfurt School's debates on authoritarian personalities. The same theme was also central, with much more of an explicitly gendered take, to one of the seminal texts of European Critical Masculinity Studies, Klaus Theweleit's (1977/1978) two-volume "Männerphantasien." Although many of the subsequent key, early works of critical masculinity studies have focused on the "violences of men,"[3] relatively little followed this initial interest in the perpetrators. This is especially true in terms of closely examining perpetrators of acts of mass violence and especially of genocide

in the non-Western world from a critical masculinities angle. I can only speculate as to why this may be so, but difficulty of accessing these men and potential risks in doing so may well play a part, as might the comparatively marginal status of masculinity studies generally.[4]

Since the early 2000s, an increasing focus has been put on male victims and survivors. The work of Adam Jones[5] and others on gendercide has been central in highlighting the targeted killings of men and boys in genocidal contexts. Gendercide studies, however, has often not approached the topic from a critical masculinities angle, focusing on the sex of the victims rather than the more complex, intersectional male identities of the perpetrators and victims. This is in part due to the particular nature of the approach, which is focused on biological sex as a determining factor regarding victimhood, and in part due to the sheer number of men and boys most case studies would need to cover. Following on from the work of the likes of Chris Dolan,[6] Sandesh Sivakumaran[7] and Laura Stemple,[8] there has been an increasing academic and policy interest in conflict-related sexual violence against men and boys. While much of the research has focused on making the case why this issue needs to be paid attention to and thus often remains at a somewhat more abstract legal or political level, especially Dolan's work does draw on critical masculinity approaches as well in his analysis of "thwarted" masculinities.[9]

An excellent example of how a critical masculinities lens can be used to analyze the perpetrators and victims of mass atrocity is Jani de Silva's study of violence during the 1987–1989 *Janatha Vimukthi Peramuna* (JVP) uprising in Sri Lanka.[10] De Silva uses the approach to examine the social positions and driving factors of male victims and male perpetrators, both at the ideological macro-level and the interpersonal micro-level, where sexual violence and other forms of violence were used against suspected militants. In spite of individual examples such as de Silva's, the vast bulk of research on genocide and mass atrocities has tended to not engage explicitly with the gendered selves, the gendered roles and expectations of men and boys *as men* in these contexts, whatever their role may have been.

## SEX, GENDER AND THE GAPS IN THE LEGAL FRAMEWORK

As outlined above, the understanding of gender in most critical masculinities approaches (and in most contemporary feminist theory more broadly)[11] is one which views gender as continuously constructed, re-enforced and

re-negotiated by individuals and societal institutions; as being intersectional and changing with time and the socio-cultural context. This focus on gender as a social construct is somewhat different from the international legal frameworks, where gender and biological sex are either absent or defined in an unclear manner.

Gender and biological sex are completely absent from the 1948 Convention on the Prevention and Punishment of Genocide, but gender does however feature in the 1998 Rome Statutes of the International Criminal Court (ICC) definition of crimes against humanity (but *not* genocide) in Article 7, Paragraph 1 (h):

> [ . . . ] Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law,

The term "gender" is then further defined in paragraph 3:

> [ . . . ] For the purpose of this Statute, it is understood that the term "gender" refers to the two sexes, male and female, within the context of society. The term "gender" does not indicate any meaning different from the above.

While the ICC definitions seek to broaden and specifically bring in Sexual and Gender Based Violence (SGBV) within the framework of the Statutes, they are however problematic. The first problem is a seemingly semantic one, but one with potentially far-reaching consequences: the socio-cultural construct of gender is conflated with biological sex. This conflation of sex and gender is of course not uncommon – the terms "gender-disaggregated data" or "gender-reassignment surgery" are for example often used when the term "sex" should be used. However, the second and more serious problem arises when the socio-cultural construct is defined biologically as only being male or female. Especially in law, language matters, and the incomplete definition creates a potential zone of impunity. If "gender" is defined as only being biologically male or female, the systematic persecution and physical destruction of anyone "falling between the cracks" of the constructed sex binary – whether they identify as trans, intersex or anything else beyond simply and strictly male/female – as a crime against humanity is potentially rendered a legal impossibility. This risk is all the more present in the case of genocide,

where both gender and biological sex are completely absent from the legal definition.

More broadly speaking, gender, in both international law and academic genocide/gendercide debates, has mostly been approached as a reason for why groups of people are being targeted and killed, even if usually "biological sex" rather than "gender" would often have been the appropriate category of analysis. Genocides and mass atrocities are, however, like any other acts of human behavior, highly gendered. They are also often – but in no way exclusively – a male or masculine-coded domain. This is why I propose to approach genocide and mass atrocity from a critical masculinities framework perspective, which may give us a deeper understanding of perpetrator motivations and ideologies, the positions in which victims and survivors find themselves in, and thereby understanding particular genocidal acts.

## MASCULINITIES AND GENOCIDAL IDEOLOGIES

Most, but not all, acts of genocide and mass atrocity have been perpetrated by more or less organized groups of men, sometimes directly or indirectly assisted by boys, girls and women.[12] In this section, I will outline how critical masculinities can help in better understanding some of the ideological frameworks which lead to direct perpetration of genocide being a predominantly male undertaking.

In terms of the ideological macro-level, using a critical masculinities approach gives two important insights into why there is this gendered discrepancy. First, a masculinities approach helps in analyzing how public political action, and in particular violence, is often considered a male domain, at times almost exclusively so. Second, it allows for an analysis of the particular ideological frameworks of different genocides and their respective gendered views of the world, and what this means for perpetrators and victims.

Regardless of the political and ideological framing of a particular genocide or of specific acts of mass violence, two mundane and globally widely held elements of gendered worldviews often play a larger, if less immediately visible role in determining men's participation. First, agency in the public realm has been, and still is in most cultures, regarded as being a mostly or exclusively male domain. This is all the more the case for the use of physical violence in this realm, as is the access to and wielding of the requisite tools of perpetration, from machetes to guns and gas chambers.

Likewise, the necessary administrative, judicial and political institutions which provide the legal and logistical enabling framework for genocide have been historically populated by men. Thus, it is mostly men who are called upon to do their genocidal "patriotic duty" to "protect" or "cleanse the nation" by "destroying the class enemy" and "crushing the cockroaches," whatever the phraseology surrounding the genocide is. Such rhetoric builds the link between the understanding of political action and of violence as being male domains to the second dynamic – appealing to the socially constructed duty of men "to do their job," and to do it well. While calls for men to do their duty may appeal to some, the socialization of men to live up to their "working man's sense of honor" may have broader appeal, especially if genocidal violence continues for a longer period of time and becomes routine. The Rwandan *génocidaires* interviewed by Jean Hatzfeld, for example, give a mechanistic sense of "just doing their work" when they speak of murdering and mutilating Tutsis.[13] In fact, they refer to it in much the same way as they discuss harvesting bananas: There is a task to be done, and it is up to the men to do it, as it is a man's job.

A similar "getting on with the job" attitude is also evident among the German police battalion members and death camp commanders studied by Harald Welzer.[14] Among them, "focusing on the task at hand," and coming up with improvements to make its execution more efficient, while supporting each other in a fraternal fashion to get the "job done" seemed to be more of a driving force in the mass murders on the Eastern Front at the unit level than more abstract notions of supposed "Aryan dominance." The focus on getting the job done may also act as a coping mechanism for the men to distance themselves from the acts in which they are engaging, which may also have been one of the reasons why the *génocidaires* interviewed by Hatzfeld also likened their acts of killing to the everyday task of harvesting bananas. In cases of planned, systematic, industrial-scale genocide, as with the Nazis, tropes of the efficient, modern, rational and disinterested male can also have played a role, especially among those not directly doing the killing but administrating, planning and improving on its technical details.

The call for men to do their "duty" and "do their job," as well as the unstated understanding of violence and public action as being male domains, appeal to masculinities implicitly rather than explicitly. Some genocidal ideologies have however foregrounded masculinities explicitly. These ideologies have been openly masculinist, that is,

celebrating alleged male superiority and dominance, sometimes, but not always mixed with homophobic and misogynist elements. German Nazi ideology is one of the most explicit examples of this kind of masculinism, though at least initially somewhat ambivalent in terms of homophobia and inconsistent in its view of women. In Nazi ideology, the "Aryans" were gendered hypermasculine as "*Herrenmenschen*,"[15] while a whole host of others were defined as "degenerate" or "unworthy of life." Although "Aryan" women were also celebrated in the propaganda, it was mostly in their imagined primary roles as child-bearers and -rearers, and as taking care of other forms of reproductive labor, thereby enabling their men to carry out productive (or rather: destructive) labor.[16] In terms of the targets of the genocide, Nazi racial propaganda more often depicted the male, rather than the female Other as the threat to the nation which needed to be purged.[17]

The Nazi system built on the explicitly anti-feminine and misogynist worldview of the masculinist ideologies of the post–World War I *Männerbünde*[18] and veterans' organizations and often incorporated the structures and members of these groups.[19] The masculinist ideology of the *Männerbünde* demanded the expunging of all traits coded "effeminate" out of the male individual and the male-coded body of the nation, if need be by the use of masculine-coded (and "masculinizing") violence to be carried out by men. Although by far not all of the millions who participated directly or indirectly in executing and enabling the various Nazi genocides were bought into these ideologies, a substantial number did and it was arguably these early joiners who sustainably formed the enabling ideological framework.[20]

In part, the extremely masculinist worldview held within Nazi organizations was not without its contradictions – by stressing homosociality, camaraderie and male bonding bordering on the homoerotic, the ostensibly heterosexual "hyper-masculinities" incorporated and celebrated traits and dispositions often traditionally coded as female or homosexual, with top leaders of the SA (*Sturmabteilung*) prior to 1934 even being openly homosexual.[21] Following the 1934 purge of the SA, the National Socialist government began a violent campaign against LGBTI persons, including the establishment of the *Reichszentrale zur Bekämpfung der Homosexualität und Abtreibung* (Reich Central Office for the Combating of Homosexuality and Abortion) and the killing of tens of thousands on the grounds of their real or suspected sexual orientation and gender identity.[22] Nonetheless, gay

men continued to serve in Nazi organizations, including in the violently homophobic SS.[23]

In other genocides, the masculinist bent of the ideological frameworks has been less explicit, but still present. In the case of the Burundian and Rwandan genocides and mass killings, for example, the "mythico-histories" underpinning the acts of violence were highly gendered and racialized.[24] While the men of the other side were, de-humanized and cast as a danger to the purity and moral rectitude of the nation, the men of one's own side were called upon to carry out the violent purging of these Others. Also, especially nationalist Hutu propaganda was openly and violently misogynist with respect to Tutsi women, openly inciting sexual violence and murder against these women who were cast as "arrogant," "devious" and a clear "danger" to Hutu men and the Hutu nation.[25]

Although these gendered ideological underpinnings of genocide and mass violence, and the actual division of violent labor, placed men and masculinities at the center on the perpetrator side, women were not absent. As noted above, it is often their reproductive and emotional labor that allows perpetrators to implement their genocidal policies through violence.[26] More abstractly, they are often constructed as the ones who need to be "saved" and "protected" from the Other. Women on the perpetrator side may also act as co-constructors of the gendered expectations placed on men to participate in acts of violence, as well as be the intended audience for these acts.[27] On the side of the victim population, as noted above, women may be either subsumed more broadly under the broader social category that is being targeted for annihilation, as in the case of Nazi Germany, or singled out as a particular source of "danger", as in the cases of Burundi and Rwanda. Whether women are singled out as a particular "danger" or not, however, sexual violence is often an integral part of the repertoire of violence against women.

## Masculinities and the Micro-Dynamics of Perpetration

The overarching explicit and implicit gendered expectations around active male participation influence the framework in which genocidal violence happens. The exhortation aimed at a part of the male population to "take action" creates a state of exception and prepares society for what is to come.[28] However, these male-coded, and, at times, masculinist frameworks only partially explain how and why genocide and mass atrocities

unfold the way they do. Here, a look at the links between masculinities and the micro-dynamics of violence can be helpful.

For the individual men and boys perpetrating acts of genocidal violence, the various motivations and how these link with their own sense of masculinity and expectations thereof vary greatly. The gendered historical and social frameworks the perpetrators move in, and the gendered micro-dynamics in which they perform their genocidal masculinities are often very diverse, in flux and time-bound. A key element of critical masculinities approaches is to not regard men and masculinities as homogenous, but rather understand them in an intersectional manner. Gender interacts with other societal identity markers, such as age, class, education, ethno-religious background and the like and needs to be understood through these relations. Therefore, it can also give us a more fine-grained understanding of motivations, respective power relations and intent of individual or groups of perpetrators. Thus, if one imagines a scene on the Eastern Front of World War II with an aristocratic German officer in his 50s with an ambivalent stance toward the Nazis, an enthusiastic working-class Dutch SS-volunteer in his 20s and a Ukrainian peasant in his 30s who has been press-ganged into service for the German military, they were all bit players in the genocide the Nazis were perpetrating, but with very different positionalities. Gender, however, played an overarching role: only very few women were in the Wehrmacht, the SS or as auxiliaries at the front, making much of the direct perpetration a male undertaking. An analysis of an active or passive perpetrator's individual position as a man with a particular position in society at a given time opens up new ways of understanding of what factors cause these men to participate in violence.

The fact that most acts of genocide are not perpetrated by lone individuals but rather by more or less well-organized groups of mostly men and boys adds a further dimension where masculinities studies approaches can be of use. Military sociology[29] and studies of militarized masculinities[30] have analyzed the role of male-dominated and masculine-coded institutional cultures, homosocial peer-to-peer dynamics, sexualized induction rituals and fratriarchy in encouraging forms of violence which individual unit members might otherwise not have actively or passively participated in. As, for example, Bernd Greiner[31] shows in his in-depth study of the 1968 My Lai massacre between 347 and 504 unarmed civilians by US soldiers in 1968 in South Vietnam, in a given situation, even men collaborating on the same violent endeavor in the same space and same moment in time may perform their participation differently.

Differences between men participating in acts of mass violence are also evident in Welzer's[32] detailed study of German units committing massacres on the Eastern Front in World War II. Whether men who serve in units committing a mass atrocity but who are opposed to or ambivalent about the violence (or even physically ill from witnessing it) feel that they are able to opt out of or step up against the acts depends on institutional culture and the readiness of other unit members to use force against them. As Welzer points out, those German soldiers who felt they were not able to participate in the killings were usually not, as often alleged, threatened themselves with death, but were rather allowed to sit out the massacres – and would often soon join their comrades in the killing due to group dynamics. At My Lai, the different institutional dynamics compared to the German military in World War II, as well as differently internalized expectations and values, led to some US soldiers trying to stop the violence as it was unfolding.[33] In the ex-Yugoslav wars of the 1990s, the risk of death at the hands of one's own comrades would likely have been higher for those refusing to participate, especially in irregular units.[34] In the case of the Cambodian genocide,[35] even willing and active participants in the genocide ran the risk of being suspected of a lack of revolutionary zeal and thus death themselves.

At times, the violence can take more broadly culturally specific, gendered forms. For example, in the violence described by de Silva, older, societally more powerful men sought the total destruction, psychologically, physically and sexually, of younger men who dared to question their gendered position in the Sinhala societal hierarchy. For the Cambodian genocide, Hinton sees the mostly, but not exclusively, male perpetrators of the Khmer Rouge following cultural scripts of saving (male) face and of disproportionate revenge in their violence.[36] The "message" conveyed by particular forms of violence used, especially in terms of individually administered and sexualized violence, may also take on different meanings in different cultural contexts.[37]

Nonetheless, although perpetrators often may seek to play it down, individual agency is still key to participation, linked with one's ideological background, motivation, ethical framework and willingness to submit to authority, although the parameters within which one can or cannot use that agency may differ greatly. While for some, participation in genocidal acts may be something they do under various degrees of duress, for others it may be simply an order to be carried out. It may also be a chance to put their supremacist (be it racist, homo-/transphobic or misogynist) beliefs

into action, a way to play out their own sadism, or to provide a sense of empowerment as men through the acts of violence. Ex post facto, however, many perpetrators[38] often seek to counter-balance their acts of mass violence by highlighting the better sides of their male persona, for example, being selective protectors, good husbands and providers, a cultured person or stressing random acts of kindness they may have carried out during the genocide, in an effort to prove that they are, after all, good men and not monsters.[39]

## VICTIMS AND SURVIVORS

As mentioned earlier, research on men and boys as victims of genocidal violence has especially focused on gendercide approaches and SGBV against men in genocidal contexts. Gendercide scholars such as Adam Jones[40] have done an excellent job examining sex-selective killings of men and boys who are targeted under the assumption that they are all potential progenitors and combatants, and argued strongly against the implicit denial of civilian men's victimhood. While the biological sex of the men and boys can be a strong determining factor, such as, for example, in the Srebrenica case, it is their *gender*, that is, their particular way of being particular men (e.g. Jewish, Tutsi, homosexual or Russian *kulak* men) that marks them for violence and death. Thus, there is an intersectional interplay of gender, ethnicity, class and other societal markers here, depending on what the most salient category for the particular genocide is, going beyond biological sex only.

The men targeted for extermination have often been portrayed as threats to the very existence of society or of the nation either due to their (alleged) positions of power, and/or simultaneously as being weak, effeminate, parasitical and "corrupting" the body of the nation, itself often imagined as virile, masculine and heterosexual. These seemingly paradoxical accusations were projected for example on to Jewish men in Nazi Germany and Tutsi men in Burundi and Rwanda.[41] Other men are cast only as a drain on the nation, as sexualized and depraved, or as a threat to the moral rectitude and masculinized, heterosexualized "health" and virility of the nation, and therefore targeted for violent destruction. In the case of Nazi Germany, this was the case for at least the Sinti and Roma, homosexuals, "anti-social elements" and people with disabilities.[42]

Genocide, however, does not necessarily require the physical extermination of people; the definition also covers the intent to destroy the

reproductive capacity of a targeted group. This has taken the form of systematic castration and sterilization of certain men, but also both less organized and systematic SGBV against men and boys, be it in camps or outside of these.[43] SGBV against men and boys may be perpetrated for a variety of reasons, and the destruction of the reproductive capacity can be an explicit motive, as in some cases of forced castration and mutilation of male genitalia, for example, in the Bosnian War.[44] Even if the destruction of the reproductive capacity is not the primary intended consequence of SGBV against men and boys, the long-term physical and psychological impacts often lead to impotence.

Gendered societal expectations of what it means to be a man are one of the reasons why genocidal violence "works" and can cast a long historical shadow on the targeted communities. In many societies, there is an expectation of men to be the protectors and providers of security for themselves, their families and their communities. If one chooses to judge men based on these expectations, then the male victims and survivors of genocide have clearly failed at this, leading to an implicit or explicit double-victimization. Firstly, those who have been violated against have been shown to not be able to live up to their roles as protectors as they could not even protect themselves. Secondly, the long-term physical and psychological effects on survivors may mean that men and boys, having survived, are not able to live up to their roles as breadwinners and often withdraw from their roles in participating in public decision-making. Furthermore, expectations of men and boys to not discuss trauma or suffering can further exacerbate these consequences of violence, along with shame and guilt attached to surviving violence. Similar dynamics are also often at play for male survivors of sexual violence, genocide-related or not.[45] In the case of SGBV, sexual impotence as a possible consequence of violence makes their expected role as a progenitor an impossibility. Lastly, their sexual identity is often shaken, especially in contexts where heterosexuality is a defining part of dominant masculine norms.[46]

This implicit and explicit questioning of the masculinities of survivors has had societal implications in some post-genocidal societies. In post-Holocaust Israeli society, for example, a new, virile, powerful, armed settler masculinity was celebrated which was implicitly cast against the "weak," "unmanly," "meek" masculinity of European Jews who were seen as not having put up a struggle against the Nazis.[47] In post-genocide Rwanda, the government and NGOs have been joining efforts in

promoting a new, more gender equitable, in many ways "more respect-able" (as defined by the government), "post-ethnic" form of masculine identity, with some initial success.[48] In the Rwandan context, both the survivors and perpetrators, but implicitly more the latter, have been cast as being pre-modern, primordial and benighted for having defined them-selves through tribal identities and violent, disrespectable masculinities and for not *yet* having espoused modern Rwandan citizenship with the more gender equal attitudes this is defined as entailing.[49] Societal expecta-tions of "proper" manhood, and concomitant "improper" masculinities, thus not only mark particular men as targets of genocidal violence, but also have ramifications for their lives after the violence.

## CONCLUSION

The purpose of my chapter has been to highlight both the gendered invisibility in and the centrality of men, boys and masculinities in acts and processes of genocide and mass atrocity. I have also highlighted how taking a critical masculinities approach can help in understanding the complex relationship between gender norms and genocidal vio-lence. Although men play central roles as perpetrators, victims, survi-vors, enablers, by-standers and witnesses, they are seldom analyzed as gendered beings, with expectations projected onto them by society and in part internalized by themselves. These projections are not the same for all men, but interact with age, class, sexual orientation, dis-/ability, as well as ethnic or religious background. In a given genocidal situa-tion, these may interact to push one group of men to become perpe-trators, and force others into a position of targets of violence and death.

To summarize, I have argued that taking a critical masculinities approach can help us better understand these processes from a number of different angles:

– In understanding the explicitly or implicitly masculinist, as well as often racist, misogynist, homo- and transphobic, ideologies that underpin genocidal projects, demanding the elimination of the "pol-luting" or "dangerous" masculinities of the Other as well as of "dangerous" femininities;
– In examining the more mundane expectations placed upon men in particular to "do the job" of genocide and in understanding the

micro-dynamics of how this unfolds in practice, including peer-to-peer pressure and support;
– In examining why certain men and boys become targets of genocidal violence;
– In better understanding the role played by SGBV against boys and men in genocidal contexts; and
– In comprehending post-genocidal gender narratives and societal projects and their impacts on survivors.

Thus, an intersectional, critical approach to masculinities at the macro- and micro-levels of perpetration can both give more nuances to understanding the dynamics of violence as well as the gendered ideologies underpinning genocide. Similarly, it allows us to better understand how and why some men and boys are singled out for violence, and how gendered expectations have potentially detrimental impacts on survivors. Adopting a more complex view of masculinities also subverts the totalizing views of dominant and subjugated masculinities of genocidal ideological frameworks and allows, potentially, for openings to challenge these.

## Notes

1. See for example the edited volume on gendercide and genocide by Adam Jones (ed.), *Gendercide and Genocide* (Nashville: Vanderbilt University Press, 2004).
2. This relational approach means that, for example, what is considered "masculine" is defined in relation to what is "feminine," what is seen as "heterosexual" is defined in relation to what is considered "homosexual." See Henri Myrttinen, Jana Naujoks and Judy El-Bushra, *Rethinking gender in peacebuilding* (London: International Alert, 2014).
3. Jeff Hearn, *The Violences of Men* (London: Sage Publications, 1998), but also Raewyn Connell, *Gender and Power: Society, the Person and Sexual Politics* (Stanford: Stanford University Press, 1987) and Raewyn Connell, *Masculinities* (Cambridge: Polity Press, 1995), Michael Kimmel, *Changing Men: New Directions in Research on Men and Masculinity* (New York: Sage Publishers, 1987); and Michael Messner, "When Bodies are Weapons: Masculinity and Violence in Sport," *International Review for the Sociology of Sport* 25:3 (1990), 203–218.
4. By way of an unscientific, one-off indicator: the 2016 Annual Convention of the International Studies Association, which by now does have a strong and

vocal feminist theory and gender studies section, only two out of 1384 panels had the word masculinity in their title.

5. For example Adam Jones, *Gendercide*.

6. Chris Dolan, *Social Torture: The Case of Northern Uganda 1986–2006* (New York and Oxford: Berghahn Books, 2009) and Chris Dolan, *War is Not Yet Over: Community Perceptions of Sexual Violence and its Underpinnings in Eastern DRC* (London: International Alert, 2010).

7. Sandesh Sivakumaran, "Sexual Violence Against Men in Armed Conflict," *The European Journal of International Law* 18:2 (2007), 253–276.

8. Lara Stemple, "Male Rape and Human Rights," *Hastings Law Journal* 60 (2008–2009): 605–645.

9. Dolan (2002).

10. Jani De Silva, *Globalization, Terror & The Shaming of the Nation: Constructing Local Masculinities in a Sri Lankan Village* (Crewe: Trafford Publishers, 2005).

11. For example Connell, *Gender and Power* and *Masculinities*; Hearn, *Violences*; Kimmel, *Changing Men* and Messner, "When Bodies are Weapons."

12. For a discussion of some female perpetrators of genocide and other atrocities, and an analysis of their portrayal, see Laura Sjoberg and Caron E. Gentry, *Mothers, Monsters, Whores: Women's Violence in Global Politics* (London: Zed Books, 2007).

13. Hatzfeld (2002).

14. Harald Welzer, *Täter: Wie aus ganz normalen Menschen Massenmörder werden* (Frakfurt am Main: S. Fischer Verlag, 2006).

15. The most common English translation of this, "master race," does not quite capture the explicitly masculine element of the German original, where "Herr" both means master and is also the masculine form of address.

16. Leila J. Rupp, "Mother of the Volk: The Image of Women in Nazi Ideology," *Signs: Journal of Women in Culture and Society* 2 (Winter 1977), 362–379.

17. For example Nicole Loroff, "Gender and Sexuality in Nazi Germany," *Constellations* 3:11 (2011), 49–61.

18. The literal translation is "bands of men." These were male-only associations celebrating "virile" masculinity and homosociality.

19. Jürgen Reulecke, *"'Ich möchte einer werden, so wie die…'". Männerbünde im 20. Jahrhundert* (Frankfurt am Main/New York: Campus Verlag, 2001).

20. See also Todd Richard Ettelson, *The Nazi "new man": embodying masculinity and regulating sexuality in the SA and SS, 1930–1939* (Ann Arbor: University of Michigan Press, 2002).

21. Susanne zur Nieden and Sven Reichardt, "Skandale als Instrument des Machtkampfes in der NS-Führung. Zur Funktionalisierung der

Homosexualität von Ernst Röhm," in *Formen öffentlicher Empörung im NS-Staat und in der DDR*, edited by Martin Sabrow (Göttingen: Wallstein Verlag, 2004), 33–58. The *Sturmabteilung* was, until the 1934 purge, the main paramilitary wing of the German National Socialist Party.

22. Burkhard Jellonnek, *Homosexuelle unter dem Hakenkreuz: Die Verfolgung von Homosexuellen im Dritten Reich* (Paderborn: Verlag Ferdinand Schöningh, 1990).

23. Geoffrey J. Giles, "The Denial of Homosexuality: Same-Sex Incidents in Himmler's SS," *Journal of the History of Sexuality* 11: 1/2, Special Issue: Sexuality and German Fascism (2002), 256–290. According to Jellonnek, *Homosexuelle*, 57 percent of those arrested in Düsseldorf for homosexual offences during the Nazi regime were members of Nazi organizations. On the inherent contradictions of military/militarized masculinities with respect to homosociality and male penetration, see also Aaron Belkin, *Bring Me Men – Military Masculinity and The Benign Façade of American Empire 1898–2001* (London: Hurst and Company, 2012).

24. Liisa Malkki, *Purity and Exile: Violence, Memory, and National Cosmology among Hutu Refugees in Tanzania* (Chicago: University of Chicago Press, 1995). Both countries experienced several rounds of targeted killings of Hutus and Tutsis following the end of colonial rule, with the killings 1972 and 1993 in Burundi and in 1994 in Rwanda classified as genocides.

25. See for example Gourevitch (1998); Jean Hatzfeld, *A Time for Machetes: The Rwandan Genocide – The Killers Speak* (London: Serpent's Tail, 2008) and Malkki, *Purity and Exile*.

26. See also Hatzfeld, *A Time for Machetes*.

27. Myrttinen et al., *Rethinking gender*.

28. Gourevitch (1998); Hatzfeld, *A Time for Machetes*; Alexander L. Hinton, *Why Did They Kill? Cambodia in the Shadow of Genocide* (Oakland: University of California Press, 2004); Welzer, *Täter*.

29. For example Dave Grossman, *On Killing – The Psychological Costs of Learning to Kill in War and Society* (New York: Back Bay Books, 1996).

30. For example Belkin, *Bring Me Men*; Higate (2012).

31. Bernd Greiner, *Krieg ohne Fronten: Die USA in Vietnam* (Hamburg: Hamburger Edition, HIS, 2007).

32. Welzer, *Täter*.

33. Notably, those taking a stand were *not* from the unit carrying out the massacre, but rather a helicopter crew – highlighting the importance of peer-to-peer dynamics, in-group loyalty and subordination to command chains in maintaining unit cohesion (Greiner, *Krieg ohne Fronten*).

34. Adam Jones, "Gender and Ethnic Conflict in ex-Yugoslavia," *Ethnic and Racial Studies* 17: 1 (1994), 115–34 and "Effacing the Male: Gender, Misrepresentation, and Exclusion in the Kosovo War," *Transitions: The*

*Journal of Men's Perspectives* 21: 1–3 (2001); TheProsecutor vs. Dražen Erdemović. In the Erdemović case, the ICTY reduced the defendant's sentence upon appeal, accepting that he had committed the offences under the threat of death had he disobeyed orders.

35. Hinton, *Why Did They Kill?*
36. Ibid.
37. Henri Myrttinen, "Languages of Castration – An attempt at reading the message of an act of sexual violence in different conflict settings," Paper presented at ISA Annual Convention, Atlanta, March 16–20, 2016.
38. For example Hatzfeld, *A Time for Machetes*, Welzer, *Täter*, but also in Joshua Oppenheimer's (2013) extraordinary documentary film "Act of Killing."
39. In Oppenheimer's powerful film on perpetrators of the 1965–66 killings of perhaps over a million alleged communists, the male protagonists at one point decide to "lighten up the mood" of what they see as the rather dour topic of re-enacting the killings they committed by dressing up in drag and literally doing a song and dance.
40. Jones ("Gender and Ethnic Conflict", "Effacing the Male" and *Gendercide*).
41. For example Hatzfeld, *A Time for Machetes*; Malkki (1995); Theweleit (1977/1978).
42. Wolfgang Ayaß, *"Asoziale" im Nationalsozialismus* (Stuttgart: Klett-Cotta, 1995); Till Bastian, *Sinti und Roma im Dritten Reich. Geschichte einer Verfolgung* (München: C. H. Beck, 2005); Günter Grau (ed.), *Homosexualität in der NS-Zeit. Dokumente einer Diskriminierung und Verfolgung* (Frankfurt am Main: Fischer-TB, 2004); Ernst Klee, "*Euthanasie*" *im NS-Staat. Die* "*Vernichtung lebensunwerten Lebens*" (Frankfurt am Main: Fischer TB, 1985).
43. Sivakumaran, "Sexual Violence."
44. Paula Drumond, "Embodied Battlefields – Uncovering Sexual Violence against Men in War Theaters," Paper presented at Workshop "Sexual Violence Against Men during Conflicts:
    Bridging the Gap between Theory and Practice," Geneva Graduate Institute, 26.-27.2.2015.
45. Dolan, *War is Not Yet Over*; Henri Myrttinen, Lana Khattab and Jana Naujoks. "Re-thinking hegemonic masculinities in conflict-affected contexts", *Critical Military Studies* (2017), 1–17; Sivakumaran, "Sexual Violence."
46. Sivakumaran, "Sexual Violence."
47. Uta Klein, "'Our Best Boys': The Gendered Nature of Civil-Military Relations in Israel," *Men and Masculinities* 2 (1999), 47–65.
48. Caroline Williamson, "Genocide, masculinity and posttraumatic growth in Rwanda: reconstructing male identity through ndi umunyarwanda", *Journal of Genocide Research* 18: 1 (2016), 41–59, DOI: 10.1080/14623528.2016.1120463.

49.  I have stressed the word "yet" as the teleological, modernizing project of the Rwandan state foresees that, in time, all citizens will have progressed on the path of personal and national development.

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# Mothers and Monsters: Women, Gender, and Genocide

## James Snow

When the media turns its attention to genocides, it often relies on received gender-stereotypes. These same stereotypes likewise are evident in documents circulated by perpetrators of genocide. It is also the case that these same stereotypes persist in academic scholarship concerned with genocide. That these stereotypes are prevalent in the field of Genocide Studies, scholarship that is by its nature multidisciplinary if not interdisciplinary, is surprising, given that there exists a vast body of scholarship in the now decades-old field of feminist scholarship—now in its fourth wave—and the field of gender studies. However, media reports about genocide, perpetrator missives, and genocide scholarship rarely intersect with feminist scholarship and the scholarship in gender studies. This, like most generalizations, admits of exceptions. The works of Adam Jones,[1] Nicole Hogg,[2] and Sara Brown[3] are but three exceptions in genocide scholarship.

Even with the exceptions noted, stereotypes persist, and continuing to employ these uncontested or insufficiently contested stereotypes, frustrates and even precludes a deeper, richer understanding of genocidal violence. Moreover, this reliance on received gender stereotypes has serious implications for genocide scholars who, through their collective

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efforts, wish to prevent genocides or at least lessen the scope of genocidal carnage. The focus of this chapter is specifically on how stereotypes of women and the feminine persist in three analytically distinct, but richly intersecting, discourses, namely: genocide studies, media narratives of genocide, and perpetrator documents. It is shown that relying on received and uncontested concepts of gender leads to seeing women as being on the margins of genocide narratives, or when included, being seen primarily as innocent victims of genocide. This being the case, it is difficult to see women as perpetrators of genocide. When forced to acknowledge that women are sometimes perpetrators of genocides, they are seen in one of two ways: either they are cast as *femmes fatales,* or they are constructed as monsters. Both constructions are problematic. It cannot be denied that women in fact act as perpetrators of genocide. And it must also be recognized that casting women perpetrators as either *femmes fatales* or monsters precludes understanding how women do act when committing genocide. It will be shown that when women do perpetrate genocides, it is more fruitful to explore the various ways in which their actions intersect with their own gender identities.

The argument will proceed in four phases. In the first part of the chapter it is shown that women are mostly on the margins of genocide narratives, both as victims and as perpetrators; in some cases, they are absent. This is at least in part explained by the fact that genocide research relies on a narrowly defined conception of genocide. Philosophers such as Claudia Card and the present author argue for alternative ways of conceptualizing genocide, ways that prove to be more embracing of women's experiences of genocide. Card claims that at the very heart of genocide is "social death," the loss of social vitality[4] while Snow, following Wittgenstein, claims that there can be no satisfactory essentialist definition of genocide, but it is better to look at the "family resemblances" among different instances of genocide.[5]

In the next section of the chapter it is shown that when women do enter genocide narratives they do so within one of four frames. The first two frames are closely linked. Frame 1: women are seen as mothers and as innocent victims. Frame 2: women, being mothers or not, are constantly conjoined with children, and like children, are seen as lacking the capacity or agency necessary for participating in genocides as perpetrators. Frame 3: this frame recognizes that women are perpetrators, but sees them as using sex as a weapon to disarm men. Frame 4: this frame constructs women perpetrators as monsters.

It might be objected that the frames presented here represent an over-simplification of gendered violence; gendered violence is far more complex and nuanced than these frames suggest. Maria Eriksson Bass and Maria Stern speak directly to this problem in the context of war, specifically the war in the Congo.[6] They observe that men and boys are victims of sexual violence. Citing work by C.R. Carpenter,[7] they reveal that men and boys are subject to rape and genital mutilation, they are sometimes forced to rape women family members in public, as well as being psychologically traumatized by being forced to watch women being raped. Moreover, they claim that women and girl combatants in the DRC "participated in violent acts (including sexual violence) [ . . . ] as members of the state armed forces (FARDC) as well as various armed groups, [but] the reporting of their acts and their voices have been largely absent in academic and policy debates, as well as in the media."[8]

Despite their recognition of the complexities of gendered violence during war, Baaz and Stern found that they were continually "pulled into the received framework."[9] Their analysis shows that hegemonic gender frames are difficult to destabilize in the context of war and the context of genocide. It is part of the argument of this chapter that the hegemony of certain frames demands attention and these frames need to be destabilized and resisted in the interest of a richer understanding of the intersections of gender and genocide.

Therefore, in the third section, it is shown that as a result of being seen exclusively in one or more of these frames, it becomes analytically difficult to see women as perpetrators outside the frames of *femmes fatales* or mother-monsters.[10] Finally, and in the fourth section, it is argued that it is important to move beyond merely recognizing that women can be perpetrators. It is crucial to discern patterns of perpetration that women enact. This can be facilitated by borrowing from work in sociology and criminology on "doing gender"; "doing gender" is a useful framework for better understanding how women negotiate gender and violence.

## Neglected Women

The experiences and voices of women are often marginalized in the dominant narratives of genocide, both scholarly narratives and reports that appear in the media. The neglect of women's voices results from the hegemony of narratives which focus on murders and body counts, but tend to neglect the trauma specific to the experiences of women that is

inextricably linked to the violence of genocide. This inattention to the experiences of women is illustrated by Jean Ringelheim's account of an interview she conducted in 1984 with a Holocaust survivor.[11] After the woman recounts her story of being repeatedly molested while in hiding, she asks Ringelheim, "In respect to what happened, [what we] suffered and saw – the humiliation in the ghetto, seeing our relatives dying and taken away [as well as] my friends [ . . . ] then seeing the ghetto [ . . . ] burn and seeing people jumping out and burn – is this [molestation] important?"[12] As Ringelheim observes of her interviewee, although she "recognized her experiences as different from men's, she did not know how or where to locate them in the history of the Holocaust [ . . . ]. There is a split between genocide and gender in the memories of witnesses and the historical reconstruction of researchers."[13]

What might account for Ringelheim's interviewee—and countless others like her—questioning whether or not her experience is "important"? It might be the case that how "genocide" is defined serves to marginalize many women's experiences of genocide. If genocide is defined in terms of body counts, as is so often the case, the focus is narrowed in such a way that one fails to see the multidimensionality of genocidal violence.[14] This is not to suggest that body counts are not important in understanding genocide. However, it is necessary to recognize that genocidal violence extends well beyond killing. Women in large numbers have been victims of multiple rapes, in some cases involving mutilation and death, or forced to carry rape pregnancies to term in order to birth children of the perpetrators' ethnicity; in some cases, the rapes are intended to infect rape victims with HIV/AIDS.[15]

The voices of women who experience genocide have become less marginalized, however. Their voices and their experiences of genocide are beginning to appear in scholarship. Ronit Lentin has shown the intersections of better theorizing of catastrophe, genocide, and gender.[16] The work of Selma Leydesdorff bears testimony to the growing recognition of the importance of women's oral testimony.[17] There is also growing recognition that in many genocides including in Bangladesh, Rwanda, and Bosnia-Herzegovina, rape is a strategic genocidal weapon.[18] Most important, the courage of women to tell their stories, and the political resolve of scholars has contributed to a better understanding of the intersections of gender and genocide. But there is much work to be done; voices of women are still marginalized.

Selma Lydesdorff, in her interviews with 70 women who survived the massacre of 8000 Bosnian men and boys at Srebrenica, heard stories of the trauma of shattered intimacy as these women said final farewells to sons and lovers. She writes: "I argue that history is the totality of such small, sad moments; although seemingly insignificant, they are of great importance to the people who lived them. For years I listened, and discovered that their totality does create a history of how people survived the fall of Srebrenica and then continued on with their lives."[19]

Karin Mlodoch's work with Anfal women in the former *mujamma'a* of Summad in northern Iraq speaks to the trauma experienced by these women. The Iraqi army's assault on the Kurdish population in the north, according to Human Rights Watch, resulted in the death or disappearance of between 50,000 and 100,000 people. Mlodoch's research speaks of "the overwhelming experience of violence and powerlessness that deeply shatters the victims' psychological and physical integrity and their assumptions about the world and themselves.... [W]omen's narrations of their Anfal experiences reflect not only the devastating impact of violence on their psychological situation, but also its fragmenting and disrupting impact on their ability to remember."[20]

To continue bringing the voices of women to the centre also requires continually contesting conventional and received definition(s) of genocide. How genocide is defined, after all, will have implications for what is to be included as legitimate experiences of genocidal violence.[21] The violence of genocide extends well beyond body counts; it can be argued that death is not the end of genocide.[22] In the media accounts of genocide, the focus is often on body counts to the exclusion of other forms of genocidal violence and genocidal weaponry. This is evident in the media attention devoted to the controversy that erupted in 2007 concerning discrepancies in body-count reporting by various government and nongovernment agencies regarding the number killed in Darfur.[23] Claudia Card helps to show the extent to which the horrors of genocide reach far beyond the frame of body counts, and in a way that brings women's experiences of genocide into view.

Card offers an alternative conceptualization of genocide by focusing on what she terms "social death." She claims "the intentional production of social death in a people or community is the central evil of genocide."[24] For Card, what gives meaning to lives are relationships, relationships that can be personal or institutionally mediated, contemporary, or intergenerational. While a life deprived of social vitality is not necessarily meaningless

(here Card cites spiritual vitality), still she claims "loss of social vitality is a profound loss."[25] Moreover, she claims, "putting social death at the centre of genocide takes the focus off body counts, individual careers cut short, and mourners. It puts the focus instead on relationships, connections, and foundational institutions that create community and set the context that gives meaning to careers and goals, lives and deaths."[26] Card's conceptualization represents a shift in perspective. She does not offer a definition per se; she does, however, state that while "social death is not necessarily genocide…genocide is social death." And it is "social death that distinguishes the evil of genocide, morally, from the evils of other mass murders."[27] Card's focus on social death certainly complements many of the testimonies of survivors as well as literature and film about life in the camps. Jean Améry's intellectual alienation in the camp, his reduction to the purely physical, and his exile from his homeland are clear examples of social death.[28] Imre Kertész's narrator in *Kaddish for an Unborn Child* who refuses to bring a child into the post-Auschwitz world is another clear illustration of the lived experience of social death.[29] Leydesdorff's interviews with the women of Srebrenica further illustrate the scope, depth, and trauma of genocidal violence for women. It also speaks to the trauma that is further compounded by the fact that these women have been denied the knowledge of what in fact occurred in Srebrenica.[30] Seeing "social death" as integral to genocide is a recognition of the breadth and magnitude of genocidal violence. It is a recognition that it involves the destruction of human relationality, the relationality of families, emotional and physical intimacy, communities of worship and prayer, professional communities, the community of people who share a language and history. Genocide is the destruction not just of individuals; genocide destroys worlds, worlds once inhabited by women and men.

## Visible Women: Framing Women Inside Genocide Narratives

When women do enter genocide narratives, uncontested gender stereotypes or "frames" often persist. Four frames in particular determine how women are seen and not seen in genocide narratives. Before critically looking at each of these frames, clarification is needed regarding the use of the term "frame." Although Judith Butler is writing about war, her use

of the term "frame" in the context of war is helpful in thinking about the intersection of gender and genocide. Butler writes:

> The frame does not simply exhibit reality, but actively participates in a strategy of containment, selectively producing and enforcing what will count as reality. It tries to do this, and its efforts are a powerful wager. Although framing cannot always contain what it seeks to make visible or readable, it remains structured by the aim of instrumentalizing certain versions of reality. This means that the frame is always throwing something away, always keeping something out, always de-realizing, de-legitimating alternative versions of reality, discarding negatives of the official version.[31]

It is especially important to see how women are framed in genocide narratives—the narratives of perpetrators, scholars, and the media—and what is thrown away, jettisoned, de-legitimated.[32] With this understanding of "frames" in mind, these four frames in particular demand examination: women as mothers, women and children, women as *femmes fatales,* and women as monsters.[33]

### Frame 1: Mothers

Perhaps the most ubiquitous way of seeing women is the frame of woman as life-giver, the maternal frame. This way of "seeing" women is especially germane in the context of gender and genocide. Constructing women as mothers is to construct women as life-givers whose very nature is to nurture; in turn it prevents seeing women as perpetrators of genocide. This section explores the ubiquity of the maternal frame both outside and inside genocide narratives.

There is admittedly some, but relatively little, variation in prevailing myths and stereotypes of motherhood in the Western imaginary. Moreover, the ideology of motherhood is replete with contradictions that make the myth of the ideal mother unattainable, yet it remains a hegemonic myth that is well-scripted and internalized within the minds of individuals (both women and men). It is an ideology that constructs the maternal ideal as what Sharon Hays calls "intensive mothering."[34] The ideology of intensive mothering is one of self-sacrifice, nurturance, and care for the other, a care that embraces the physical, emotional, and social needs of the child. It is a myth that is entrenched and it masquerades as

"natural." According to Johnston and Swanson, and following Roland Barthes,

> a myth...[is] an uncontested and unconscious assumption that is so widely accepted that its historical and cultural origins are forgotten. As such myths of motherhood are presented as "natural", "instinctual", and "intuitive", as opposed to "cultural", "economic", "political", and "historical."[35]

Mothers who are in any way subversive are labelled as "negligent" or worse. Since the prevailing myth is so deep-rooted, it becomes difficult if not impossible to see women, and especially mothers, as perpetrators of genocidal violence.

Philosophers sometimes embrace, and even celebrate, the maternal frame. Julia Kristeva sees the maternal body as having meaning prior to culture.[36] Kristeva claims that in response to an earlier generation of feminists who refuse maternity, "the majority of women today [Kristeva is writing in 1979] see the possibility of fulfilment, if not entirely, at least to a large degree, in bringing a child into the world."[37] In partial rejection of Freud's thesis that penis envy explains woman's desire for a child, Kristeva goes on to claim, "what modern women say about this should be listened to attentively." Following pregnancy (a kind of psychosis),

> the arrival of the child...leads the mother into the labyrinths of an experience that, without the child, she would rarely encounter: love for another. Not for herself, nor for an identical being, and still less for another person with whom "I" fuse (love or sexual passion). But the slow, difficult and delightful apprenticeship in attentiveness, gentleness, forgetting oneself.[38]

In a much later writing she claims there is a sacred dimension permeating the maternal.

> I almost want to get back on my hobbyhorse concerning the sacredness of maternal love, but I'm afraid I'll be brushed off. I owe you a confession, however: I truly believe in it, and that sacred seems essential to women and very threatened in a world that knows how to do everything except unite souls.[39]

If women and men embrace a belief in "intensive mothering" along with all that it entails (Hays), or embrace the sanctity of motherhood

(Kristeva), then what is barred from consideration is the possibility of seeing women as participants in, or perpetrators of, genocide.

### Frame 2: Women and Children

Another framework that demands attention, one directly related to the maternal, is the frequent conjoining of women and children. This conjunction is seen in the media, in scholarship, and in documents written and disseminated by perpetrators. It is not explicitly defended in the same ways as is the maternal frame, but it is nevertheless a part of the frame. It is worth separating the conjunction of women and children from the maternal frame, if only analytically, in order to better understand the various lineaments of the maternal frame as it relates to genocide.

This near constant conjunction of women and children in both genocide scholarship, the media, and even in the mind-set of perpetrators serves to strip women of agency, and thereby diminishes the possibility of seeing women as participants or perpetrators.[40] Moreover, the union of women and children combined with the platitude of childish innocence is not just associative—problematic in itself as women's role is confined to the eternally maternal—but it constructs women as secondary as well; it consigns women to the role of what Beauvoir called *le deuxième sexe*.[41] Women are constructed as passive, and correlatively without agency. Yet it is agency that is the mark of the fully human. To have agency is to be self-governing, self-determining, to have moral and legal responsibility. Without agency one is in some way deficient. But agency is a necessary condition for doing genocidal violence to others. It is important to understand why so many scholars employ this trope of "women and children" and what realities it fails to name, or in Butler's language, what realities exist outside the frame.

Women have long shared socio-ontological space with children in the cultural imaginary. This is certainly the case when examining genocide scholarship. Michiel Leezenberg, writing about the 1988 Anfal operation in Iraq under Saddam Hussein's regime, describes the massacre of Kurdish male captives, then references as a homogenous group, "women, children, and elderly" as victims of the first operation. Leezenberg writes: "Unknown numbers of women, children, are believed to have been massacred."[42] Likewise, describing the final Anfal operation in the Kirkuk region, Leezenberg claims "women and children appear to have been executed."[43] It should be noted, however, that Anfal women to this day are contesting the dominant narrative of victimhood and are recovering a

strong sense of agency in the aftermath. Karin Mlodoch provides a careful and nuanced narrative of the struggles for recognition among Anfal women. Mlodoch characterizes her encounters with Anfal women thus:

> My work with Anfal women and the discovery of their strength behind their socially defined role of victims taught me the importance of seeking the stabilizing and resilience factors in their individual and social lives, instead of focusing too much on the trauma itself. . . . [the work] highlights the tension between victimhood and agency with which these women are struggling.[44]

This passage makes clear that the frame of victimhood denies agency and shows the need to look outside the traditional frame for a more nuanced understanding of women's experiences of genocide and its aftermath.

Yet, even scholars such as Adam Jones, a prolific writer on issues of gender and genocide, in one article alone makes no fewer than ten references to "women, children, and the elderly" in his arguments meant to establish that males are disproportionately targeted in genocidal violence.[45] It should be noted that Leezenberg's and Jones' references to "women and children," and "women, children, and the elderly" are not anomalous in the genocide scholarly literature; they should therefore not be singled out as unusual cases in this regard.

Perpetrators conjoin women and children as well. In the context of the genocide of the Herero by the Germans in southwest Africa in the first decade of the twentieth century, the German military commander, Lothar von Trotha, said in a letter to the Herero: "All the Hereros must leave the land. If the people do not do this, then I will force them to do it with great guns. Any Herero found within the German borders with or without a gun, with or without cattle will be shot." Trotha adds, "I will no longer receive women and children. I will drive them back to their people or I will shoot them." Yet to his own troops, he qualifies the directive in the following way:

> And the shooting of women and children is to be understood to mean that one can shoot over them to force them to run faster. I definitely mean that this order will be carried out and that no male prisoners will be taken, but it should not degenerate into killing women and children. This will be accomplished if one shoots over heads a couple of times. The soldiers will remain conscious of the good reputation of German soldiers.[46]

Two distinct but related points command attention. Trotha, as a perpetrator of genocide, takes recourse to the pairing of "women and children"; he recognizes that the innocence of children is perhaps a universally accepted norm. Even if, and as Schaller claims, his aim does not reflect an act of mercy, he is nevertheless cognizant of the fact that the reputation and honour of the German nation would be besmirched by any slaughter of the innocents. For one like Trotha, men possess agency and culpability by virtue of being men: women and children lack agency and culpability by virtue of being who they are—women and children.

It is important to note that children have long been the cultural marker of innocence. Herod's order to kill all male children under the age of two as told in Matthew (2:16–18) is not mentioned anywhere but in his Gospel; nevertheless it captured the attention of artists such as Peter Paul Rubens, Cornelis van Haarlem, and hundreds of others. When Dostoyevsky's Ivan is challenging the religious convictions of his brother, the "humble novice" Alyosha, in *The Brothers Karamazov*, he uses children, and the torture of children, as the very paradigms of innocence and evil. These novels and paintings elicit a *frisson* of horror because children stand as the primary symbol of innocence. When women are defined by their association and relationship with innocent children, and this way of gendering women is normalized and informs genocide scholarship, there are far-reaching implications that demand further attention.

Seeing women through the hegemonic lenses of mothering and the maternal, and always in conjunction with children, frustrates finding a way to better theorize women as perpetrators. But when women are recognized as agentic in genocide narratives, they are constructed as *femmes fatales*, or they are monsters. The next section looks at women as *femmes fatales*.

### Frame 3: Women as Femmes Fatales

When women are recognized as agentic and perpetrators of violence, they are sometimes framed in a way that has roots in antiquity but persists well into the twenty-first century. In this frame, women are perceived by men as possessing an uncanny power over men because of their sexuality. This is evident in looking at Aristophanes' *Lysistrata,* or later artists' fascination with the apocryphal story of the beheading of Holofernes by the widow Judith. For centuries Judith was celebrated as a Jewish heroine who was instrumental in saving the Jewish people from an impending attack by

Holofernes. By the sixteenth century, however, the Dutch painter, Jan Metsys, becomes one of many to represent the once pious widow who saved her people as a very young bare-breasted woman, a coquettish expression on her face, holding the trophy-head of her enemy; nothing in the Metsys painting even hints at Judith having the physical prowess to overcome and behead Holofernes: yet she has a far more powerful weapon in her sexuality.

Women's supposed use of sexual weaponry, clearly present in antiquity and the Renaissance, continues to captivate the male imagination well into the present. In the context of contemporary violence, Kelly Oliver has documented and analysed the framing of women perceived as using sex as a weapon in the cases of the abuses committed by women soldiers against the detainees at Guantánamo Bay and Abu Ghraib. Moreover, and as Oliver observes: "the fear of women and female sexuality…has been evidenced in literary, scientific, and popular discourses of Western culture for centuries."[47] These examples of women's perceived use of sex as a weapon suffice to show how ubiquitous is the stereotype of women controlling men with their sexuality.

This stereotype persists in perpetrator narratives as well. The 1994 genocide in Rwanda is a case in point. This frame was used by perpetrators and disseminated throughout Rwanda in the media.[48] Among many Hutus, the allure of Tutsi women was thought to be irresistible and deadly. Owing in part to the shadow of Belgian colonialism, the frame of women as weapon was a way that Hutu extremists framed Tutsi women in the media before and during the genocide. Binaifer Nowrojee claims:

> The outpouring of violence directed against Rwandan women on the basis of gender and ethnicity was fuelled by the hate propaganda before and during the genocide. To this end, the media played a role in propagating and disseminating stereotypes of Tutsi women as devious seductresses who would use their beauty to undermine the Hutu community. The hate propaganda before and during the genocide demonized Tutsi women's sexuality and, as the Media Trial judgement noted "made the sexual attack of Tutsi women a foreseeable consequence."[49]

Liisa Malkki's interviews with Hutu refugees who fled Burundi in 1972 and settled in the Mishamo Refugee Settlement in western Tanzania further illustrate this frame. Some of her interviewees spoke specifically about what they saw as the danger of the sexual allure of Tutsi women.

The interviewee of one panel characterized Tutsis as lazy and poor, and claimed that Tutsi women used their beauty to lure and entrap wealthier Hutu men into marriage to secure financial security for themselves and their families.[50] Another interviewee spoke directly to the idea of Tutsi women using their beauty as death-traps for Hutu men.[51] Malkki reports that often interviewees would invoke the story of Samson and Delilah from the Book of Judges in describing the dangers of Tutsi women.[52]

This leaves only one remaining frame to consider. A woman who dares to subvert the hegemonic frames of the maternal and acts as a perpetrator, becomes a monster in the very act of subversion. Seeing perpetrators (both women and men) as monsters is perhaps understandable given the horror that is the violence of genocide. But to label perpetrators as monsters is to place them on the periphery, if not entirely beyond, the human community as well as beyond human understanding. Male perpetrators are labelled as such when their actions become hideously extreme; such is the case, for example, with Adolf Eichmann. Women perpetrators are labelled as monsters when they abandon their traditional maternal roles and perpetrate violence. The next section will explore the conceptual intersection of monsters and perpetrators, before turning specifically to women perpetrators being characterized as monsters.

### Frame 4: Monsters and Worse

Genocide is near-impossible to comprehend; monsters are perhaps necessary to make some sense of and explain the sheer depth, extent, and depravity of genocide. This section provides a brief discussion of the often-recognized unfathomability of genocide. In turn the inability to comprehend the actions of perpetrators leads to labelling the most egregious perpetrators as monsters. Women perpetrators are labelled monsters when the evidence for their participation is undeniable because the idea of women as perpetrators of genocide is at such odds with the frames of women as innocent victims and mothers.

Those who try to understand genocide, especially those who have been witnesses to genocides, often speak of genocide as beyond comprehension. Charlotte Delbo's opening sentence in *Days and Memory*—"Explaining the inexplicable"[53]—is a case in point. It is little wonder then, that in trying to understand those who perpetrate such violence that there is recourse to language that goes well beyond the language of the social sciences as well as

everyday discourse. Genocide narratives often invoke the monster in trying to fathom the unfathomable.

The need for monsters to explain genocide is evident in the controversy surrounding the trial of Adolf Eichmann in Jerusalem beginning in 1961. Hannah Arendt went to the trial as a reporter for *The New Yorker*. The controversy ignited by her coverage of the trial first published in *The New Yorker* and later edited and published as *Eichmann in Jerusalem: A Report on the Banality of Evil* continues unabated to this day.[54] Hinted at throughout her report and finally made explicit in the final sentence of the book is her thesis of the banality of evil. Reflecting on Eichmann's final words before being hanged, she concludes, "It was as though in those last minutes he was summing up the lesson that this long course in human wickedness had taught us—the lesson of the fearsome, word-and-thought-defying *banality of evil*."[55]

Arendt, many thought, had failed to see the monster. An article in the *Jewish News* used the title "Self-Hating Jewess Writes Pro-Eichmann Series for *The New Yorker* magazine."[56] Lionel Abel took her to task for failing to portray Eichmann as the monster he was. Abel claimed that "against a moral judgment of Eichmann's character, which I think would have to call it monstrous, Miss Arendt pits her own fundamentally aesthetic judgment of the man, which points mainly to his comical characteristics."[57]

It is not just members of victim groups who see perpetrators as monsters. Perpetrators will cast themselves as monsters. One of the machete-wielding perpetrators in Rwanda interviewed by Jean Hatzfeld, said: "Man can get used to killing, if he kills on and on. He can become a beast without noticing it."[58]

What makes the monster frame so inviting is not just the scope and brutality of the acts perpetrated, but in the case of women the fact that the violence is sometimes perpetrated by mothers. The monster frame is nowhere more apparent than in the case of Pauline Nyiramasuhuko. Media narratives of Nyiramasuhuko evoke not only the monster frame, but a special kind of monster, namely, the mother-monster. It is another way of saying that her crimes are unfathomable.

In the case of Nyiramasuhuko, she is framed by the contrast of her role as a mother and Minster of Family Welfare and Advancement of Women with her role of perpetrating genocidal rape and killing in Rwanda. Nyiramasuhuko was charged with eleven Counts in total: Four Counts of genocide (found guilty on two Counts); five Counts of Crimes against

Humanity including rape (found guilty on three Counts); two Counts of Serious Violations of Article 3 Common to the Geneva Conventions and the Additional Protocol II (found guilty on both counts). The Chamber's findings in regard to the violations of Article 3 common to the Geneva Conventions are as follows: "Nyiramasuhuko ordered the killings of Tutsis who were taking refuge at the Butare *préfecture* office. The Chamber has found that this constitutes genocide and the crimes against humanity of extermination and persecution."[59]

When the verdicts were handed down in June of 2011, BBC News published an article titled "Profile: Female Rwandan Killer Pauline Nyiramasuhuko."[60] It is twice mentioned that she is a mother and was tried along with her son, but there is no mention of the other four men who were tried along with her. The article contrasts the fact that she was a social worker who had studied law, and was married to a "quiet and humble...chancellor of Rwanda's National University based in Butare, with the presiding judge's comment that her actions reflected unfathomable depravity." The structure of the brief story is one of contrasts: educated woman and mother, social worker married to a humble and educated man commits crimes showing unfathomable atrocity. There is no reflection on what makes her actions unfathomable.

Peter Landesman's article, "A Woman's Work,"[61] which appeared in the magazine section of the Sunday Edition of the *New York Times* on 15 September 2002, shows the uncritical adoption of the trope of the mother-monster. His portrait of Nyiramasuhuko recalls, parallels, and even intersects with the ancient Greek legend of Medea, wife of Jason, who kills Jason's new wife, his new wife's father, King Creon of Corinth, and finally her own sons by her own hand. When confronted with one like Nyiramasuhuko, a woman and mother whose atrocities are well documented, there are a paucity of frames that can help to make sense of her brutality. There is the maternal frame of benevolent self-sacrifice, or the frame of feminine innocence. Such frames do not apply in the case of Nyiramasuhuko. The only frame left then is the frame of the monster, and Nyiramasuhuko embodies the worst kind of monster, the mother-monster.

The mother-monster, then, as a frame from antiquity, is worth recalling in more detail. In the Euripidean telling of the legend (431 B.C.E.) the nurse of Medea portends the tragedy about to unfold when she says in the opening monologue of the play:

But she hates her children now and feels no joy in seeing them. I am afraid she may be planning something we do not expect. Her temperament is dangerous and will not tolerate bad treatment. I know her, and I fear that she may go silently into the house where her bed is laid and drive a sharpened sword into their heart[s].[62]

Euripides structures his telling of the legend by juxtaposing the Medea who ruthlessly plots her unfathomable crimes with the Medea who holds her soon-to-be murdered children tenderly; Landesman structures his portrait of Nyiramasuhuko in exactly the same way. He writes of Nyiramasuhuko: "The crimes Pauline Nyiramasuhuko are accused of are monstrous. Her capacity for pity and compassion, and her professional duty to shield the powerless, deserted her, or collapsed under the irresistible urge for power."[63] In the play, the chorus, in pleading for her to reconsider —"where will you find so bold a spirit or such dreadful courage for your heart and mind as you bring them against your children? And how, when you cast your eyes upon them, will you hold fast to their fate of death and not weep?"[64]—underscores her depravity. Yet shortly before she commits the murders, she takes the children into her arms and exclaims: "Give me your right hands children, give them to me to kiss . . . "[65]

Euripides also tells us that Medea as the doer of these horrible deeds is not one of us. Euripides has Jason claim: "In all Hellas there is not one woman who could have done it."[66] As Adriana Cavarero observes: "the murderer of her own children, *pai-doleteira*, repeatedly qualifies as *deine*, is an outsider who brings her deed of horror from elsewhere."[67] Landesman similarly places Nyiramasuhuko outside of both the maternal and humanity when he writes: "Pauline did possess humanity, but it was in short supply, and she reserved it for her only son, Shalom, whom she had helped turn into a rapist and a killer. In one of her last moments as an engineer of the genocide, however, she returned to her role as woman and mother."[68] For Landesman and others there exists no conceptual space for one like Nyiramasuhuko. One simply cannot be at the same time a woman, a mother, and one who orchestrates genocidal killing. For a woman to be guilty of the crimes Nyiramasuhuko surely was, she cannot be a woman and mother, and a perpetrator of genocide. The two lenses are so incongruent as to be contradictory: to adopt one role is to abandon the other.

It might be objected that the Medean frame is not at work in the case of Nyiramasuhuko for at the heart of the Medea legend is the commission of

infanticide and moreover the killing of her own children; that is what makes Medea a monster, and her actions an instance of what Cavarero calls "horrorism." While Nyiramasuhuko's actions are also instances of horrorism, she does not brutally slaughter her son Shalom. True. She does, however, nurture his development into a rapist and killer. And the frame that Landesman employs throughout the story is a narrative of not just betrayal but there is just beneath the surface the suggestion that Nyiramasuhuko was a symbolic mother to the women and children of Rwanda, first as a social worker and later in her role as minister.

Landesman sees Nyiramasuhuko in her role as perpetrator as other than human, claiming that in returning to caring for her son, that she did after all, possess humanity. "Pauline did possess humanity," he claims, "[for] in one of her last moments as an engineer of the genocide . . . she returned to her role as woman and mother."[69] Testament of her inhumanity is committing genocide; testament of her humanity is embracing her role as a woman and mother.

## WOMEN PERPETRATORS: MOVING FORWARD

Women are invisible as perpetrators of genocide despite being perpetrators of genocide. But it is difficult to construct frames for women as *génocidaires*. To see women as *génocidaires* requires destabilizing the myths of the maternal, myths of the genocidal monster, and myths of the *femmes fatales*; or to use Butler's metaphor, there is a need to look outside the official frame for other realities. As discussed in the introduction to this chapter, failing to do so, risks a superficial understanding of genocide. As difficult as that may be, genocide narratives can ill-afford to continue not to see women *génocidaires*.

A first step for bringing women perpetrators into focus is to deconstruct and thereby destabilize the prevailing gender stereotypes discussed earlier in this chapter. It is important to recognize that as pervasive as these stereotypes are, they are nevertheless best seen as cultural constructs. Butler's *Gender Trouble* provides a careful deconstruction of gender essentialism showing the nouns "man" and "woman" to be what she calls "fictive substances."[70] Butler's purpose is the destabilization of the tyranny of heterosexuality; yet for present purposes her deconstruction allows for the destabilization of sex and gender identification more generally, and it is an important step in exploring the intersection of gender and genocide.

But once gender and gender stereotypes have been destabilized, it becomes difficult to see how best to theorize gender and the intersection of gender and genocide. A seemingly obvious starting point would be to arrive at a consensus as to what is meant by gender. There is a considerable body of literature devoted to this very question. Sally Haslanger observes, "what began as an effort to note that men and women differ socially as well as anatomically has prompted an explosion of different uses of the term 'gender'." And as Haslanger further observes, "Within these debates, not only is it unclear what gender is and how we should go about understanding it, but whether it is anything at all."[71]

Not only do debates about the meaning of the term "gender" seem to be interminable, it might well be the case that this interminability reflects deeper philosophical problems with defining the term. The difference the term is meant to address confronts three distinct but related problems. The first problem is the fact that any attempt at conceptualization opens a terrain for resistance and struggle. Slavoj Žižek, in his lectures on Lacan, speaks directly to this problem. He argues that "sexual difference is not a firm set of 'static' symbolic oppositions ... but the name of a deadlock, a trauma, an open question—something that *resists* every attempt at its symbolization." In fact, for Žižek, "every translation of sexual difference into a set of symbolic oppositions is doomed to fail," and it is this very "impossibility" that opens up the terrain of the hegemonic struggle for what sexual difference will mean.[72] Difference, for Žižek, points to nothing real or at least nothing beyond a central and fundamental antagonism.[73]

A second and related problem in the struggle for a definition of gender is the risk of essentialism and reification. An essentialist definition fails to recognize the various meanings of the term and the multifarious ways in which language users employ the term. But these uses of the term gender do not have one particular thing in common other than perhaps being used to denote difference. As the later Wittgenstein claims, a careful examination of uses will reveal that there is nothing common to all but instead "a complicated network of similarities overlapping and criss-crossing: similarities in the large and in the small."[74] To borrow Wittgenstein's term, the various uses share only "family resemblances."

And yet a third problem arises when the intersection of gender and other identity markers is taken seriously. Much of the recent theorizing about gender points to its intersection with class, race, ethnicity, educational attainment, familial identities, religion, and other institutions and

practices.[75] If gender intersects with these other identity markers, and if genocide is not restricted to a particular culture, class, ethnicity, and so forth, what can be drawn from this identity constellation that would help in thinking carefully about the intersecting of gender and genocide?

## Doing Gender

In order to better understand the intersection of gender and genocide it is important to first contest prevailing stereotypes that make it near-impossible to see women as perpetrators of genocide. Moreover, it is equally necessary to abandon concepts of gender that are essentialist. It is also important to recognize that language users use the term in a variety of ways and it is important not to quickly dismiss some uses as misuses. An understanding of gender must recognize the intersectionality of gender with race, class, and other salient identity markers. Yet despite these conceptual challenges, gender still needs to figure prominently in perpetrator research. There needs to be a way of conceptualizing women as perpetrators that takes account of the normative complexities and even contradictions of gender roles, gender identities, and gender expectations while at the same time taking seriously that women are agentic.

Gender is a primary marker of human subjectivity.[76] Human beings employ gender as a key feature of who they are and what distinguishes them from others. It is difficult if not impossible to conceive of a self without gender. There is a body of empirical research to show that women's political consciousness is gendered. In other words, women's gendered personal identity grounds a gendered political consciousness as well.[77]

The idea of "doing gender"—an idea introduced by Candace West and Donald Zimmerman in 1987—provides a useful framework for thinking about gender and genocide, and especially the role of women who act as perpetrators. West and Zimmerman argue that "sex category is omnirelevant."[78] It is a fundamental way of making sense of the natural world including the human world. Sex-role assignments—sometimes problematic—in their view, reflect a culturally agreed-upon set of criteria—usually based on reproductive roles and capacities. Much, if not most, of what we do as agents intersects with sex-role assignment. "*Gender*, in contrast, is the activity of managing situated conduct in light of normative conceptions of attitudes and activities appropriate for one's sex category. Gender activities emerge from and bolster claims to membership in a sex-category."[79] Gender, they argue, is then "constituted through interaction."[80] "Doing gender," then, "means creating

differences between girls and boys and women and men, differences that are not natural, essential or biological."[81]

Its strength lies in the fact that it recognizes the intersectionality of agency and structure. Actors act (agency), but in acting remain often if not always mindful of gendered spaces (structure). Agents are keenly aware that there are culturally defined gender expectations and gendered roles. In the case of women, those roles include among others, the nurturing mother, and the helpmate to men who are by contrast seen as fully agentic. Part of agency for women lies in negotiating those roles. An agent may react to established roles in any number of ways. She may choose to acquiesce to expected roles, or she may choose to subvert those roles. Other possibilities include rebelling, challenging, supporting, and supplanting. Some women may strive to redefine gendered spaces in acts of self-creation. Moreover, one and the same person may choose to navigate gendered space in different ways at different times or in different contexts. That is, the same woman might choose to acquiesce to gender expectations on one occasion yet subvert or contest expectations on another occasion. Complicating things further, some women may adopt what Christine Sylvester and her colleagues call "masquerades."[82] Writing specifically about masquerades of war, Sylvester claims that "masquerade can . . . be understood as a normal social mask that people don to foreground an identity or belief from one's cluttered repertoire to gain agency."[83] In the case of Pauline Nyiramasuhuko, she could be seen as adopting certain received gender roles (the role of the maternal), challenging or even expanding gender roles in her work as Minister for Family Welfare and the Advancement of Women, and then transgressing received gender roles as a perpetrator of genocide. Borrowing from Sylvester, it could be argued that Nyiramasuhuko might have a repertoire of gendered masquerades donned in different ways to both foreground and background strategic identities suited to different situations.

Doing gender represents a paradigm shift in theorizing gender, and three aspects of the framework are germane for better understanding women who choose to perpetrate genocide. First, gender is seen as an activity, as the phrase suggests. Gender, rather than being a characteristic of certain human beings, is an activity or practice, a social practice. It is a practice that always occurs contextually. In an individual's interactions with social structures and institutions—themselves gendered—women and men construct themselves as gendered individuals. Second, and at the same time and as discussed earlier, individuals recognize that societies are replete with gender

expectations. In any one context an individual may choose to conform to gender expectations, subvert expectations, and in some way compensate for the subversion of expectations by embracing or even celebrating traditional gender norms on another occasion. A particular individual, then, chooses to hold to traditional femininity on one occasion and transgress at another time. But she is deeply cognizant of the fact that all activity is gendered.

Third, "doing gender" undermines any suggestion of gender essentialism; nothing concerning gender is natural. Gender is done and can be redone or even undone. Traditionally, those who eschew claims that gender reflects natural or biological differences adopt the view that gender is the product of socialization. At the same time, those who adopt the traditional socialization model will still see gender as relatively stable and non-contextual. Doing gender rejects both of these alternatives, and with good reason. Gender is not something one is born into, nor is it something acquired. It undermines talk of sex or gender roles as acquired through a process of socialization. According to Jody Miller, it "provides important critiques of sex/gender role theories—and the related emphasis on socialization as the mechanism by which these roles are acquired—that had guided much of the sociological work on gender.... Doing gender suggests gendered practices are varied, changing, situationally constructed in interaction, and embedded within social structures."[84] And taking seriously this last point, women are recognized as being fully agentic.

"Doing gender," is a significant contribution to theorizing gender. It has substantially contributed to work in gender and criminology, and it can and should play a substantive role in genocide research, especially research concerned with seeing women without contradiction as perpetrators. Perpetrators are "doing gender" in the process of doing genocidal work as well as in their defences when brought to trial; witnesses are "doing gender" in the telling of their accounts; scholars and journalists are "doing gender" in their attempts to understand and construct narratives to describe and explain genocide. The focus of the next section looks at examples of perpetrators doing gender and the implications for scholarship, understanding, and prevention.

### Doing Gender: Perpetrators

To meaningfully investigate the intersection of doing gender and doing genocide in the case of perpetrators requires that rather than relying exclusively on sociological observations and abstract theorizing concerning

gender expectations within a genocidal state, it is crucial to bring to the foreground women and men who perpetrate genocides to see the ways in which gender permeates their discourses. It is not always the case that perpetrators directly speak to gender issues (although sometimes they do), but rather it is clear that perpetrators' subjectivity is gendered. And as they speak of their interactions with various structures, they recognize those structures also to be gendered. Most important, it is clear that they are doing gender at the same time that they are doing genocide. For men, doing genocide is at the same time doing masculinity.

Many men who perpetrate genocide frame the act of committing genocide as work. Doing work is a central part of masculine subjectivity so it should come as no surprise how often the language of work permeates the stories told. But it also frames their very understanding of what they do. Men work; genocide is work.[85] One of the most notorious perpetrators of the Holocaust, discussed earlier, was Adolf Eichmann. In his final statement to the court, Eichmann acknowledged the depth and scope of the atrocities of the Holocaust but insisted they were perpetrated by political elites and that he, Eichmann, was only guilty of being obedient to his superiors. That is, he was nothing more than a petty bureaucrat who followed orders. And this way of framing his involvements is again evident in a recently released letter Eichmann wrote to then Israeli president, Yitzhak Ben-Zvi asking for a pardon.[86]

Eichmann is anything but anomalous in seeing genocide as work. While Eichmann's work was largely conducted behind a desk, those who directly kill, those who literally have blood on their hands, also speak of genocide as work. This is clearly evident innumerable times in interviews with Rwandan perpetrators conducted after the Rwandan genocide. Jean Hatzfeld's interviewees refer to genocidal killing as work or a job. Some of Hatzfeld's interviewees claim they found the work of killing to be more difficult than sowing and farming. Alphonse reported that "for someone plodding up the slope of old age, the killing period was more backbreaking than stoop labour. . . . [And] more than anything we missed going home to eat at noon."[87] Others found the killing to be a welcome reprieve from planting crops. Pio puts it perhaps the most clearly:

> [W]e can't say we missed the fields. We were more at ease in the hunting work, because we had only to bend down to harvest food, sheet metal, and loot. Killing was a more gratifying activity. The proof: no one ever asked permission to go clear brush on his field, not even for half a day.[88]

Despite a range of views as to how difficult the work was, all spoke of the killing and hunting as work. And like most work it had established hours, and it was not unusual that after a long and tiring day of killing, the killers would gather in the cabarets to drink and tell stories.[89] Clearly, both Eichmann and Hatzfeld's interviewees speak of what men do, and that is work.[90]

Another way in which men gender genocide is by including their young sons in the hunt. Clémentine, one of those interviewed by Hatzfeld, remarked: "I saw papas teaching their boys how to cut. They made them imitate the machete blows."[91] As Hatzfeld reported, "A boy with enough strength in his arms to hold the machete firmly, if his brother or father brought him along in the group, he imitated and grew used to the killing."[92] Brothers and father modelled how to kill with a machete at the same time that they are doing gender—gendering their sons in masculinity.

Perhaps most chilling was the degree of masculine comradery among the Rwandan perpetrators interviewed by Hatzfeld. The members of the group he interviewed were a close-knit group of men—he uses the term "gang"—before, during, and after the genocide. They were a band of brothers. Jean-Baptiste characterizes the relationships among group members thusly:

> There's no wrangling in the group. There are the older guys, there are the younger ones—fate has not loosened our ties. Me, I try to give courage to confessions. Still, each one makes his own suit himself. Despite the awful work of the killings and the rough prison life, the atmosphere among us remains strong. We are impatient together for an end to our difficult times. Our bad luck—I see only that as a problem for us.[93]

Moreover, during the early stages of the killing, interviewees spoke repeatedly of a cooperation among killers; those more skilled with machetes, would instruct or give guidance to the reluctant and less skilled. Sometimes those reluctant to kill would be taunted or laughed at. According to Jean-Bapiste, "if you got laughed at one day, you did not take long to shape up. If you went home empty handed, you might even be scolded by your wife or your children."[94] The comradery among the killers reached an even more chilling expression in the words of Fulgence: "In the evening you might meet a colleague who would call out, 'You my

friend, buy me a Primus[95] or I'll cut open your skull, because I have a taste for it now!'."[96]

Women also do gender in doing genocide. Women who talk about their roles as perpetrators will at the same time reveal that they are doing gender not only in the acts of perpetration themselves, but in how they reflect on those acts. In other words, women do gender in the very moment of participation in genocides and continue to do gender when talking about their participation long after the fact.

Hogg's interviews show that women participated in the genocide in a variety of ways, and for a variety of reasons. Some women were directly involved in killing neighbours; others were involved in looting, calling out the hiding places, and acting in a supporting role to men.[97] These women also reported a range of motivations: motivations included fear, both fear of husbands, and especially fear of the *Interahamwe,* accepting anti-Tutsi propaganda as truth, and in some cases women reported simply getting caught up in the melee.[98] When women speak of the degree of their involvement and the reasons for their involvement, both explanations almost inevitably intersect with considerations of gender. One interviewee of Hogg's is quoted as saying "women just stayed home and cried whenever we heard about people killed."[99] Another detainee is quoted as saying, "many women were involved in the genocide. I am a woman and I participated, so I think other women did too."[100] Although these women were prompted by Hogg's question of the extent of women's participation and the ways in which they participated in the genocide, the juxtaposition of these quotations illuminates not only that women do gender at the same time as they do genocide, but doing gender is different for different women.

Doing gender also allows for the possibility, even likelihood, that the same person might do gender in different ways in different contexts. In a number of contexts, and on a number of occasions, a person might well choose to conform to traditional gender stereotypes. The same person might well ignore certain stereotypes or choose to transgress gender expectations, or even embrace contradictory gender roles as defined by a particular culture. Recent scholarship on gender and genocide, especially the scholarship involving the Rwandan genocide, will devote an introductory section to gender roles and expectations in Rwanda prior to the full eruption of violence in 1994.[101] Understanding traditional women's roles in any given society has some, but limited, explanatory force. The question that arises becomes what to do with those women whose actions clearly

transgress or subvert those traditional roles and engage in unmitigated violence including rape and mass murder. Or to return to the language of masquerades, how to theorize women who don different masquerades.

These questions provide an opportunity to return to the case of Pauline Nyiramasuhuko. That she embraced certain gender norms by becoming a wife and mother is clear. That she transgressed gender norms is similarly clear. Hundreds of pages of court documents show that she played a significant leadership role in Butare. Moreover, she encouraged, orchestrated, and committed heinous acts of genocide. Does that mean she is a monster? Doing gender offers a more subtle and appropriate way of framing Nyiramasuhuko and other women for whom there is clear evidence that they perpetrated genocide. Clearly, and in the case of Nyiramasuhuko, she evidenced an understanding of patriarchal structure of Rwandan society and displayed not only agency, but agency that intersected with that structure.

## Conclusion

The work of Nicole Hogg and Sara Brown, among others, has made it impossible to deny that women act as perpetrators of genocide. But the media as well as genocide scholarship has remained at something of a loss as to how to understand and theorize women perpetrators. This can largely be explained by the fact that well-entrenched stereotypes of women and femininity leave no conceptual space for women who commit such acts. As discussed earlier in this chapter, women have been for too long entirely absent from genocide narratives. When women are brought in from the margins, they have been cast as innocent victims, victims who share the same conceptual space as children, and thereby possess limited agency. The other frame that is used to see women in genocide narratives is the maternal; the maternal frame is fraught with assumptions about women's nature that further eclipse even the possibility that women do genocide. When forced to confront a person such as Pauline Nyiramasuhuko, it seems only natural, then, given the tenacity of these frames, to view Nyiramasuhuko as a mother-monster. The mother-monster, it turns out, is a familiar frame for mothers who commit grave atrocities. As appealing as it might be to have recourse to monsters as a frame for understanding those who commit genocides, it lacks explanatory power. While it might be tempting to describe genocidal acts as monstrous, those who commit such acts, both women and men, are fully human, and fully agentic.

The need to destabilize existing gender frames, while essential to better understanding women perpetrators, faces additional obstacles. A key complication is how best to theorize gender in a way that avoids the dangers of gender essentialism and the dangers of seeing gender as a cultural construct, as a product of socialization. Both of these alternatives diminish the agency of women in a way that prevents seeing them as perpetrators. Yet, the concept of gender, it was shown, is omnipresent as a marker of subjectivity and a marker of structures. "Doing gender" obviates this difficulty by both acknowledging the omni-relevance of gender and respecting the agency of women. This is no small step forward in better understanding the complex intersection of gender and genocide.

## Notes

1. Adam Jones, *Gender Inclusive: Essays on Violence, Men, and Feminist International Relations* (Routledge, 2009).
2. Nicole Hogg, "Women's Participation in the Rwandan Genocide: Mothers or Monsters," *International Review of the Red Cross* 92: 887 (2010): 69.
3. Sara Brown, "Female Perpetrators of the Rwandan Genocide," *International Journal of Feminist Politics* 16: 3 (2014): 448.
4. Claudia Card, *Confronting Evils: Terrorism, Torture, Genocide* (Cambridge University Press, 2010).
5. James Snow, "Don't Think But Look: Using Wittgenstein's Notion of Family Resemblances to Look at Genocide," *Genocide Studies and Prevention: an International Journal* 9: 3 (2016): 154.
6. Maria Eriksson Baaz and Maria Stern, *Sexual Violence as a Weapon of War: Perceptions, Prescriptions, Problems in the Congo and Beyond* (Zed Books, 2013).
7. C.R. Carpenter, "Recognizing Gender Based Violence Against Civilian Men and Boys in Conflict Situations," *Security Dialogue* 37:1 (2006): 83.
8. Baaz and Stern, *Sexual Violence,* 35.
9. Ibid., 36.
10. While the focus of this chapter is to show how evident these frames are in genocide narratives, it is also shown that these frames are deeply embedded in more general cultural narratives concerning the role of women. These cultural narratives intersect with and inform media narratives, scholarly narrative, and perpetrator documents.
11. Jean Ringelheim, "Genocide and Gender: A Split Memory," in: Ronit Lentin (ed), *Gender and Catastrophe* (Zed Books, 1997): 18.
12. Ibid., 19.

13. Ibid., 20.
14. All but 1 of the 15 chapters included in the latest edition of Samuel Totten and William S. Parsons (eds), *Centuries of Genocide: Essays and Eyewitness Accounts* (Routledge, 2013) describe their respective genocides reporting the estimated death counts.
15. Troubling is the claim made by Adam Jones concerning the war in Kosovo: "the slaughter of 'battle-age' non-combatant men is at least as prominent and enduring a 'weapon of war', in the Balkans and throughout history, as is the rape of women – and a more brutal and severe one, by any reasonable standard." Jones, *Gender Inclusive*, 103.
16. Ronit Lentin (ed), *Gender and Catastrophe* (Zed Books, 1997).
17. Selma Leydesdorff, *Surviving the Bosnian Genocide: The Women of Srebrenica Speak* (Kay Richardson trans, Indiana University Press, 2011).
18. Alexandra Stiglmayer (ed), *Mass Rape: The War Against Women in Bosnia-Herzegovina* (trans Marion Farber trans, University of Nebraska Press, 1994); Binaifer Nowrojee, *Shattered Lives: Sexual Violence during the Rwandan Genocide and Its Aftermath.* (United States: Human Rights Watch, 1996).
19. Selma Leydesdorff, *Surviving the Bosnian Genocide*, 7.
20. Karin Mlodoch, "'We Want to be Remembered as Strong Women, Not as Shepherds:' Women Anfal Survivors in Kurdistan Iraq Struggling for Agency and Recognition," *Journal of Middle East Women's Studies* 8 (2012): 65.
21. James Snow, "Don't Think But Look."
22. James Snow, "Death is not the End of Genocide: Reflections on Armenia" (Speech delivered Surviving the Catastrophe: Commemoration of the Armenian Genocide, Katholieke Universiteit Leuven, Leuven, Belgium, 30 April 2015) https://www.academia.edu/12199589/Death_is_not_the_end_of_genocide_Reflections_on_the_genocide_of_the_Armenians
23. http://www.nytimes.com/2007/08/12/opinion/12dealey.html
24. Claudia Card, *Confronting Evils*, 237.
25. Ibid.
26. Ibid.
27. Ibid.
28. Jean Améry, *At the Mind's Limits: Contemplations by a Survivor and its Realities* (Sidney and Stella Rosenfeld trans, Indiana University Press, 1980).
29. Imre Kertész, *Kaddish for an Unborn Child.* (Tim Wilkinson trans, Random House, 2004).
30. Leydesdorff, *Surviving the Bosnian Genocide*.
31. Judith Butler, *Frames of War: When Does Life Become Grievable?* (Verso, 2010), xiii.

32. Others have used Butler's notion of the frame in other but related contexts. See for example Maria Eriksson Baaz and Maria Stern, *Sexual Violence as a Weapon of War*. Baaz and Stern use the notion of the frame to explore the hegemonic discourse of rape as a weapon of war.

33. While borrowing from Judith Butler the idea of frames, the particular frames utilized in this chapter are frames developed by the author. It is not claimed that these frames are exhaustive of genocide scholarship or media accounts. Content analysis by the author finds that scholarship and media accounts often and repeatedly rely on these four frames.

34. Sharon Hays, *The Cultural Contradictions of Motherhood* (Yale University Press, 1997).

35. Deidre Johnston and Debra Swanson, "Invisible Mothers: A Content Analysis of Motherhood Ideologies and Myths in Magazines," Sex Roles 49: 1/2 (2003): 22.

36. Judith Butler provides a careful critique of Kristeva in *Gender Trouble* (Routledge, 1990).

37. Toril Moi (ed), *The Kristeva Reader* (Columbia University Press, 1990), 206.

38. Ibid.

39. Catherine Clément and Julia Kristeva, *The Feminine and the Sacred*. (Jane Marie Todd trans, Columbia University Press, 1998), 137.

40. The distinction between participants and perpetrators is especially germane in the accounts of women's roles in the genocide in Rwanda. Women were thought to participate for example by calling out the location of Tutsis in hiding, or looting the homes of Tutsis who had gone into hiding or been killed. In other words, women "participants" were seen as helping their husbands or men-folk, but not as directly perpetrating violence. When women are cast as helper/participants it places them in an ancillary role and not as active perpetrators.

41. Simone de Beauvoir, *The Second Sex* (Constance Borde and Shiela Malovany-Chevallier trans, Vintage, 2011).

42. Michiel Leezenburg, "The *Anfal* Operations in Iraqi Kurdistan," in Samuel Totten and William S. Parsons (eds), *Centuries of Genocide: Essays and Eyewitness Accounts* (Routledge, 4th ed, 2013), 395, 400.

43. Ibid., 400.

44. Karin Mlodoch, "We Want to be Remembered as Strong Women, Not as Shepherds," 66.

45. Adam Jones, "Gender and Genocide, in Rwanda" *Journal of Genocide Research* 4:1 (2002): 65.

46. Dominik Schaller, "The Genocide of the Herero and Nama in German South-West Africa, 1904–1907," in Samuel Totten and William S. Parsons

(eds), *Centuries of Genocide: Essays and Eyewitness Accounts* (Routledge, 4th ed, 2013) 89, 89.

47. Kelly Oliver, *Women as Weapons of War: Iraq, Sex, and the Media* (Columbia University Press, 2010) 29.

48. Limitations of space does not allow for a detailed treatment of the role of the media in the genocide in Rwanda. There exists a large scholarly literature on the topic. For a detailed analysis of the role of the media see, Allan Thompson (ed), *The Media and the Rwanda Genocide* (Pluto Press, 2007).

49. Binaifer Nowrojee, "A Lost Opportunity for Justice: Why did the ICTR Not Prosecute Gender Propoganda?" in Allan Thompson (ed.) *The Media and the Rwanda Genocide* (Pluto Press, 2007) 364–365.

50. Liisa H. Malkki, *Purity and Exile: Violence, Memory, and National Cosmology Among Hutu Refugees in Tanzania* (University of Chicago Press, 1995), 82–84.

51. Ibid., 84–86.

52. Ibid., 86.

53. Charlotte Delbo, *Days and Memory* (Rosette Lamont trans, Marlboro Press/Northwestern University Press, 1985), 1.

54. The controversy has shown no sign of dimming. Deborah Lipstadt's *The Eichmann Trial* and Bettina Stangneth's *Eichmann vor Jerusalem: Das unbehelligte Leben eines Massenmörde*—both based on material and sources only recently available to scholars—are two of the more recent attempts to retry Eichmann and reveal the virulent anti-Semitic monster hidden beneath the mask of banality in the person of Eichmann as depicted by Arendt. At the heart of much of the criticism of Arendt is the claim that she failed to see the monster.

55. Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil* (Penguin, 2006), 252.

56. Trudi Weiss Rosmarin, "Self-Hating Jewess Writes Pro-Eichmann Series for *The New Yorker* magazine," *Jewish Times* 19 April 1963.

57. Lionel Abel, "The Aesthetics of Evil," *Partisan Review* 30 (1963): 212, 225.

58. Jean Hatzfeld, *A Time for Machetes, the Rwandan Genocide: The Killers Speak* (Linda Coverdale trans, Serpent's Tail, 2008), 44.

59. *Prosecutor v. Nyiramasuhuko et al.,* Case No. ICTR-98-42-T, paragraph 6166, 1445.

60. Josephine Hazeley, "Profile: Female Rwandan killer Pauline Nyiramasuhuko," *BBC News* (online), 24 June 2011, http://www.bbc.com/news/world-africa-13907693

61. Peter Landesman, "A Woman's Work," *New York Times Sunday Magazine* (New York, 15 September 2002).

62. Euripides, *Medea* (James Morwood trans, Oxford University Press, 2009), 39–41.
63. Landesman, "A Woman's Work."
64. Euripides, *Medea*, 856–862.
65. Ibid., 1070–1071.
66. Ibid., 1239–1240.
67. Adriana Cavarero, *Horrorism: Naming Contemporary Violence* (William McCuaig trans, Columbia University Press, 2011), 26.
68. Landesman, "A Woman's Work."
69. Ibid.
70. Butler, *Gender Trouble*, 33.
71. Sally Haslanger, "Gender and Race: (What) Are They? (What) Do We Want Them To Be?" *NOÛS* 34: 1 (2000): 3, 33.
72. Slavoj Žižek, "The Real of Sexual Difference," in Suzanne Barnard and Bruce Fink (eds), *Reading Seminar XX: Lacan's Major Work on Love, Knowledge, and Feminine Sexuality* (SUNY, 2002), 57, 61.
73. Joan Copjec offers a similar reading of Lacan. See *Read My Desire: Lacan Against Historicists* (MIT, 1994).
74. Ludwig Wittgenstein, and G.E.M Anscombe, P.M.S. Hacker and Joachim Schulte (trans), *Philosophische Untersuchungen (Philosophical Investigations)* (Wiley-Blackwell, 4th ed, 2009), §66.
75. Kimberlé Crenshaw introduced the concept of "intersectionality" in two articles, one from 1989, and one from 1991. Her original use of the term helped to show ways in which law, and especially anti-discrimination legislation sometimes reproduces oppression for women of colour by failing to recognize the intersectionality of gender and race. Following the publication of Crenshaw's articles feminist scholars have used the concept to explore the multiple and interrelated forms of oppression. See Kimberlé Crenshaw, "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory, and Antiracist Politics," *University of Chicago Legal Forum* (1989): 139; Kimberlé Crenshaw, "Mapping the Margins: Intersectionality Identity Politics, and Violence Against Women of Color," *Stanford Law Review* 43 (1991): 1241. Since her introduction of the term, intersectionality has been adopted by feminist writers across a range of academic disciplines.
76. This is underscored especially by the testimonies of those who trans-gender.
77. Catherine E. Harnois, "Race, Ethnicity, Sexuality, and Women's Political Consciousness of Gender," *Social Psychology Quarterly* 78 (2015): 365.
78. Candace West and Donald Zimmerman, "Doing Gender" *Gender and Society* 1:2 (1987): 125, 140.
79. Ibid., 127.
80. Ibid., 129.

81. Ibid., 137.
82. Christine Sylvester (ed), *Masquerades of War* (Routledge, 2015).
83. Ibid., np.
84. Jody Miller, "Doing Crime as doing Gender: Masculinities, Femininities, and Crime," in Rosemary Gartner and Bill McCarthy (eds), *The Oxford Handbook of Gender, Sex, and Crime* (Oxford University Press, 2014), 19, 21.
85. Nicole Hogg describes the traditional gender roles assumed by men and women in pre-genocide Rwanda. She cites a report in Ligue des Droit de la personne dans la region des Grands Lacs (LDGL), *Obstacles culturels á la Mise en œuvre de la Convention sur l'Elimination de Toutes les Formes de Discrimination á l'égard des Femmes au Burundi, en RD Congo et au Rwanda,* October 2007 which claims, to "build a house or animal pen, go to the battlefield, milk the cows, ensure the family income, and defend and protect the family were tasks assigned to men, while doing the housework, educating the children [and] pounding grain were tasks specific to women in rural areas." Cited in Hogg, "Women's Participation in the Rwandan Genocide," 72.
86. The full text of the letter is reproduced in *The New York Times,* "Letter by Adolf Eichmann to President Yitzhak Ben-Zvi of Israel," *The New York Times* (online), 27 January 2016 http://www.nytimes.com/2016/01/28/world/middleeast/adolf-eichmann-letter-to-israel-president.html?action=click&contentCollection=Middle%20East&module=RelatedCoverage&region=Marginalia&pgtype=article
87. Hatzfeld, *A Time for Machetes*, 54.
88. Hatzfeld, *A Time for Machetes*, 57.
89. Along these lines it is important to note how often Nazi and SS elites such as Mengele, Stengl, and Eichmann framed their involvement in the Holocaust in terms of work.
90. It must of course be recognized that Eichmann is speaking and writing on the occasion of his trial and sentencing. There is recently available evidence to the effect that his defence was something of a charade.
91. Hatzfeld, *A Time for Machetes*, 34–35.
92. Ibid., 44.
93. Ibid., 30.
94. Ibid., 33.
95. Primus is a Belgian beer, a reminder of Rwanda's colonial past.
96. Hatzfeld, *A Time for Machetes*, 45.
97. Hogg, "Women's Participation in the Rwandan Genocide," 78.
98. Ibid., 83–89.
99. Ibid., 77.
100. Ibid., 78.
101. Ibid., 71–76.

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# Sixty Years of Failing to Prosecute Sexual Crimes: From Raphaël Lemkin at Nuremberg to *Lubanga* at the International Criminal Court

*Douglas Irvin-Erickson*

For advocates of greater legal protections against sexual and gender-based crimes, the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) in the 1990s were watershed moments in international law.[1] More than a decade later, the International Criminal Court (ICC) was likewise welcomed for its potential to expand legal protections against sexual crimes committed in mass atrocity settings. In many respects, however, the ICC has failed to meet even the most basic of these expectations.[2] In the ICC trial of Thomas Lubanga Dyilo, the defendant was cleared of charges of sexual crimes by the trial chambers even though scholars and human rights advocates widely consider him to have facilitated mass rape.

The trial demonstrates that the prosecution of sexual crimes has not been hindered by juridical constraints or restrictive precedents.[3] Rather,

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the prosecution of these crimes has been hindered because of the way courts, prosecutors, and even the scholars who study mass atrocities conceptualize sexual- and gender-based crimes. Patricia Davis has argued that the ICTY and ICTR were ineffective in obtaining convictions of perpetrators, especially leaders and high-level military personnel, for the thousands who were sexually assaulted as a part of these conflicts. The most important reason for this failure, Davis contends, was the lack of funding for the courts and the prosecution, the limited cooperation of host countries, and the unwillingness of witnesses to testify. Davis also points to political barriers to prosecuting sexual violence in international criminal tribunals, including a lack of political will to prosecute rape when other atrocities are also alleged, and controversies that arise over changing court procedures, office structures, and policies for prosecuting sexual violence.[4]

These biases against sexual violence are longstanding traditions within international law, at least since the International Military Tribunal (IMT) in Nuremberg after the Second World War. To unpack the conceptual blind spots that have prevented the successful prosecution of sexual crimes, I turn to the writings of Raphaël Lemkin, the jurist who coined the word genocide and lobbied the IMT prosecutors to prosecute German Nazi defendants for sexual crimes as acts of genocide.[5]

Sexual crimes are now an explicit part of the mandates of international criminal courts, and continue to be a growing component of global human rights discourses.[6] Nevertheless, the way sexual crimes are conceptualized within the context of mass atrocities and war crimes has not changed significantly in the last 70 years. For this reason, there are many lessons to be learned from Lemkin's failed attempt to prosecute acts consistent with sexual crimes at the IMT, when he argued that these acts were a fundamental aspect of the German war effort but the laws of war were unprepared to deal with them. Lemkin had essentially discovered a principle in the late 1940s that would not be dealt with in international law until the end of the twentieth century: that acts consistent with sexual crimes committed against individuals were often part of the overarching social, political, or military framework of mass atrocities.[7]

I understand "atrocity crimes" to be a broad concept encompassing genocide, crimes against humanity, and war crimes.[8] "Sexual crimes" is defined in this chapter to align with the crimes under the jurisdiction of the ICC, as outlined in the Rome Statute of the ICC, encompassing rape, enforced prostitution, and sexual violence.[9] A sexual crime is not limited

to acts of physical violence, and can include non-physical acts. I take "gender-based crimes" to signify acts committed against people because of their sex or socially constructed gender roles.[10] The terms "sexual crimes," "sexual violence," and "gender-based crimes" did not exist during Lemkin's lifetime. For this reason, I will employ the phrase "acts consistent with sexual crimes" to signify acts Lemkin describes that would now fall under the rubric of sexual crimes. The phrase "acts consistent with sexual crimes" is advantageous because there is no crime of "sexual crime" or "sexual violence" under international law—rather these terms are descriptions of other acts that may or may not be outlawed. Nevertheless, it is clear that Lemkin's focus on documenting "forced sterilizations," "forced abortions," "the abduction of children," and the German encouragement of "forced impregnation" (i.e. rape) "to compel . . . women to bear children for your country" are consistent with acts that are now called sexual crimes.[11]

Lemkin in the 1940s saw the laws of war as being out of step with the changing nature of armed conflict. The laws of war did not recognize that war crimes could be committed by state actors against civilian populations of the state, he argued. Nor did the laws of war recognize that armed groups were strategically committing crimes against individuals as a means of targeting entire groups, he continued, and they certainly did not recognize that acts consistent with sexual crimes were being committed for the purpose of advancing the larger goals in a conflict.[12] The laws of war were silent on sexual crimes, referring only to prohibitions on violating family honor.[13] Consequently, when it came to prosecuting acts consistent with sexual crimes under the rubric of war crimes, the two elements that make up criminal liability in common law traditions and modern international law—the *actus reus* (the criminal act of the defendant) and the *mens rea* (the defendant's guilty mind, where he or she knowingly or intentionally committed the *actus reus*) evaporated. Not only would prosecutors have to show that a high-level defendant either committed or directly ordered sexual crimes to establish the *mens rea*, but it was likely that an international criminal tribunal would not consider sexual crimes to be war crimes in the first place. Therefore, to prosecute acts consistent with sexual crimes under international criminal law, Lemkin argued, it had to be shown that these acts were fundamental aspects of larger criminal enterprises.[14] This would lower the evidentiary standards necessary for prosecuting sexual crimes, which are difficult to prove on an individual level, let alone within the context of armed conflict.

It would also allow a prosecutor in an international criminal court to hold leaders responsible for acts consistent with sexual crimes, Lemkin argued, without having to demonstrate that acts such as rape were war crimes, and without having to prove that individual defendants intentionally perpetrated these acts upon the victims.

For any war crimes prosecution, Lemkin insisted that prosecutors show the corporate nature of the crimes in order to hold individuals accountable for their role in perpetrating crimes that could have been committed only through the willful cooperation of many people.[15] Acts consistent with sexual crimes, Lemkin believed, should not be seen as incidental, but integral to larger conflicts. This would allow sexual crimes to be prosecuted as war crimes by virtue of the fact that they were committed to advance the larger goals of a party in conflict. As such, I argue that the primary hurdle to prosecuting sexual crimes—from the IMT to the international courts that emerged in the late 1990s—were not juridical constraints or restrictive precedents. Rather, I contend, had Lemkin's understanding of the connection between sexual crimes and mass atrocities been applied in the *Lubanga* case before the ICC—as Lemkin had sought at the IMT—then the defendant could have been prosecuted for sexual crimes. In other words, I am arguing in this chapter that the failure to prosecute acts consistent with sexual crimes is more a question of attitude—more a question of perceptions and biases about the relationship between sexual violence and conflict—than the law.

At the IMT, the prosecution decided not to charge German defendants for rape even though rape and other acts consistent with sexual crimes figured heavily in the testimony presented at the trial.[16] The same was true with the *Lubanga* case at the ICC—where a great deal of the testimony would have supported charging the defendants with rape. Yet, the prosecutors at the ICC were not being negligent and forgetting to press these charges. For charges of acts consistent with sexual crimes, as for any other crime, the prosecution must show a causal link between the accused and the crimes. Historically, however, international criminal courts have tended to require higher levels of proof in cases of sexual crimes than in other types of crimes. For other types of crimes against humanity and war crimes, the threshold for establishing a direct causal link between the accused and the act is much lower, oftentimes constituted simply by showing that the defendant was in a position of authority over those who committed the acts. In these instances, all that is required to demonstrate the mental element of criminal liability is that the defendant must have known that the crime was going to occur as a result of his or her

actions or inaction as a superior in the chain of command. For sexual crimes, on the other hand, the ICTR and ICTY required evidence of a superior's direct knowledge of his or her subordinate's actions in the form of physical evidence or specific orders, which must be established with more than the kinds of circumstantial evidence and witness testimony allowed for other types of offences.[17] This bias in evidentiary standards is compounded by the fact that collecting physical evidence of sexual crimes, especially rape, is difficult for medical, scientific, and social reasons.[18] To overcome these evidentiary biases for sexual crimes (which are not explicit in the law, but rather inferred) investigators and prosecutors are either forced to conduct more thorough investigations and analysis, or they have to present these crimes with a "broader context which makes clear that the sexual violence is an integral part of the organized war effort rather than mere 'incidental' or 'opportunistic' incidents."[19] The prosecution in *Lubanga* chose not to pursue charges of rape and other sexual crimes in favor of other charges that would require lower standards of proof and were therefore more likely to result in a conviction.

In *Lubanga*, the prosecution had to deal with the reality that the physical evidence of rape would have been nearly impossible to gather in western Democratic Republic of Congo. The prosecution also ran headlong into the second hurdle Lemkin outlined, as the trial chamber struck down the attempt to characterize sexual crimes as an aspect of the war crimes for which the defendant was charged. The trial chamber in *Lubanga* ruled that the rape and sexual enslavement of children was not a fundamental aspect of the war crime of using child soldiers in hostilities. The next section of this chapter presents a brief account of Lemkin's legal theory on acts consistent with sexual crimes and war crimes prosecutions. Afterwards I examine the *Lubanga* case, and I conclude by suggesting that other cases underway at the ICC are likely to produce conclusions similar to the outcome of *Lubanga* unless the prosecution is better able to focus on the defendants' role in facilitating a collective criminal program in which sexual crimes were intrinsic to the conflict.

## LEMKIN ON SEXUAL CRIMES

The assistant US prosecutor Sidney Alderman at the IMT remembered Lemkin as nearly impossible to work with, insisting at all times that the other jurists use his concept of genocide until they had no choice but to remove his name from committee rosters and keep him around for

"encyclopaedic" purposes only.[20] Lemkin's value to the IMT, Alderman recalled, was derived from his book *Axis Rule in Occupied Europe*, which was one of the three basic sources used by the jurists at Nuremberg to understand the Axis government and Nazi war crimes.[21] Although the prosecution at Nuremberg used the term "genocide" in their submissions to the IMT, it did not appear in the final judgment of October 1946. Just as the prosecutors at the IMT avoided charging defendants with genocide, so too did they avoid prosecuting Nazi rape and acts consistent with sexual crimes—which Lemkin also lobbied for doing.

Despite the witness testimony presented at the IMT about Nazi rape, Holocaust scholars did not begin to investigate acts consistent with sexual crimes committed by German soldiers until the late 1980s.[22] Legal historians, in turn, have only recently begun to revisit Lemkin's tenure at Nuremberg.[23] Lemkin's personal papers reveal that he wanted IMT prosecutors to charge German officials who implemented policies that led to sexual crimes in occupied territories, and he believed that his concept of genocide was the ideal vehicle for prosecuting acts consistent with sexual crimes. In a letter to David Fyfe, the UK prosecutor who famously cross-examined Hermann Göring, Lemkin pleaded with his sympathetic colleague to act upon their conversations and urge the Nuremberg judges to include "forced sterilizations," "forced abortions," "the abduction of children," and the use of rape "to compel ... women to bear children for your country" under the category of acts of genocide.[24]

Lemkin's belief that these acts should be listed as acts of genocide followed from his analysis of the Nazi genocide in *Axis Rule in Occupied Europe*, where he wrote that one of the most effective techniques of genocide was a patchwork of laws across German occupied Europe that legalized the forced marriage of supposedly racially desirable women with German soldiers, encouraged the "forced impregnation" of these women by German soldiers in occupied countries, and banned interracial marriages.[25] Lemkin also identified decrees and regulations separating men and women of supposedly inferior races to prevent them from reproducing, making it illegal for women of approved racial groups in Northern Europe to resist the sexual demands of German soldiers—in effect, legalizing rape when the sexual act would have produced desirable children according to Nazi race ideology.[26] There were also laws and decrees rewarding German soldiers for having illegitimate children, as well as laws that subsidized women in occupied countries who were forcibly impregnated.[27]

Although the 1899 and 1907 Hague Conventions did not state that rape and sexual assault were war crimes, these crimes were considered crimes under customary international law and referred to under euphemisms of protecting "family honor and rights."[28] The euphemistic language was the beginning of tradition in international law that essentialized gender roles and conceptualized prohibitions on acts consistent with sexual- and gender-based crimes as protections of a woman's dignity, not individual rights.[29] Even the Geneva Convention Additional Protocols of 1977 focused on protecting women as expectant and nursing mothers, not as individuals.[30] Rape was indeed listed under the Control Council Law No. 10, signed by the Allies in 1945 to try Nazi war criminals who were not brought up on charges at the IMT.[31] However, the charters of the Nuremberg and Tokyo tribunals made no reference to sexual crimes, even though a great deal of evidence of sexual crimes was brought to both tribunals.[32] In the Tokyo trials, rape was mentioned in the charges, but only indirectly as Japanese commanders were found guilty of allowing soldiers under their command to commit rape.[33] Lemkin's proposals at Nuremberg to use his conception of genocide as a way of bringing what he called forced impregnations, forced abortions, and forced marriage under the purview of international criminal law would have placed him at the vanguard of international law. It must be noted, however, that it was not the violation of the individual rights of the victim that made sexual crimes international crimes in Lemkin's mind—rather it was their use within the context of armed conflict to achieve certain ends. Nevertheless, Lemkin had managed to find a way to criminalize acts consistent with sexual crimes without making reference to an assumption that preserving women's traditional gender roles was necessary for preserving the well-being of society, or peace.

In *Axis Rule in Occupied Europe*, Lemkin defined genocide as "a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, with the aim of annihilating the groups themselves."[34] Genocide, moreover, had two phases: "One, the destruction of the national pattern of the oppressed group; the other, the imposition of the national pattern of the oppressor."[35] Article 2 of the UN Genocide Convention restricted the kinds of groups that could be legally destroyed, defining genocide as "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; (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." The UN Genocide Convention, however, was drafted in a highly political context, and does not reflect Lemkin's own understanding of what genocide was, as a crime or an act. Importantly, Lemkin did not intended genocide to be a crime of destroying a certain set of narrowly defined social groups, but rather saw genocide as social and political processes of destroying nations. He defined a nation as "a family of mind," not a concrete, primordial, organic entity that could be objectively defined.[36] And, Lemkin very much thought of the UN Genocide Convention not as a group rights document that bestowed groups with rights, but rather a prohibition on the kinds of violence and oppression that occurred when people assumed that individuals could be reduced to a single cultural group, and then set out to destroy those groups.[37]

Lemkin called race "a fiction," defined nations as social and mental constructions, and rejected the idea that either had a biological determinate.[38] Moreover, Lemkin did not believe that human groups, such as nations or religions, were organic, trans-historical entities. Rather, he believed that human groups were constantly changing, that individuals would often hold membership in many nations at once, and that this dynamism was a fundamental good. Contrastingly, genocide, Lemkin believed, was committed by people who thought in communitarian and nationalistic terms and saw groups as eternal, believed that membership in groups was mutually exclusive, and sought to destroy groups in society accordingly.[39] Within this framework, Lemkin believed that each collective (and individual) perpetrator of genocide would define the group to be destroyed according to their own ideologies and beliefs and assumptions about human societies.[40] Sexual crimes could therefore take on different forms and encompass different acts, becoming genocidal when the acts were connected to an attempt to destroy an imagined group—a "family of mind"—according to the perpetrator's understanding of that group.

In the conflict of the Second World War, Lemkin wrote, "the nation, not the state, is the predominant factor" because Nazi ideology thought that "the nation provides the biological element of the state." Consequently, Lemkin argued, the Germans did not intend to wage war on states and armies, but on populations, using genocide to destroy "enemy nations" in occupied territories as "a new technique of occupation aimed at winning the peace even though the war itself is lost."[41] Since Nazi ideology thought of nations as being biologically constituted

through race, Lemkin wrote, there was a biological logic to the Axis genocide. Following this logic, Lemkin documented Axis policies that sought to lower birth rates of people whose bloodline was undesirable, while promoting the reproduction of those who were biologically more favorable. He pointed out the Nazi regime thought of these measures as humane solutions to solving their so-called nationalities question, quoting Hitler as saying "we shall have to develop a technique of depopulation... to remove millions of an inferior race that breeds like vermin!... I shall simply take systematic measures to dam their great natural fertility that are systematical and comparatively painless, or at any rate bloodless."[42]

The acts consistent with sexual crimes that Lemkin outlined were not committed by unsupervised soldiers during the war, he argued. Nor were they uncoordinated or haphazard. Instead, German occupying authorities enforced the sexual and gendered laws and regulations that were designed to advance the Nazi's genocidal goals, creating a social and political framework across Germany and occupied Europe that facilitated and authorized acts consistent with sexual crimes against individuals of targeted populations, without any individual official having to give direct orders.[43] The sexual crimes were therefore not autogenous, in the sense that the acts of violence occurred because the genocidal program created the conditions that allowed them to occur. Quite the opposite, the sexual crimes committed within occupied Europe during the war were a fundamental part of the German program of genocide—just as much as the notorious camps and ghettos. The genocide, and all the acts that were intended to result in the destruction of so-called enemy nations, were part of the German war effort and the larger structure of armed conflict, Lemkin argued. As such, these acts consistent with sexual crimes, in Lemkin's words, were a "technique of genocide."[44]

In terms of contemporary prosecutions under international law, Lemkin's positions have two implications. First, that sexual crimes should be seen as weapons of war or acts of genocide—as established by the ICTR—not as secondary offenses that occur because more serious atrocities create conditions that allow for the commission of these acts.[45] It also means that sexual crimes should not be prosecuted as genocide simply when the act is done with the intention of destroying a group, but rather because they constitute a violation of individual rights that is integral to the criminal act of genocide, or other mass atrocity. Secondly, Lemkin argued that an individual who committed an act consistent with sexual crimes within, and in conjunction with, other war crimes could be prosecuted for war crimes while, simultaneously, the leaders who conducted and perpetrated the war crimes could be

charged for sexual crimes.[46] The principle recognizes that individuals' participation in war crimes, and the specific intent of different individuals involved in the same act, might vary, but the sum total of the collective act could not have been possible without the participation of many people who each undertook different actions that in-and-of themselves might not have been considered crimes.[47] Thus all individuals who were responsible for contributing to the collective act can be held responsible for the actions of others because, without each other's participation, none of the atrocities could have been committed.

Lemkin's belief that war crimes, crimes against humanity, and genocide were social processes led him to believe that the best way to successfully prosecute them was through the doctrine of joint criminal enterprise—or criminal conspiracy laws—that were normally used to prosecute corporations and organized crime.[48] From a sociological perspective, adapting the principle of joint criminal enterprise to explain violence and human action simply does not hold, for it assumes that all participants in collective violence join and act willingly with a prior, uniform knowledge of the criminal intentions of the enterprise they are joining.[49] As a prosecution strategy, however, it was advantageous Lemkin wrote because crimes against humanity and genocide were committed by many individuals, each of whom committed different acts, and had their own motives and intentions. There was also a related advantage for prosecutions of sexual crimes where prosecutors face arbitrary biases in the level of evidence required to substantiate a charge. As legal scholars have recently pointed out, the doctrine of joint criminal enterprise allows international courts to place greater emphasis on indirect and circumstantial evidence that is often allowed for other types of crimes, without having to meet the highly restrictive requirement of showing that a defendant held clear prior intent to commit a war crime, crime against humanity, or genocide before he or she acted.[50] With Lemkin's conceptualization of sexual crimes and war crimes, a defendant could be liable for someone else's sexual crimes. In *Lubanga*, this would have meant that rape could have been prosecuted within the context of the crimes for which the defendant was ultimately convicted.

## *LUBANGA*: SEXUAL CRIMES BEFORE THE ICC

In the *Lubanga* case, the first case brought before the ICC, charges were brought against Thomas Lubanga Dyilo under Article 8 of the ICC Statute, war crimes. Human rights organizations had widely documented

Lubanga's sex crimes against child soldiers, who were also used as porters, guards, and slaves.[51] Although the prosecution referred to sexual crimes in its opening and closing submissions, it did not request to charge Lubanga with the war crime of rape and sexual slavery.[52] Lubanga, the commander of the Patriotic Forces for the Liberation of the Congo militia, and founder and president of the Union of Congolese Patriots (UPC), was charged and convicted of conscripting and actively using child soldiers in hostilities in the Democratic Republic of Congo. As accounts of sexual crimes emerged in witness testimony, legal representatives of the victims requested in May 2009 that the trial chamber amend the charges to include acts consistent with sexual crimes in its consideration of the charge of conscripting and enlisting children and using them to participate actively in hostilities.[53] Although the chambers found that the evidence of rape and sex slavery could be considered in sentencing and reparations, the request to consider sexual crimes within the scope of the crime of using children to participate in hostilities was denied. The chambers noted that the prosecution intentionally did not include rape and sexual enslavement in the charges.[54]

Legal scholars have blamed the prosecution for the failure to bring justice for Lubanga's role in perpetrating the rape and sexual enslavement of child soldiers, highlighting the prosecution's over-reliance on open source evidence and evidence obtained through confidentiality agreements, their failure to supervise the use of intermediaries in obtaining evidence, and the inadequacy of their field investigations into sexual crimes.[55] Placing the blame for the failure to prosecute rape squarely on the prosecution, however, obfuscates the structural challenges at work in international criminal tribunals beyond this single case. From the perspective of the prosecution, it was more important to bring charges against Lubanga that were more likely to result in a quick conviction than to charge him for all of the crimes he was accused of committing, which would weaken, or delay, the case against him. As the former prosecutor Luis Moreno-Ocampo explained in an interview, he feared that Lubanga would be released by the Congolese authorities unless the ICC issued charges swiftly: "I knew to arrest Lubanga I had to move my case fast. So, I had strong evidence about child soldiers. I was not ready to prove the connection between Lubanga and some of the killings and rapes."[56] Moreover, the prosecution also feared that introducing charges of sexual crimes in the middle of the trial would jeopardize any potential conviction, and submitted to the chambers that including charges of sexual crimes

during the trial would cause unfairness to the accused if he was tried and convicted on this basis.[57] For these reasons, the prosecution moved forward without bringing charges against Lubanga for sexual crimes committed within the context of enlisting and conscripting children.[58]

The decision not to recharacterize the facts was met with outrage by many civil society groups.[59] Observers argued that considering rape and sexual slavery during the sentencing and reparations—and not within the content of the charges—"absorbs" these crimes into a "cluster of violence" associated with armed conflict and thereby diminishes their significance.[60] Much of these sentiments were echoed in the dissenting opinion of Judge Odio-Benito, who wrote:

> By failing to deliberately include within the legal concept of "use to participate actively in the hostilities" the sexual violence and other ill-treatment suffered by girls and boys, the Majority of the Chamber is making this critical aspect of the crime invisible. Invisibility of sexual violence in the legal concept leads to discrimination against the victims of enlistment, conscription and use who systematically suffer from this crime as an intrinsic part of the involvement with the armed group.[61]

Referring to the language of Article 8 of the ICC statue on war crimes ("conscripting or enlisting children under the age of fifteen years into the national armed forces or using them to participate actively in hostilities"), Odio-Benito added that it was "necessary and a duty of the Chamber to include sexual violence within the legal concept of 'use to participate actively in the hostilities'."[62] Sexual violence "is an intrinsic element of the criminal conduct of 'use to participate actively in the hostilities'," the judge wrote,[63] because "the support provided by the child to the combatants exposed him or her to real danger as a target," and because more often harm is "inflicted by the armed group that recruited the child illegally."[64] In Odio-Benito's opinion, the chamber had essentially ruled that the rape and sexual enslavement that Lubanga was responsible for occurred incidentally within the scope of his larger program of forcibly recruiting child soldiers, and was not a fundamental or integral part of the program of hostilities Lubanga was found to have committed.

Article 30 of the ICC Statue outlines the *mens rea* of the crimes under the court's jurisdiction as having two components, intent and knowledge. For the purposes of statute, a person has intent where: (a) in relation to conduct, that person means to engage in the conduct; and (b) in relation

to a consequence, that person means to cause that consequence or is aware that it will occur in the ordinary course of events. Knowledge is defined as "awareness that a circumstance exists or a consequence will occur in the ordinary course of events."[65] An approach to determining the *mens rea*—the mental element, or state of mind, of criminal responsibility—based on specific intent will inevitably focus on the individual perpetrator's motives in committing offenses, oftentimes regardless of the wider context in which the individual acts. In contrast to the requirements of specific intent, a knowledge-based approach to determining the *mens rea* implied by Article 30 (b) requires that the defendant know the consequences of his or her actions before acting. The knowledge-based approach therefore leads to greater emphasis on the policies and actions of states and organized groups that the individual either led or willingly joined.

The tendency—from policymakers and jurists, to academics—is to interpret sexual crimes as occurring because of organizational anarchy, so that commanders are responsible for sexual crimes only in so far as they did a poor job of preventing their soldiers from committing these acts.[66] The view inherently casts sexual crimes as incidental occurrences, and undermines the basis for establishing the defendant's *mens rea* through intent and knowledge.[67] If sexual crimes are incidental or opportunistic, then a commander cannot know in advance that those under his or her command would commit sexual crimes against child soldiers. In the *Lubanga* case, this would mean that Lubanga, even as the person in authority who knowingly conscripted child soldiers, would not be criminally liable for sexual crimes against child soldiers. However, if acts consistent with sexual crimes were understood as integral to the organized activity of using child soldiers in hostilities, then it could be argued that Lubanga, as the President and Commander-in-Chief of the UPC, would have known that sexual crimes were a purposeful and integral aspect to the UPC's program of using child soldiers, thus establishing the *mens rea* of Lubanga's criminal liability for sexual crimes.

The chamber's ruling in the *Lubanga* case established the grounds that the sexual crimes Lubanga was accused of were criminal acts that occurred during the commission of the larger overarching criminal act of recruiting and using child soldiers, but was not an integral part of the crime of using child soldiers in hostilities. This notion that sexual crimes were distinct and incidental acts, separate from the overarching structure of the use of child soldiers in hostilities, was concretized by the chamber's determination that sexual crimes could not be introduced as the object of the trial because

these acts were covered under distinct crimes outlined in the ICC Statue, which the defendants were purposefully not charged with.[68] While the *actus reus* of Lubanga's sexual crimes were clearly acknowledged when the chamber ruled that these crimes could influence sentencing and reparations, Lubanga's criminal liability for committing mass rape and using child soldiers as sex slaves evaporated.

Sexual crimes carry consequences that ripple beyond the violation of the individual rights of the victims. When sexual crimes are used as a means of committing other war crimes or mass atrocities, then the purpose of sexual crimes is not only to victimize an individual, but to bring about desired social and political ends through the victimization of individuals. Acts consistent with sexual crimes, therefore, can be a fundamental aspect of armed conflict. The purpose of sexual crimes, in this regard, is more than the victimization of the individual victim, but a tool for achieving wider goals in a conflict context, or even the transformation of societies and political bodies through violence (and trauma) inflicted upon individuals. While international criminal courts should prosecute sexual crimes as separate offenses, and not simply collapse these crimes into facets of other types of crimes, courts should also be able to recognize that sexual crimes constitute a fundamental component of other types of organized hostilities.

In the *Lubanga* case, witnesses and expert testimony could have been used to support the conclusion that acts consistent with sexual crimes were integral components of the program of recruiting and using child soldiers for hostilities.[69] In the words of Elisabeth Schauer, who submitted expert testimony to the court, "child war survivors" in conflict settings across the world have to cope with repeated traumatic life events, exposure to combat, shelling and other life-threatening events, acts of abuse such as torture or rape, violent death of a parent or friend, witnessing loved ones being tortured or injured, separation from family, being abducted or held in detention, insufficient adult care, lack of safe drinking water and food, inadequate shelter, explosive devices and dangerous building ruins in proximity, marching or being transported in crowded vehicles over long distances, and spending months in transit camps.[70] As Moreno-Ocampo characterized this after the trial, "Lubanga instrumentalized sexual violations to subject child soldiers of both sexes to his will, while making the children tools to further his own violent ends."[71]

Around the world, Schauer continued in her testimony, commanders commit sexual crimes against child soldiers to control the children. But,

they also recruit children for the purpose of raping them—along with using them as messengers, porters, cooks, or to lay and clear mines.[72] This notion that the girls were taken as child soldiers specifically so commanders could rape them was supported by witness testimony. As Witness 38 told the court, "Yes, there were girls and children. They were to be bodyguards, but the girls were used, in fact, to prepare food and for sexual services for the commanders. They use girls more for—for this reason, as if they were their women, their wives."[73] In the words of Witness 299, "the girl child soldiers only had two jobs, to carry bags and be the 'wives' of the commanders."[74] The testimony of others made clear that the victims had no choice when the commanders demanded sex,[75] and that new recruits were systematically raped upon conscription.[76] The testimony from these witnesses on the sexual crimes perpetrated by the UPC forces under Lubanga's command is in keeping with what scholars have found around the world, that sex labor is part of the role girl soldiers, and boy soldiers, play in the functioning of armed groups.[77] The testimony from these witnesses also indicates that rape and sex slavery were clearly within the scope of what UPC commanders thought the purpose of having child soldiers was within the scope of what it meant for child soldiers to actively participate in hostilities. But the argument also could have been made that commanders intentionally used sexual crimes against child soldiers in order to advance other objectives, fracturing the social life of the communities from which the girls came, perpetuating conditions conducive to their rule and their ability to forcibly recruit more children. Indeed, witnesses testified to this effect. Once the girls became pregnant, they were sent back to their villages by commanders who knew the social consequences of what would happen when the girls returned home.[78] The chambers heard evidence that child soldiers who show symptoms of the trauma spectrum are stigmatized by family and community members when they return home. For girls who were raped, social isolation was not simply a function of trauma, but rather that girls and women who had sexual relations with soldiers are stigmatized and ostracized, regardless of whether the sex was voluntary or not. Children born to women who were raped are considered illegitimate and are seen as bringing shame to the mother. The mother's shame is seen as the family's, and the family's the community's, forcing the victims of sexual crimes into homelessness and even exile.[79] Across conflict settings around the world, and especially in northeast DRC, these social consequences of sexual crimes are functional, aiding the exploitation of civilian populations by armed groups,[80]

and advancing the larger objectives of the armed groups who use child soldiers.[81] Understood in these terms, sexual crimes against child soldiers are very much integral to the "hostilities" that child soldiers are intended to be used for—they are taken so that they can be raped, but also because their trauma and shame can be instrumentalized within the context of the conflict.

In *Lubanga*, the prosecution would have been more successful in prosecuting acts consistent with sexual crimes if the courts had incorporated an understanding of these crimes that reflected Lemkin's thinking, namely his insistence that crimes consistent with sexual violence be prosecuted as fundamental parts of larger criminal programs, committed with the same common purpose within the context of armed conflict as other actions for which defendants are also charged. This would have called for the understanding that sexual crimes against child soldiers were within the purview of what the leaders of armed groups thought the purpose of using child soldiers was—something that was beyond the ability of the prosecutor's office to control.

## CONCLUSION: THE FAILURES OF JUSTICE

The failure of international law in general to bring charges against defendants for sexual crimes —in several cases at the ICC to the Cambodian Khmer Rouge Tribunal—can be seen as a denial of justice.[82] The consequences of overlooking sexual crimes range from undermining the local legitimacy of international courts, to potentially strengthening traditions of impunity that prohibit the law from working as a deterrent to sexual crimes.[83] This, in turn, can also reify norms in societies around the entire world that sexual- and gender-based crimes and violence are not as problematic as other kinds of violence or crimes.

Beyond the narrow expectation of legalism and retributive justice, *Lubanga* raises important questions about how sexual crimes are considered and treated in the social and political contexts of countries around the world, and in global society and politics.[84] The rulings help to establish a precedent that recognizes acts consistent with sexual crimes as secondary offenses that, while unfortunate and brutal, are incidental to other more serious things. Legal procedure and justice will always serve social and political ends which cannot be intuited through the procedure of courts and trials themselves, so there is no way to predict the sociological consequences of the rulings of trial chambers.[85] Still, it is possible to critique

the courts from the standpoint of the principles and values they use to legitimize themselves. By not bringing justice directly for acts of sexual crimes committed within the context of mass atrocities—in the cases of rape, sexual slavery, sexual torture, and forced marriages discussed in this chapter—the ruling of the ICC reifies longstanding prejudices that sexual crimes are not serious violations of the rights of individuals. These are the same prejudices that have made these same offenses over the last century the "least condemned war crime," legally, socially, and politically.[86]

Counter-intuitively, the recent retreat from prosecuting sexual crimes at the ICC within the scope of war crimes, crimes against humanity, and genocide has occurred even though sexual- and gender-based crimes have become increasingly explicit within the mandate of international courts and the general public discourse surrounding international law. As a result, sexual crimes have become one of the most discussed, yet marginalized, areas of war crimes prosecutions in international law. The historical irony, of course, is that Lemkin's most important early supporters of the UN Genocide Convention were women's groups, women's NGOs, and women delegates at the UN who supported the Genocide Convention because Lemkin insisted that a law against genocide could bring acts consistent with sexual crimes under the purview of international humanitarian law for the first time in history, while advancing an individual rights-based approach international law.[87]

In terms of international law as a practice, it must be remembered that the prosecution of acts consistent with sexual crimes has been hindered both by juridical constraints or restrictive precedents, and because of the way these acts are conceptualized and thought about. As I have attempted to show in this chapter, the prosecution of rape in *Lubanga* failed because sexual crimes were interpreted as incidental attacks on individual child soldiers by individual soldiers, and not a systematic and strategic aspect of the UPC's larger program of using child soldiers to engage in hostilities, a war crime. If trial chambers and courts are demanding higher levels of evidentiary standards for sexual violence (as opposed to other war crimes) because they are intuiting this principle in the law, rather than reading the principle in the law explicitly, then the legal standards for prosecuting sexual violence are arbitrary. Changing these standards, therefore, would require changes in the attitudes and sentiments—indeed, the norms—of courts and court officials.

Beyond *Lubanga*, Lemkin's ideas shed light on possible paths toward the successful prosecutions of acts consistent with sexual crimes, integrating the

seemingly disparate acts committed against individuals into an overarching structure of violent conflict, while working to lower the requirements for proving criminal intent that have prevented leaders of states and armed groups from being prosecuted for these crimes. Likewise, Lemkin's thoughts on using the doctrine of joint criminal enterprise to prosecute sexual crimes would allow for the prosecution of the leaders of armed groups and states that employ rape and other forms of sexual crimes as a "technique of genocide" or any other war crime—to borrow Lemkin's words—regardless of whether or not they issued direct orders to subordinates to commit rape.

## NOTES

1. Kelly D. Askin, *War Crimes Against Women: Prosecution in International War Crimes Tribunals* (Leiden: Martinus Nijhoff Publishers, 1997); Kelly D. Askin, "Prosecuting Wartime Rape and Other Gender-Related Crimes Under International Law: Extraordinary Advances, Enduring Obstacles," *Berkeley Journal of International Law* 21: 3 (2003); Alex Obote-Odora, "Rape and Sexual Violence in International Law: ICTR Contribution," *New England Journal of International and Comparative Law* 12: 1 (2005); Stephanie K. Wood, "A Woman Scorned for the 'Least Condemned' War Crime: Precedent and Problems with Prosecuting Rape as a Serious War Crime in the International Criminal Tribunal for Rwanda," *Columbia Journal of Gender and Law* 13: 2 (2004).
2. Niamh Hayes, "Sisyphus Wept: Prosecuting Sexual Violence at the International Criminal Court," in *Ashgate Companion to International Criminal Law: Critical Perspectives,* eds., N. Hayes, Y. McDermott, and W.A. Schabas (Aldershot: Ashgate, 2013).
3. The ICTR established that rape is an act of genocide. See *Prosecutor v. Jean-Paul Akayesu* (Judgment) ICTR Case No. ICTR-96-4-T (September 2, 1998).
4. Patricia H. Davis, "The Politics of Prosecuting Rape as a War Crime," *The International Lawyer* 34: 4 (2000).
5. Douglas Irvin-Erickson, *Raphaël Lemkin and the Concept of Genocide*, (Philadelphia: University of Pennsylvania Press, 2017), 148–150.
6. Article 7 of the Rome Statue of the ICC was the first international instrument to name sexual violence as crimes against humanity committed by either states or non-state actors. See Rome Statute of the International Criminal Court, Article 7(g)(a) (July 17, 1998): "Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity."

7. Hilary Charlesworth and Christine Chinkin, *The Boundaries of International Law: A Feminist Analysis* (Manchester: Manchester University Press, 2000), 158.
8. David Scheffer, "Genocide and Atrocity Crimes," *Genocide Studies and Prevention: An International Journal* 1: 3 (2006).
9. Namely, the Rome Statute of the ICC Articles 7(1)(g), 8(2)(b)(xxii), and 8 (2)(e)(vi).
10. Gender is defined by Article 7(3) of the Rome Statute of the ICC, and refers the social construction of gender, and the accompanying roles, behaviors, activities, and attributes assigned to women and men, and to girls and boys.
11. Raphaël Lemkin, "Raphael Lemkin to the Right Honorable David Maxwell Fyfe," Raphael Lemkin Collection, P-154, American Jewish Historical Society (New York, NY (AJHS). Box 1, Folder 18, August 26, 1946), 1–2.
12. Raphaël Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress* (Washington, D.C.: Carnegie Endowment for International Peace, 1944), 81–86.
13. Cherif Bassiouni, *Crimes Against Humanity in International Law* (Cambridge: Cambridge University Press, 1999), 348. See also Article 46 of the 1907 Hague Convention.
14. Irvin-Erickson, *Raphaël Lemkin*, 144–146.
15. Ibid.
16. *Trial of the Major War Criminal Before the International Military Tribunal, November 14, 1945 to October 1, 1946* (Nuremberg: Nürnberg International Military Tribunal, 1947). See Vol. 2, at p. 139; Vol. 6, at p. 211–14, 404. On this point, see Askin, "Prosecuting Wartime Rape," 295 n. 36, and n. 37 (on witness testimony of sexual violence and rape before the Nuremberg Tribunal and Tokyo Tribunal).
17. Susana SáCouto and Katherine Cleary, "Importance of Effective Investigation of Sexual Violence and Gender-Based Crimes at the International Criminal Court," *American University Journal of Gender, Social Policy and the Law* 17:2 (2009), 358.
18. Jaimie Morse, "Documenting Mass Rape: Medical Evidence Collection Techniques as Humanitarian Technology," *Genocide Studies and Prevention: An International Journal* 8: 3 (2014).
19. SáCouto and Cleary, "Importance of Effective Investigation," 358.
20. Ibid.
21. Ibid.
22. For a review, see John Hunt, "Out of Respect for Life: Nazi Abortion Policy in the Eastern Occupied Territories," *Journal of Genocide Research* 1: 3 (1999). Also see Myrna Goldenberg, "'From a World Beyond': Women in the Holocaust," *Feminist Studies* 22: 3 (1996).

23. Hilary Earl, "Prosecuting Genocide Before the Genocide Convention: Raphael Lemkin and the Nuremberg Trials, 1945-1949," *Journal of Genocide Research* 15: 3 (2013); Alexa Stiller, "Semantics of Extermination: The Use of the New Term of Genocide in the Nuremberg Trials and the Genesis of a Master Narrative," in *Reassessing the Nuremberg Military Tribunals: Transitional Justice, Trial Narratives, and Historiography,* eds., K. C. Priemel and A. Stiller (Oxford: Berghahn Books, 2012).
24. Lemkin, "Raphael Lemkin," 1–2.
25. Lemkin, *Axis Rule*, ix, xiv, 87, 213, 504.
26. Ibid. 86, 474 (see Order of the Reich Commissioner for the Occupied Netherlands Territories Concerning Marriages of the Male Persons of German Nationality in the Occupied Netherlands Territories, and Related Matters, February 28, 1941), and at 553 (see Order Concerning the Granting of a Child Subsidies to Germans in the Government General, March 10, 1942).
27. Ibid. 504 (see, Order Concerning the Subsiding of Children Begotten by Members of the German Armed Forces in Occupied Territories, July 28, 1942).
28. Bassiouni, *Crimes Against Humanity*, 348. See also Article 46 of the 1907 Hague Convention.
29. Judith Gardam, "Women and the Law of Armed Conflict: Why the Silence?" *International and Comparative Law Quarterly* 46: 1 (1997).
30. For a critical assessment, see ibid.
31. Control Council Law No. 10, Article II(1)(c). The 1949 Geneva Conventions outlawed rape, but it was not until 1969 that international law substantially dealt with sexual violence, when the UN established the Commission on the Status of Women.
32. Askin, *War Crimes Against Women*. On Japanese war crimes and violence against women, see United Nations, Preliminary Report Submitted by the Special Rapporteur on Violence Against Women, *Preliminary Report on Violence Against Women, Its Causes and Consequences*, U.N. Doc. E/CN.4/1995/42 (November 22, 1994), §288–290.
33. Bassiouni, *Crimes Against Humanity*, 80, 125, and 186.
34. Lemkin, *Axis Rule*, 79.
35. Ibid. On Lemkin and genocide as a colonial practice, see A. Dirk Moses, "Empire, Colony, Genocide: Keywords and the Philosophy of History," in *Empire, Colony, Genocide: Conquest, Occupation, and Subaltern Resistance in World History*, ed. A. Dirk Moses. New York: Berghahn Books, 2008.
36. Douglas Irvin-Erickson, "Genocide, the 'Family of Mind' and the Romantic Signature of Raphael Lemkin," *Journal of Genocide Research* 15: 3 (2013).
37. Irvin-Erickson, *Raphaël Lemkin*, 3.

38. Raphaël Lemkin, "Introduction to the Study of Genocide: The Concept of Genocide in Sociology," Raphael Lemkin Papers, Manuscript Collection 1730 (Manuscript and Archives Division, New York Public Library: New York, undated), Reel 3, Box 2, Folder 3.
39. Irvin-Erickson, "Genocide," 27.
40. Lemkin, *Axis Rule*, 83.
41. Ibid., 81.
42. Ibid., 86.
43. See Irvin-Erickson, *Raphaël Lemkin*. The argument is set forth in chapters 3 and 4.
44. Lemkin, *Axis Rule*, 88-89.
45. The International Criminal Tribunal for Rwanda decision 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" was made in *Akayesu* (Case NO. ICTR-96-4-T, September 2, 1998), which is reiterated in Articles 3 and 4 of United Nations Security Council Resolution 1820 (2008).
46. Irvin-Erickson, *Raphaël Lemkin*, 145–146.
47. See Lemkin, *Axis Rule*, especially Chapter 9, on genocide, where he asserts several times that genocide is a social and political program that develops its own rationale, but that each individual participates in genocide for his or her own particular reasons.
48. Lemkin, *Axis Rule*, 23. The Nuremberg tribunal is now famous for exporting this aspect of US domestic law to prosecute the Nazis as a criminal association. Throughout the scholarly literature, the idea of charging the Nazis with criminal conspiracy is attributed to Bernays and Stimson, who had successfully prosecuted the American Sugar Refining Company under these laws. See Smith (1981). However, this was an innovation Lemkin helped formulate to some degree: the principle of charging the Nazis under the joint criminal enterprise doctrine was outlined explicitly in *Axis Rule in Occupied Europe*, which was the first time the prosecutorial strategy ever appeared in print, in English.
49. Lemkin knew that the principle of joint criminal enterprise was a tactic for criminal prosecution, and could not be substantiated as a sociological theory of action. See Irvin-Erickson, *Raphaël Lemkin*, especially Chapter 5.
50. See Rebecca L. Haffajee, "Prosecuting Crimes of Rape and Sexual Violence at the ICTR: The Application of Joint Criminal Enterprise Theory," *Harvard Journal of Law and Gender* 29: 1 (2006).
51. Human Rights Watch, "The War Within the War: Sexual Violence Against Women and Girls in Eastern Congo," (2002); The Redress Trust, "Victims, Perpetrators or Heroes?: Child Soldiers Before the International Criminal Court" (September 2006). For an important counter argument, see Sangkul

Kim, *A Collective Theory of Genocidal Intent (*The Hague: T.M.C. Asser Press, 2016), 171-221.

52. Rome Statute of the International Criminal Court Article 8(2)(a)(xxvi) (July 17, 1998) ("Conscripting or enlisting children under the age of fifteen years into the national armed forces or using them to participate actively in hostilities.") See, *Prosecutor v Lubanga* (Open Session Hearing Transcript) Case No. ICC-01/04-01/06 (January 26, 2009), T-107-ENG at page 11, line 17 to page 12, line 22. And see *Prosecutor v Lubanga* (Closing Statements Transcript) Case No. ICC-01/04-01/06 (August 25, 2011), T-356-ENG, page 9, lines 9–13 and, lines 22–25; page 52, line 16.

53. Joint Application of the Legal Representatives of the Victims for the Implementation of the Procedure under Regulation 55 of the Regulations of the Court, Case No. ICC-01/04-01/06 (May 22, 2009), 1891-tENG.

54. *Prosecutor v Lubanga* (Judgement, Trial Chamber I) Case No. ICC-01/04-01/06 (March 14, 2012), §630.

55. Hayes, "Sisyphus Wept."

56. Interview with Luis Moreno-Ocampo in, Pamela Yates (Director). *The Reckoning: The Battle for the International Criminal Court* [Motion picture on DVD]. United States: Skylight Pictures, 2009.

57. *Prosecutor v Lubanga*, 48.

58. Luis Moreno-Ocampo, "The Place of Violence in the Strategy of the ICC Prosecutor," in *Sexual Violence as an International Crime: Interdisciplinary Approaches*, eds., A de Brouwer, C. Ku, R Römkens, and L. van den Herik (Cambridge: Intersentia, 2013), 154.

59. Open Letter from Women's Initiatives for Gender Justice to Mr. Luis Moreno-Ocampo (September 20, 2006) http://www.icc-cpi.int/iccdocs/doc/doc252017.PDF.

60. Sienna Merope, "Recharacterizing the *Lubanga* Case: Regulation 55 and the Consequences for Gender Justice at the ICC," *Criminal Law Forum* 22: 3 (2011), 324.

61. *Prosecutor v Lubanga* (Separate and Dissenting Opinion of Judge Odio Benito) Case No. ICC-01/04-01/06 (March 14, 2012), §16.

62. Ibid. §17.

63. Ibid. §20.

64. Ibid. §18.

65. Rome Statue of the International Criminal Court, 2002, Article 30.

66. Gerald Schneider, Lilli Banholzer, and LauraAlbarracin, "Ordered Rape: A Principle-Agent Analysis of Wartime Sexual Violence in the DR Congo," *Violence Against Women* 21: 11 (2015).

67. Establishing criminal intent, as opposed to criminal knowledge, would require demonstrating that the sexual violence that seemed to have occurred incidentally was orchestrated intentionally by commanders without issuing

any direct orders. It is increasingly clear that sexual violence committed in times of armed combat is not incidental, but "ordered" by commanders through the use of direct or indirect sanctions and rewards. See ibid.

68. Kai Ambos, "The First Judgment of the International Criminal Court (*Prosecutor v. Lubanga*): A Comprehensive Analysis of the Legal Issues," *International Criminal Law Review* 12: 2 (2012).

69. See the following witness testimony in *Prosecutor v Lubanga*: Witness 7: ICC-01/04-01/06-T-148-ENG; Witness 8: ICC-01/04-01/06-T-138-ENG; Witness 10: ICC-01/04-01/06-T-144-ENG; Witness 11: ICC-01/04-01/06-T-138-ENG; Witness 16: ICC-01/04-01/06-T-191-Red2-ENG; Witness 17: ICC-01/04-01/06-T-154-ENG; Witness 31: ICC-01/04-01/06-T-202-ENG; Witness 38: ICC-01/04-01/06-T-114-ENG; Witness 46: ICC-01/04-01/06-T-207-ENG; Witness 55: ICC-01/04-01/06-T-178-Red-ENG; Witness 89: ICC-01/04-01/06-T-196-ENG; Witness 213: ICC-01/04-01/06-T-133-ENG; Witness 294: ICC-01/04-01/06-T-151-ENG; Witness 298: ICC-01/04-01/06-T-123-ENG; Witness 299: ICC-01/04-01/06-T-122-ENG.

70. Expert Report of Ms Schauer (CHM-00001), The Psychological Impact of Child Soldiering, ICC-01/04-01/06-1729-Anxl (EVD-CHM-00001), 2. Available from http://www.icc-cpi.int/iccdocs/doc/doc636752.pdf.

71. Moreno-Ocampo, "The Place of Violence," 154.

72. Child soldiers are used in at least 15 countries in the world: Afghanistan, Burma (Myanmar), Central African Republic, Chad, Colombia, Democratic Republic of Congo, India, Iraq, Occupied Palestinian Territories, Philippines, Somalia, Sri Lanka, Sudan, Thailand, and Uganda. Expert Report of Ms Schauer (CHM-00001), The Psychological Impact of Child Soldiering, ICC-01/04-01/06-1729-Anxl (EVD-CHM-00001), 3–6.

73. Witness 38: ICC-01/04-01/06-T-114-ENG, page 22, lines 16–19.

74. Witness 299: ICC-01/04-01/06-T-122-ENG, page 26, lines 23–25.

75. Witness 7: ICC-01/04-01/06-T-148-ENG, page 49, lines 14–22.

76. Witness 16: ICC-01/04-01/06-T-191-Red2-ENG, page 15, lines 19–22.

77. Susan McKay and Dyan Mazurana, *Where are the Girls? Girls in Fighting Forces in Northern Uganda, Sierra Leone and Mozambique: Their Lives During and After War* (Montreal: Montreal Institute on Rights and Democracy, 2004); Vivi Stavrou, *Breaking the Silence: Girls Forcibly Involved in The Armed Struggle in Angola* (Christian Children's Fund and Canadian International Development Agency, 2005); Beth Verhey, *Reaching the Girls: Study on Girls Association with Armed Forces and Groups in the DRC* (Fairfield, CT: Save the Children UK, CARE, IFESH, and IRC, 2004).

78. Witness 89: ICC-01/04-01/06-T-196-ENG, p. 7, lines 23-24; see also page 8, lines 2-16.

79. Expert Report of Ms Schauer (CHM-00001), The Psychological Impact of Child Soldiering, ICC-01/04-01/06-1729-Anxl (EVD-CHM-00001), 28. See also Dossa et al. (2014).

80. Sara Meger, "Rape of the Congo: Understanding Sexual Violence in the Conflict in the Democratic Republic of Congo," *Journal of Contemporary African Studies* 28: 2 (2010).

81. Jill Trenholm et al., "The Global, the Ethnic and the Gendered War: Women and Rape in Eastern Democratic Republic of Congo," *Gender, Place and Culture: A Journal of Feminist Geography* (2015).

82. Carsten Stahn, "Justice Delivered or Justice Denied? The Legacy of the Katanga Judgment," *Journal of International Criminal Justice* 12: 4 (2014).

83. Rosemary Grey, "Sexual Violence Against Child Soldiers: The Limits and Potential of International Criminal Law," *International Feminist Journal of Politics* 16: 4 (2014).

84. The question of the purpose of international courts beyond legalism and retributive justice is taken from Judith Shklar, *Legalism: Law, Morals, and Political Trials* (2nd edn., Cambridge, MA: Harvard University Press, 1986).

85. Otto Kirchheimer, *Political Justice: The Use of Legal Procedure for Political Ends* (Princeton: Princeton University Press, 1961).

86. Special Rapporteur on Violence Against Women, *Preliminary Report*, §263.

87. Raphaël Lemkin, *Totally Unofficial: The Autobiography of Raphael Lemkin*, ed. Donna-Lee Freize (New Haven: Yale University Press, 2013), 125. In his autobiography, Lemkin made clear that the UN Genocide Convention could never have succeeded politically in the UN if it were not for the support of the UN women's organizations.

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# "We Are Not Part of Their War": Hutu Women's Experiences of Rebel Life in the Eastern DRC Conflict

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The Democratic Forces for the Liberation of Rwanda (FDLR) is one of the largest rebel groups currently active in the conflict in the eastern territories of the Democratic Republic of Congo (DRC). This group has been inflicting suffering in Rwanda and in the Eastern DRC for more than 20 years. Some of the current members of FDLR are known locally as the *Génocidaires* – identifying them as having played a key role in the orchestration of the genocide against the Tutsi in 1994, and as maintaining their commitment to the "genocide ideology." The group is further accused of having carried out war crimes in the Congo itself. The FDLR continues to pose a threat to peace and security in the Kivu regions as well as to post-genocide stability in Rwanda. In 2014, the government of the Congo declared a military operation against the FDLR with the aim of crushing the rebel force. The international community supported the initiative and the UN Security Council mandated the UN Organization Stabilization Mission (MONUSCU) in the Congo to

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support the DRC authorities and to protect civilians. In July 2014, the International Conference on the Great Lakes Region (ICGLR) and the Southern African Development Community (SADC) gave the FDLR an ultimatum – by January 2, 2015, the group should surrender or they would face military consequences. The FDLR did not heed the ultimatum. They continued to commit human rights abuses, recruit new members and spread their illegitimate political agenda. Even if the military operation against the FDLR was successful in some respects (e.g. some high-profile leaders were captured and about 1,000 fighters dropped their guns and surrendered), the majority of its members are still running free in the mountainous regions of the Eastern DRC. At the time of writing there is further talk of trying to neutralize the rebels through military intervention. The initiative to defeat the FDLR is, of course, an important step toward bringing peace and justice to the Congolese and Rwandese populations. However, there is one concern that is rarely discussed – that of the status of the civilian population who move together with the fighters, and, in particular, the women and children who live alongside the fighters in the rebel camps. A military operation against the FDLR could mean numerous deaths and severe suffering for these civilians.

In this chapter, I will look at the role and status of women in the FDLR with the aim of providing a measure of nuanced information on the place of women in the rebel group. I will argue that it is essential to look at the FDLR not only as a military threat, but also as a community of displaced families and refugees within which women play a central role. So I will look beyond the more frequently documented military actions of the rebel soldiers and focus on the experience of daily life for the fighter's families – most of them innocent bystanders and refugees trapped in the conflict with no means of escape. I will consider how women perceive their existence – a situation of ongoing uncertainty in a stratified rebel camp – and explore the roles that they play in this context. My aim is to provide a case study of the position of women in the FDLR that can assist NGOs, policymakers and other actors working to promote peace in the region to develop strategies that can help to avert renewed mass violence both in the DRC and in Rwanda.

In the Eastern DRC, the FDLR occupies an unusual and complex position in the current conflicts in the region. The FDLR is composed of former Interahamwe rebels and soldiers from the Rwandan Armed Forces (FAR) who played a key role in the organization and perpetration of the Rwandan genocide. Today, however, the majority of the group's members are not *génocidaires* (those guilty of genocide) and cannot be

held accountable for war crimes in Rwanda. Most members are post-genocide recruits, or refugees from Rwanda and elsewhere. Some of the group's current members fled the genocide as victims or bystanders of the violence, while others are second-generation Hutu refugees born in the Congo. The group has also recruited Congolese locals and intermarried with local women who live and move about with the rebels. While some members joined the group voluntarily, many did so because they lack other options in life; still others were abducted and forcibly recruited, or married to the fighters. Thus the FDLR is a combination of refugee families and fighters with a wide diversity of personal backgrounds, roles and experience. While the FDLR has received considerable international attention in relation to the war crimes and atrocities they have committed both in Rwanda and the DRC, very little is known about the perceptions and experiences of the marginalized civilian refugee population that co-exists with the rebels. And there is almost no information on the life histories, roles and current position of the civilian women in particular.

The data presented in this chapter was gathered over a period of 15 months in the Eastern DRC, where, between 2010 and 2012, I carried out field research on armed groups and violence in the area. Aspects of this fieldwork were conducted in a remote rebel camp controlled by the FDLR.[1,2] To gather data I used an ethnographic approach consisting of observations drawn from participation in the daily life of a rebel camp, as well as interviews with members of the FDLR. It is particularly useful to use a qualitative approach like this in order to obtain insights into the subjective experiences of individuals, how they view their own lives and how they perceive violence.[3] While my research focused mainly on male fighters, I also interacted with the rest of the population in the camp and gathered additional stories on the Rwandan genocide and the ongoing conflicts in the Congo from the perspective of the civilian population.[4] The women I spoke with were of differing ages – some were soldiers' wives while others were older women who arrived in the DRC after the 1994 genocide. Many were refugees who had escaped genocide and the attacks committed against Hutu refugees in the Congo by Rwandan-backed soldiers in 1996, and had lived in the forests of Eastern DRC since that time. Other women were Rwandan refugees who had married members or supporters of the FDLR either of their own free will or through forced marriages.[5] In addition to my fieldwork in the rebel camp, I sought to gather comparative narratives by conducting interviews with ex-members in a demobilization camp in Bukavu, the capital town of South Kivu.[6,7] Among others, I interviewed four young women

between 15 and 20 years old. While two of these had been abducted by the FDLR during the 1990s, the two other girls had grown up in territories controlled by the FDLR. These interviews each lasted between 30 minutes and 1 hour. In two interviews in the demobilization center a female social worker was present, because the women I interviewed said that they felt safer and more comfortable speaking to a foreign researcher when accompanied by a social worker whom they trusted and with whom they felt familiar.

In the Rwandan/Congolese context, as in other parts of the world, questions of violence, sexual violence and forced marriage are highly stigmatized – so, too, is the issue of being held captive by the rebels. It is consequently difficult for most individuals to share information on the subject of violence and abuse,[8] and perhaps harder still when interacting with a foreign researcher. A further possible obstacle was that, because my research was primarily focused on male fighters, it is likely that the women found it difficult to open up to me. They had most probably observed me communicating with male soldiers in the camp and might well have believed that I had chosen the side of the men. So I was aware that my interactions with male soldiers might have affected my closeness to the civilians in the camp. I therefore made it a principle not to push women to speak about sensitive topics if I noticed that they felt uncomfortable speaking to me, and the stories I collected are based on information women were willing to share with me freely and voluntarily.

The chapter is structured into three consecutive parts. In the first, I provide an overview of the mass violence in Rwanda during and after the 1994 killings, followed by a description of the continuing violence and refugee crisis in the DRC. It is important to understand this long and violent history if one is to grasp the social and political organization of the FDLR. In the second section, I discuss the original empirical data I collected in a rebel camp controlled by the FDLR as well as in the demobilization center in Bukavu. Thirdly and finally, I argue that, if we are to prevent violence in the future, we must understand the experiences of the different actors currently living inside the armed groups. Most of these have suffered from violence in the past; some adhere to an extremist and genocidal viewpoint while others want to leave the group and start a new life outside of the rebel organization. It is useful to analyze the role of women in the FDLR and to investigate their experiences of mass violence – specifically from a woman's point of view. The consequent insights can serve to assist policymakers, diplomats and organizations working to protect civilian populations in war to identify strategies that can help prevent future genocides and mass violence.

## Theoretical and Historical Overview: Gender and Genocide in Rwanda

Much research has shown that conflict and genocide are gendered, meaning that men and women play different roles during conflict and are exposed to different kinds of violence.[9] Conflict is experienced differently depending on age, ethnicity, identity, social status, group affiliation as well as gender. To include a gendered approach in the analysis of genocides, as noted by scholars such as Adam Jones leads to a better understanding of the nature of mass atrocity and will provide a more comprehensive analysis of the outbreak and defining character of genocidal killings.[10] I agree with Jones that it is necessary to study mass atrocities through a gendered lens. If we are to understand the experience of violence and the internal organization of armed groups, as well as the history of genocide and its aftermath, we must look at violence as a collective experience and not perceive an armed group as consisting only of active male fighters. Studies have shown that men and women play different roles in times of conflict. For example, while men often fight on the frontlines of war and are therefore the main targets of direct, armed violence, women are more often subjected to sexual violence, rape and forced marriage.

Gender-based violence is, of course, not unique to the Rwandan genocide, but is a pervasive phenomenon in almost all large-scale conflicts. The genocide in Rwanda, however, is particularly noted for the exceptionally brutal and widespread violence that was perpetrated against women. Tutsi women were targeted as an integral part of the overall genocidal plan to eliminate the Tutsi as an ethnic group. A study conducted by Human Rights Watch estimates that in addition to the massacre of almost a million innocent victims, more than 15,000 women and girls were forcibly detained in Rwanda, and more than 5,000 women and girls became pregnant as a result of rape.[11] Research has also shown that Tutsi women were often raped before being killed by *Interahamwe* militiamen.[12] The particular responsibility carried by women for the well-being of children and elders, for finding food and water, and for caring for the sick exposed them to further hardship; in addition, they suffered severely from the structural consequences of war, such as lack of nutrition, medicine and healthcare in pregnancy.[13]

It is of course important not to underestimate the extent to which women are victims of gender-based violence in conflict situations. But research has also shown that there are no absolutely clear-cut divisions

between the roles and responsibilities adopted by men and women in wartime. A conflict situation is often more complex than is depicted through gender stereotypes. While men are traditionally more active than women in conflict situations, men can also prove to be passive victims in some circumstances; equally, in some contexts, women can be active protagonists. And although women are most commonly perceived as victims, there have been many instances where women have taken an active part in mobilizing and instigating violence.[14] During the Rwandan genocide, for example, it is well documented that women encouraged their brothers and sons to fight with the *Interahamwe* militia, and that both Hutu and Tutsi women participated in acts of violence and killings.[15] As Jones writes, women, like men, played conflicting and diverse roles during the genocide – this in contradistinction to many commonly held oversimplified assumptions about gender, including the essentialist supposition that women are naturally more peaceful than men – that it is only women who are the true victims of violence. As Lori Poloni-Staudinger and Candice D. Ortbals point out, gender stereotyping often denies women's agency, which they have defined as "individual actors having the capacity to process social experience and devise ways of coping with life."[16] Rather than regarding women exclusively as passive victims, I agree with the point of view that women play diverse roles during war. It is evident that women can be victims of violence and, at the same time, active participants – ferrying arms, collecting information, and providing social welfare and healthcare. As Ombuke and Ikelegbe further point out, women have the potential to act as local moderators of behavior and play important roles in the organization of armed groups.[17] Building on this notion, this chapter emphasizes the diverse place and agency women hold within FDLR, both in terms of coping with violence, as well as in supporting and mobilizing violence. Before analyzing my ethnographic data, I will present a short historical overview of the genocide in Rwanda, and describe the formation of FDLR in the DRC and the violence they have perpetrated against civilians in the Kivu regions.

## GENOCIDE IN RWANDA AND THE REFUGEE CRISES IN THE DRC

After the 1994 genocide, more than 1.7 million Hutu refugees fled Rwanda to the DRC in fear of reciprocal attacks by the newly established Tutsi government.[18] Many of those who fled Rwanda were refugees and innocent bystanders, but thousands were also Hutu extremists and

perpetrators.[19] The extremists, who could not accept that they had lost power in Rwanda, ended up living in the refugee camps together with civilian populations. From inside the refugee camps, they began to recruit new members and established a new rebel group (today the FDLR) with the goal of retaking power in Kigali. While boys were captured and trained as soldiers, a report by Human Rights Watch has shown that many women were kidnapped and forced to "marry" Hutu militiamen:

> Many women were subjected to rape and gang rape while being held collectively by a militia group in order to sexually service the group. The women were held for periods lasting as long as the duration of the genocide. Some of these women were taken forcibly to neighbouring countries by the militia when they fled Rwanda at the end of the genocide. While some of these women have managed to escape back to Rwanda, others continue to remain effectively as prisoners. Still others have resigned themselves to the situation and have written letters to their family in Rwanda saying that they are still alive and that they are "married" to a man in the refugee camp in Zaire.[20]

Over the next couple of years, the Hutu rebels set up military headquarters, continued to recruit members and supporters, and established an armed wing (FOCA) and a political party (FDLR). The government in Kigali saw the Hutu rebels as a threat to peace and security in postgenocide Rwanda, and in 1996 soldiers from the Rwandan army invaded DRC with the goal of destroying the FDLR. There is very little evidence-based research about what actually happened during these counterattacks, but organizations and scholars have estimated that hundreds of thousands of Hutu refugees were killed during this time. For example, the UN Office of the High Commissioner for Human Rights published a report in 2010 that indicates that the Rwandan Patriotic Army (RPF) may have killed more than 200,000 Hutu refugees in 1997.[21] The organization *Médecins Sans Frontiers* (MSF) also reported that about 200,000 refugees died in 1997,[22] which is close to K. Emizet's[23] study that, based on detailed calculations, shows a death toll of about 233,000 "unaccounted for" Hutu refugees during this period.[24] These numbers are still a controversial topic, since they challenge the dominant narrative of the genocide, that is that the Hutus killed the Tutsis, full stop. According to René Lemarchand, there was genocide of both Tutsis and Hutus by the Hutus in Rwanda in 1994, and of Hutus by the Tutsis in DRC in 1996–1997.[25]

Marie Beatrice Umutesi, a Hutu refugee survivor who fled Rwanda shortly after the genocide, wrote in her autobiography a detailed eyewitness account of the horrors that Hutu refugees faced in the DRC (Newbury, 2000).[26] She provides a comprehensive description of how thousands of refugees were fleeing and hiding in the dense forests of the eastern DRC, where, for months, even years, they had to run from Rwandan soldiers who tried to kill them. Thousands of refugees had to survive for days without food and water in the forest, and many died of exhaustion, sickness and starvation.[27] Many refugees who are associated with the FDLR today share this background of genocide in Rwanda, of mass violence, and of the refugee crisis in the DRC. These historical events continue to play a determining role in the group's collective identity and memory.

## A SHORT HISTORY OF THE FDLR

Today, the FDLR is defined as a politico-military group that fights for political power and influence in Rwanda. The group is also deeply involved in the Congo conflict. Having fought with and against the Congolese government and various militias, they continue to carry out military activities and are engaged in illegal economic activities and other illicit practices.[28] It is estimated that the group comprises of approximately 1,500 to 2,000 fighters,[29] and about 10,000 refugees who move about with the rebels or live under their control. Members of the FDLR have carried out brutal violence in the Eastern DRC for more than 20 years. They are known to forcibly recruit new members, including girls used as "bush wives" and sex slaves.[30,31] Members have been involved in widespread violence such as the massacre of civilians, burning down villages, terrorizing locals and forcing thousands of people to flee their homes.[32] Members of the FDLR have also been involved in widespread sexual violence and the rape of civilians. According to the UN Group of Experts (2015), the FDLR is still recruiting child soldiers. In 2014 for example, it was reported that the FDLR had forcibly recruited about 25 children to the group.[33] They also continue to abduct girls who may be forced to marry combatants.

Some of the informants who I interviewed for this study were recruited to the group by force and held captive in the camps against their will; others were refugees who moved about with the rebels for over two decades; yet others were boys and girls born into the camps. Of course, individuals have had varying experiences depending on their history,

background, ethnicity, age and gender. Some women told me about a life of captivity and control, whereas others stated plainly that they share the political goals of the group to return to Rwanda and reinstall Hutu power – they clearly identified themselves as being part of the movement. It needs to be noted that the FDLR itself is not a coherent military group; the political and ideological goals can vary between different members depending on factors such as background, life history or military rank. The group has also suffered from internal leadership struggles and conflicts between members with conflicting ideologies.[34] Hence, when speaking about the FDLR, it is important to distinguish between the different narratives and to understand that the life experiences of group members vary according to social status, family, kinship, role in the collective and military position. Members' experiences can also vary between different camps and leadership structures.

## ANALYSIS: EXPERIENCES OF VIOLENCE: WOMEN AND GIRLS IN THE FDLR

As Chris Coulter has pointed out, the role of gender in armed groups is still a neglected or underrepresented field of study.[35] In this sense, the case of the FDLR is not exceptional. What might be exceptional, however, are the particular history of the group and the co-existence of refugees and soldiers within the camps, as well as the absence of female combatants within the FDLR. What kind of roles then do women play inside the rebel camps?

During fieldwork I never saw any female combatants. Male fighters said that women could be fighters if they wanted to, but that most women and girls were not willing to carry weapons or to participate in the conflict. Some women also claimed that it was the responsibility of the men to protect the women and children from enemy groups. The men seemed to hold a similar opinion, often stating that it was the responsibility of FDLR to protect what they called the "civilian population," and that the main priority of the group was to protect Hutu refugees from the Congolese and Rwandan army, who were "coming to kill them."

In the camp where I carried out my fieldwork, some of the male fighters lived together with their wives and children. Others said that their families lived in communities far away from the camp, while yet others said that they were not yet married, but had girlfriends who lived outside the camp.[36] The social status and social roles in the camp were divided

along distinctly gendered lines. While the majority of men were soldiers (with different ranks), women's activities were primarily domestic in nature – to find and prepare food and to cook for the soldiers and their families. Women also said that they were responsible for cleaning, washing clothes and serving the fighters, and for taking care of the children. Some women also reported that they supported fighters and family members by collecting firewood, fruit or vegetables to sell to Congolese civilians at local markets, several days walking distance from the camp. Interestingly, the military and political leaders at the camp also had young male servants to take care of their domestic work – these servants tended to have a low social status, comparable to that of the women.

In general, the women said that they were exposed to different forms of hardship than the men, such as having to find food to feed themselves and their family members, and to find clean water for drinking, washing and hygiene. All the women I spoke to complained about the lack of medicine and healthcare. Many women also complained about difficulties associated with pregnancy and childbirth. One woman, for example, explained to me that when a woman is pregnant "she has to give birth on the ground without any healthcare" and "either the baby or the woman has to die."[37] Some women also indicated that, when travelling for long distances to find food and fresh water, they feared being attacked by enemy groups. Women also highlighted rape by enemy soldiers as a serious threat.

All those I interviewed complained about the cold in the mountains and the lack of blankets and clothes, or the means to protect themselves and their bamboo huts from heavy rainstorms. Many also complained that they were living in social exclusion, marginalized from the rest of the society, and that the refugee population was being ignored by the international community: during the 1996 massacres and in their current situation they were not being helped to leave the forest, nor were they being offered the assistance that they were entitled to and that other refugees were receiving, such as food, medicine and clothes. Organizations such as the UNHCR do in fact recognize that not all members of FDLR are fighters, and that refugees (and locals) live under the persecution and protection of the group. However, despite various attempts by the UNHCR to deal with the FDLR, as far as I know there have not been any successful initiatives to address the issue of the civilian population within the FDLR nor their status as refugees. The events of 1996 have created a strong belief among FDLR members that the international community is hostile to the Hutus,

and that UNHCR is not doing "anything to help the refugee population out of the forest," as one informant said.

It is also the case that the leaders of the FDLR hold civilians under strict control and many are not allowed to leave the camp. Within the camp itself, soldiers and their families are exposed to propaganda; they are taught that they are the innocent victims of history and that there was no such thing as the genocide in Rwanda.[38] Women I spoke to often said that they had no choice but to remain in the camp – there were no options for them elsewhere.[39] For example, it was commonly said by those that I interviewed that if they tried to leave the camp, they would be taken to prison, have their hands cut off or face the risk of being killed by enemy soldiers.[40] They described their lives, existing as they were in an unending state of war, in terms of fear and trauma.

## LIVING WITH TRAUMA AND FEAR

When analyzing my data, I found that women repeatedly talked about trauma and fear, and indicated that, for them, violence, or the threat of violence, was part of everyday life. Through my analysis, it became clear that their trauma is rooted in two distinct experiences, one of them historical. First, the women would speak about the collective trauma brought about by the massacre of Hutu refugees in the DRC in 1996. They found this difficult to speak about openly, although, in more than a few interviews, my informants did return to this memory, saying that during that time they "were suffering from the fear of hiding and living in the forest." They spoke of "running for days, weeks, even years," and said that they had lost many close family members while being on the run. A number of women said that they had been "raped by Rwandan soldiers," and that they still feared that the "Rwandans will come and kill us in the forest." But the women also highlighted a different trauma – one related to aspects of their current situation in the DRC forests. While many women in the camp were loyal to the ideology of the rebel group, they also told me that "our men have become animals" and "we are not part of their war," saying "we have nothing to do with the war." What these complex narratives suggest is that, even when the women felt a strong connection to the group because of their place in the community together with their families, they were nonetheless experiencing a fear of violence at the hands of their menfolk. Notably though, the shared experience of trauma rooted in common memories of deeply disturbing events

in the past is one of the dynamics that forge a strong sense of community and closeness between group members, irrespective of gender and age. My informants repeatedly referred to the events of 1996 as a "double genocide" carried out against the Hutus. Most women said that the men were their "protectors" and that they were afraid of a life outside the camp where they would live without protection. However, there were also women (and men) who had been forcibly recruited to the group, and hence did not share the same sense of identity and community.

The women living in the rebel camps are experiencing hardship in many ways. They are suffering from the effects of trauma as a result of the violence committed against them during the genocide in Rwanda and the subsequent years of relentless war and conflict in the Congo; they suffer from forced marriages, captivity and isolation, and from hunger and arduous living conditions, they revealed some of these things to me, but my overall impression is that the extent of their suffering is greater and runs even more deeply than they conveyed in the interviews. In short, they are living extremely difficult lives.

## VICTIMIZATION AND LACK OF TRUST

The majority of the women I spoke with held a strong belief that they were victims and that the international community did nothing to help them. Most women said that they were angry with the international community. At the same time, it was clear that women had little trust in the international community or in actors working to prevent violence in the Congo. Sajaad, building on Volkan's work, writes about trauma in post-genocide contexts.[41] Volkan uses the term "psychological degeneration" to explain the psychological effects of genocidal violence and trauma from the perspective both of the individual, and of society as a whole. The term, she argues, helps to explain what is taking place in a traumatized society. Psychological degeneration, she writes,[42] is a term that explains that, after a trauma, individuals will often lose a basic sense of trust; they will frequently find it difficult to mourn; they experience feelings of disbelief and find it hard to put their faith in the basic social structure, often continuing to live in a prolonged state of fear. Individuals who have experienced mass violence or genocide often find it hard to speak about their experiences, and might find ways to justify their own victimization. For these reasons, truth telling in witness accounts can be difficult to verify. For example, it is common for individuals who have experienced

trauma to live in a state of denial, and only tell one side of the story.[43] For groups that have suffered from mass violence or genocide, Sajjad writes, trauma often impacts on the group identity, with the group feeling victimized, detached from society, and sourcing their comfort and security only from other group members.[44] A group that feels collectively victimized will often experience anger not only against those who have committed violence, but also against the international community, who, they feel, did nothing to protect and help the group. Sajjad points out that it is difficult to achieve reconciliation under conditions of fear, anger and resentment – there is a great risk of a recurrence of violence.[45] In addition, she notes, anger and trauma can be passed down to the next generation who, as a consequence, might themselves turn to violence in the future. Many of Sajjad's observations were, in fact, verified by my data. For example, women played a key role in transmitting political ideologies to children in which they argued that the Hutus were victims of history and supported the ideology of the FDLR: So even if women said they were victims, they were still active participants in spreading political ideologies to children, showing that many women are also active in mobilizing ideologies of hate and violence within the group and that they hold diverse roles, as will be discussed next.

## Diverse Roles

Despite some women being forcibly recruited to the FDLR, it should be emphasized that not all of them said that they were treated badly by group members. In fact, most of the women I interviewed identified themselves as being part of the movement, and felt a strong sense of community with the group. As discussed above, this is likely to be a result of the strong sense of group identity drawn from shared decades of genocide, war, trauma and social exclusion (although it is indeed possible that it may also have stemmed from an unwillingness to reveal sensitive information to a stranger, or from fear of being punished by the leadership should they be too outspoken). But in many interviews, women said that they felt safe within the group, that they supported the prevailing ideology, and made it plain that they would not leave DRC until the FDLR achieved justice and could return peacefully to Rwanda. Often, the same women said that they regarded the camp as their home and other members as family. One girl I interviewed in the demobilization center told me that she was disappointed about having been "freed" from the FDLR:

As I told you, my father was in the FDLR, and then I was born in that tradition. I am 15 years old now and that is how many years I have spent inside the army. I was born in the army. My father is dead now. And my mother is dead too. But I would like to go back to the camp. We were cultivating (food) in the bush. Selling some things, goats, groundnuts, beans, we were living in a good way, no problem. They were not treating me badly. The goal is only peace. The FDLR don't fight, for example, if the government army comes then we can fight, but we don't need to fight, we need only peace. I know, really, FDLR doesn't fight, some of them can have food and they go to the market and they sell their food, no problem, But if the government army comes to trouble us, then we can fight and this is how we react to kill people, to loot, to fight (Girl, age 15).

The above quote indicates that there are significant differences between how young female members of Rwandan origin or Congolese origin experience their living conditions in the FDLR. It would also appear that there are substantial variations in experience depending on which community or camp the individual grew up in. It is likely that those who grew up in communities controlled by the FDLR feel freer and live a more "normal" life than women who were married to soldiers and lived in the more controlled military camps. This demonstrates the diversity within the rebel group. The experiences I recorded varied according to whether women were refugees from Rwanda who had moved about with the rebels since after the genocide, whether they were born in the rebel movement or whether they were forcibly recruited. While women who were abducted by force said that they had been subjected to violence, women who were Rwandan refugees spoke less about violence carried out by the FDLR, but highlighted that they had been exposed to violence by soldiers outside of their group. Many women said that they shared the ideology of the group (to return to Rwanda), and expressed similar experiences in terms of feeling marginalized from the rest of the society, being "pushed to the forest" and said that they had few life options besides staying with the group and supporting the fighters.

## CONCLUSION

In this chapter, I have argued that in order to understand the defining character of armed groups, genocides and mass violence, it is important to include a critical gender-based approach. Looking at armed groups

through a gendered lens can shed fresh light on how armed groups are organized; the findings can help to identify and inform strategies for preventing violence in the future. I have looked at how women in the FDLR are experiencing trauma dating back to the 1994 genocide, the refugee crisis in 1996 and the current conflict in the DRC. I have also discussed how trauma, fear and violence are part of daily life for the civilians living in the camps under the control of the FDLR.

My fieldwork data, and interviews with members of the FDLR, reveal that women are suffering, both from their past experiences of genocide in their home country Rwanda and from their current situation in the forest camps in the DRC. However, it is important not to reduce the experience of all women to one of innocent victimhood. Some women clearly demonstrated personal agency, and took an active role in supporting the ideology of the rebel group. Depending on their background and social status, women have very diverse experiences of violence. A question that arises here is how women in the FDLR regard one another, and especially how the women who support the FDLR treat the women who were recruited by force. Another question is whether women are involved in perpetrating violence against other women, as was the case in Rwanda. It would also be worth examining more closely how the women, who have the main responsibility for childcare, are transmitting FDLR ideologies to the young, and what role they play in supporting new generations of fighters. An even more important question is how and why a group of fighters, sharing the same ideology and vision, act violently against their fellow group members, and what kind of consequences this has in terms of how violence is produced and reproduced. The evidence of a prevailing culture of coercion and violence within the FDLR is an indication of how social boundaries in the group are forged out of control, fear and force and not through trust, commitment and loyalty. Here, the question of collective trauma is also worth examining more closely. With reference to Sajjad's work, I found many parallels in how collective trauma from previous events seems to contribute to a strong, shared identity among members of the FDLR, regardless of whether individuals were victims, perpetrators or both. It is also important to give attention to how ideologies and experiences of trauma are transmitted to the young in order to prevent the new generation of FDLR members from becoming violent and dangerous in the future.

For future research it would be useful to make a comparison between the camp where I conducted my fieldwork and other FDLR camps, to explore

the variation in roles that women may have in the different camps as a consequence of variations in leadership and internal organizational structures. While civilians are neglected in most analyses of the FDLR, I have argued that there is a need to include the particular experiences of women so as to fully understand how the group is organized. An important message of the chapter is that any military operation against the fighters will most likely have devastating consequences for their family members and civilian community. In the case of a military intervention, the civilians, who are often caught in the crossfire, should be protected under international law. Furthermore, while the FDLR is a sensitive topic in Rwanda and surrounding countries, it is important that governments and policymakers consider the varied composition of the group. While the regional and international focus has been on the fighting elements of the FDLR and their role in the DRC conflicts, including several military operations launched against them, the international community and international aid organizations have failed to adequately address the role of women and children in the FDLR. As my case study shows, it is evident that civilians have very little trust in the international community. Organizations and military forces targeting the FDLR should aim to develop strategies to reach out and engage in dialogues with all members.

Regardless of their position in the group, FDLR women face hardships related to the history of the genocide in 1994, subsequent years of war in the Congo and their oppressed status as women. Although some women supported the goal of the FDLR, other interviews confirmed that women are still being forcibly recruited to the group through abduction or forced marriages and are subjected to rape and other forms of violence as well as captivity. It is of crucial importance to include a gender approach to the analysis of the conflict in the Congo in order to combat the FDLR and find peaceful strategies that can bring security and stability to the DRC and prevent future violence in post-genocide Rwanda.

## NOTES

1. Anna Hedlund, *"Exile Warriors." Violence and Community among Hutu rebels in the eastern Congo* (PhD thesis, Lund University, 2014); Anna Hedlund, "'There was no genocide in Rwanda': History, Politics, and Exile Identity among Rwandan Rebels in the Eastern Congo Conflict," *Conflict & Society: Advances in Research* 1: 1 (2015).
2. In other publications, I have described my fieldwork in detail, including security issues (Hedlund, *"Exile Warriors"*). It is worth mentioning that

while personal safety can never be guaranteed in a conflict situation, I worked closely with a Congolese field assistant who was well aware of the conflict dynamics in the region. The fighters and civilians in the rebel camp always treated me well. The rebels had an interest in having a foreign researcher among them; for example, they often used me as a vehicle to transmit political ideologies. I also believe that having a visitor in the camp was a way to prove to the outside world that they are not *génocidaires*, but also that they had a genuine interest in telling me about their experiences.

3. The author has changed names of informants in order to protect their identity.

4. About 150–200 soldiers and civilians lived in the rebel camp where I carried out my fieldwork.

5. In many areas the FDLR live together with civilians and have daily interactions with locals. Some informants said they met their husband in a local community; others said (Rwandan Hutu women) that it was important for them to marry someone from Rwanda.

6. Interviews were carried out in English, French and/or Kinyarwanda. While the leaders speak English, most of my informants preferred to speak in the local language, Kinyarwanda. During my fieldwork I worked together with a field assistant who helped me to translate interviews to English. Language barriers are always a problem and some important information may have been lost or misunderstood in translation. To avoid misinterpretations, I consulted a Kinyarwanda-speaking student in Sweden to cross check translation.

7. *Centre De Transit et D'orientation Pour Enfants Sortis de Forces et Groupes Armés Au Sud-Kivu* (BVES).

8. Veena Das, "Trauma and Testimony. Implications for Political Economy," *Anthropological Theory* 3: 3 (2003).

9. Patricia O. Daley, *Gender and Genocide in Burundi. The Search for Spaces of Peace in the Great Lakes Region* (Indiana University Press, 2008), 27; Adam Jones, "Gender and Genocide in Rwanda," *Journal of Genocide Research* 4: 1 (2002).

10. Jones, "Gender and Genocide in Rwanda."

11. Human Rights Watch, *Shattered Lives: Sexual Violence during the Rwandan Genocide and its aftermath* (New York: Human Rights Watch, 1996), see also, Loveness H. Schafer, "True Survivors: East African Refugee Women," *Africa Today* 49: 2 (2002); E. Jennie Burnet, "Situating Sexual Violence in Rwanda (1990–2001). Sexual Agency, Sexual Consent, and the Political Economy of War," *African Studies Review* 55: 2 (2012a).

12. Des Forges (1999).

13. Schafer, "True Survivors," 31.

14. Chris Coulter, *Bush Wives and Girl Soldiers. Women's Lives through War and Peace in Sierra Leone* (Cornell University Press, 2009).

15. Sara E. Brown, "Female Perpetrators of the Rwandan Genocide," *International Feminist Journal of Politics*, 16, no 3 (2014). See also E. Jennie Burnet, *Genocide Lives in Us. Women, Memory and Silence in Rwanda* (The University of Wisconsin Press, 2012b) and Jones, "Gender and Genocide in Rwanda."

16. Lori Poloni-Staudinger and Candice D. Ortbals, *Terrorism and Violent Conflict. Women's Agency, Leadership and Responses* (New York, Heidelberg, Dordrecht & London: Springer, 2013): 2.

17. Wafula Okumu & Augustine Ikekegbe (eds), *Militias, Rebels and Islamist Militants. Human Insecurity and State Crises in Africa* (Pretoria: Institute for Security Studies, 2010).

18. Gerard Prunier, *The Rwandan Crisis: History of a Genocide* (New York: Columbia University Press, 1995).

19. United Nations High Commissioner for Refugees (UNHCR), *UNHCR CDR Background paper on Refugees and Asylum Seekers from Rwanda* (December 1, 1998).

20. Human Rights Watch, *Shattered Lives.*

21. United Nations, Office of the High Commissioner for Human Rights, *Democratic Republic of the Congo, 1993–2003. Report of the Mapping Exercise Documenting the Most Serious Violations of Human Rights and International Humanitarian Law Committed within the Territory of the Democratic Republic of Congo between March 1993 and June 2003* (Geneva, August 2010).

22. René Lemarchand, "Bearing Witness to Mass Murder," *African Studies Review* 48: 3 (2005).

23. K Emizet, "The Massacre of Refugees in Congo: A Case of UN Peacekeeping Failure and International Law," *Journal of Modern African Studies* 38: 2 (2000): 173–179.

24. Filip Reyntjens, *The Great African War: Congo and Regional Geopolitics, 1996–2006* (New York: Cambridge University Press, 2009), 93.

25. René Lemarchand, "Genocide in the Great Lakes: Which Genocide? Whose Genocide?" *African Studies Review* 41: 1 (1998), see also Aliko Songolo, "Marie Beatrice Umutesi's Truth: The other Rwanda Genocide?" *African Studies Review* 48: 3 (2005): 110, and Filip Reyntjens, *Political Governance in Post-Genocide Rwanda* (Cambridge University Press, 2013), 110–115.

26. Marie-Beatrice Umutesi, *Surviving the Slaughter. The Ordeal of a Rwandan Refugee in Zaire* (Madison, Wisconsin: The University of Wisconsin Press, 2000).

27. Lemarchand, "Bearing Witness to Mass Murder."

28. Focus here is on violence committed by the FDLR. For a reading on the group's leadership, ideologies, military activities and identity, see for example Suda Perera, "Alternative Agency: Rwandan Refugee Warriors in

Exclusionary States," *Conflict, Security and Development* 13: 5 (2013); Hans Romkema, *Opportunities and Constraints of the disarmament and Repatriation of foreign armed groups in the Democratic Republic of Congo.* The World Bank, 2007; Pole Institute, *Guerrillas in the Midst. The Congolese Experience of the FDLR War in Eastern Congo and the Role of International Community* (Pole Institute, 2010); SSRC, Conflict Prevention and Peace Forum. "FDLR: Past, Present and Policies," 2014.

29. UN Group of Experts, *Final Report of the Group of Experts on the Democratic Republic of the Congo (*United Nations Security Council, S/2015/19, 2015).

30. Anna Maedl, "Rape as a Weapon of War in the Eastern DRC? The Victims' Perspective," *Human Rights Quarterly* 33: 1 (2011).

31. Her informants identified the militiamen based on language/dialects who reported that soldiers spoke Kinyarwanda, the main language spoken among the FDLR.

32. UN Group of Experts. *Final Report*, Pole Institute, *Guerrillas in the Midst,* and International Crisis Group, "Congo: A Comprehensive Strategy to Disarm the FDLR," *Africa Report* 151 (2009).

33. UN Group of Experts, *Final Report*, paragraph 72.

34. Romkema, *Opportunities and Constraints,* and UN Group of Experts, *Final Report*.

35. Chris Coulter, *Bush Wives*.

36. It is not easy to get access to active fighters. I choose this particular camp because of access granted by high-ranking leaders. I am aware that my data is not representative for all camps controlled by the FDLR and is only based on interviews and observations from one setting and a relatively small population who lived in the camp at that time.

37. Hedlund, *Exile Warriors*.

38. Hedlund, "'There was No Genocide in Rwanda,'" and Romkema, *Opportunities and Constraints*.

39. Hedlund, *Exile Warriors*.

40. Hedlund, *Exile Warriors*; see also Romkema, *Opportunities and Constraints,* and Romkema 2009.

41. Tazreena Sajjad, "The Post-Genocidal Period and its Impact on Women," in Totten, Samuel (ed). *Plight and Fate of Women During and Following Genocide* (New Brunswick & London: Transaction Publishers, 2012), and Vamik D. Volkan, "Transgenerational Transmissions and Chosen Traumas: An Aspect of Large-Group Identity," *Group Analysis* 34: 1 (2001) and *Third Reich in the Unconsciousness: Transgenerational Transmission and Its Consequences.* New York: Brunner-Routledge, 2002.

42. Volkan, "Transgenerational Transmissions," and *Third Reich in the Unconsciousness*.

43. Ibid.
44. Sajjad, "The Post-Genocidal Period."
45. Ibid.

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# A Century Apart: The Genocidal Enslavement of Armenian and Yazidi Women

*Nikki Marczak*

*We did not think these crimes were possible in the 21st century*

> Yazidi survivor (quoted in Naomi Kikoler, *Our Generation is Gone: The Islamic State's Targeting of Iraqi Minorities in Ninewa; Bearing Witness Trip Report,* Simon-Skjodt Center for the Prevention of Genocide, United States Holocaust Memorial Museum, Washington DC, November 2015, 10.)

In December 2015, genocide survivor Nadia Murad told the United Nations Security Council that her community was facing genocide and pleaded for intervention and support. She explained:

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> The Islamic State did not just come to kill our women and girls, but they took us as war booty, as merchandise to be exchanged. These crimes were not committed in an arbitrary fashion. It was an organized planned policy. The Islamic State came with one sole aim: to destroy the Yazidi identity. Rape was used to destroy women and girls and to guarantee that these women could never lead a normal life again.[1]

As Murad witnessed, the Islamic State (ISIS)[2] has enshrined enslavement of women and girls within its current genocidal campaign against the Yazidi people, a distinct religious community indigenous to northern Iraq. Several peak human rights organizations have asserted that the treatment of Yazidis by ISIS may qualify as genocide[3]; further evidence is contained in the June 2016 report of the International Commission of Inquiry on the Syrian Arab Republic, which found that, "ISIS has committed, and continues to commit, the crime of genocide…against the Yazidis."[4] In conjunction with broader genocidal tactics such as massacres, forced deportation and cultural destruction, Yazidi women are being targeted systematically, ideologically and with intent to destroy the group's continuity. Yet their plight is not unique. Exactly a century ago, in the very regions where Yazidi women are now being enslaved – from Mosul to Deir az-Zour and beyond – Armenian women and girls were abducted, raped, sold in marketplaces, and forcibly married and converted. Forced conversion and assimilation are recognized as key structural components of the Armenian Genocide.[5] An analysis of the gendered nature of the Armenian Genocide provides important insights into the current situation facing Yazidis and consolidates the existing impetus for intervention.

Since women are viewed as symbolizing the perpetuity of the group, as "gatekeepers, mothers, and cultural representatives,"[6] perpetrators target women as a conscious aspect of the genocidal process. Enslavement of women during war is an ancient practice, as Roger Smith has explained:

> slavery was another name for recurrent rape, and since slaves had no rights to their bodies, they had no right to the children born as a result of sexual slavery. Slavery completed the genocide begun earlier by destroying whatever remained of the group biologically and socially.[7]

Rape as a genocidal tool was recognized by the International Criminal Tribunal for Rwanda (ICTR) in 1998. The enslavement of Armenian and Yazidi women does manifest, almost overwhelmingly, in sexual ways, from

trafficking and sex slavery, to rape as a tool of intimidation and humiliation, and life-force atrocities[8] (for instance, where abuse is committed in the presence of family members).

However, the horror experienced by Armenian and Yazidi women is not exclusively related to sexual violence; rather their enslavement operates as a complex web of oppression depriving them not only of physical freedom, but of their identity and culture. If genocide is about eradicating a group, then the biological, cultural and social forms of destruction used against women are as critical and long-lasting as physical modes of genocide. Religious conversion and cultural assimilation, forced marriage and reproductive crimes like forced pregnancy and forced abortion are all deliberate attacks on the integrity of the family unit and community cohesion. Taking all these aspects into account, this chapter conceptualizes atrocities committed against Armenian and Yazidi women as "genocidal enslavement of women"; meaning enslavement which

- incorporates genocidal intent and operates alongside other tactics in a broader genocidal campaign;
- is based on beliefs within the perpetrator group that: women are possessions of men; ethnicity and religion are patrilineal; women's identities are easily transformed; and women's bodies are able to be appropriated as vessels for reproducing the perpetrator group; and
- encompasses oppression across physical, sexual, religious, cultural and social spheres of life, producing genocidal outcomes.

One such outcome is "social death," a concept originally linked to slavery[9] and one that Claudia Card asserts may be intrinsic to genocide. According to Card, social death is the loss of social vitality, which "exists through relationships, contemporary and intergenerational, that create an identity that gives meaning to a life. Major loss of social vitality is a loss of identity and consequently a serious loss of meaning for one's existence."[10] What emerges from a comparative analysis of the Armenian and Yazidi genocides is that genocidal enslavement of women and all the tortures it entails is intended to destroy the social vitality of individuals and the group. It dehumanizes the victims, disconnects them from their community, denies their identity and appropriates them into the perpetrator group. It is directed against women partly because of their role "in preserving and passing on the traditions, language, and practices from one generation to the next and in maintaining family and community relationships."[11]

Further to disrupting transgenerational cultural education, the objective of perpetrators is to prevent births within the victim group and generate births of children considered to have inherited the father's identity, both clearly genocidal in intent. Genocidal enslavement causes ongoing anguish and stigma for both the women themselves and for their relatives, and limits the ability for survivors to rejoin the community. In these ways, its impact extends to the whole community and potentially in perpetuity. It should therefore be viewed not as peripheral, but rather as a core component of the system of genocide in the two case studies.

What can the history of the Armenian Genocide, particularly its gendered application, tell us about the situation facing Yazidis today? Importantly, given global responsibility to protect communities at risk of genocide, this chapter demonstrates that current crimes against Yazidi women mirror those used during the Armenian Genocide. The ideologies underpinning these gendered tactics can help foresee what may be impending for more than 3,000 women and children being held captive,[12] as well as for survivors. This chapter will highlight parallels between the two cases to provide a new perspective on the existing evidence base and with a view to boosting momentum for support and protection for Yazidis.

## SCOPE AND METHODOLOGY

Survivor and witness testimony is vital for historical study and analysis of contemporary events.[13] Geoffrey Robertson QC asserts that Armenian eyewitness and survivor statements are "corroborative of genocide,"[14] and this is also true for the vast amount of evidence from Yazidi survivors. Since testimony can be influenced by aspects of identity, memory and psychological state, this chapter places witness and survivor statements within the context of historical documents and official reports released by the United Nations and major non-governmental organizations including Human Rights Watch and the Simon-Skjodt Center for the Prevention of Genocide. Given the immediacy of the Yazidi case and the rapidly changing situation across the region, news reports from reputable media outlets are cited.[15] Many of these describe the rape and trafficking of women and girls, though rarely emphasizing the link between enslavement and genocide.

In contrast with Turkey's post-war attempts to deny the Armenian Genocide and conceal official documents, ISIS boasts of its crimes via

calculated social media campaigns. Its own statements are cited here as evidence of its intention to eradicate the Yazidi people as well as for its views on women, outlining the intersection between gender and genocide in ISIS's actions.

The concept of genocidal enslavement of women, which is used as a framework for analysis, builds on philosophical notions of social death. It aligns with the legal definition of genocide as provided by the UN Convention on the Prevention and Punishment of the Crime of Genocide (hereafter "UN Genocide Convention"); takes into account biological, cultural and social genocidal tools; and includes evidence of physical and psychological harms both to the victims directly and to their community. This chapter includes the experiences of girls as well as women, noting that many Armenian and Yazidi victims of genocidal enslavement fall under the age of 18. Indeed, ISIS's official line is that girls from just nine years of age can be married.[16]

The chapter begins with a brief history of each of the case studies. This will be followed by an examination of how various forms of sexual violence are used against the victims with genocidal effect, followed by an analysis of other, equally significant aspects of the genocides: cultural, religious and biological enslavement via forced marriage, forced conversion and captivity. The chapter concludes by highlighting insights from the comparative analysis.

## Background: The Victims, Perpetrators and Events

Having inhabited the regions of current-day eastern Turkey for many centuries, the Armenian community developed into an advanced civilization with unique religious institutions, language and cultural practices. During the Ottoman era, Armenians experienced intermittent pogroms, but from the late 1800s, as the Empire declined, tensions between Christian Armenians and Muslim Turks became inflamed. The Committee for Union and Progress (CUP, and also known as the Young Turks) came to power in 1908, fueled by the desire for an ethnically and religiously homogeneous nation-state.[17] The First World War provided the crucial context to achieve its goal. Beginning with the rounding up of community leaders followed by local massacres (especially of "battle-aged" men), the genocide escalated over time and incorporated forced deportation under inhumane conditions, looting of property and cultural destruction. In line with the Young Turks' explicit goal that

Armenians "constitute no more than 5 to 10 percent of the local population,"[18] by 1917, between half and two-thirds of the Armenian population had been killed.[19] But this statistic does not tell the whole story. The enslavement of Armenian women and girls, involving sexual violence, forced marriage and religious conversion, was as vital for the genocide as mass murder, fundamentally disrupting the biological and social reproduction of the Armenian community. The number of Armenian women and children "absorbed" into Turkish households or orphanages could be as high as 200,000.[20]

The Yazidi community, whose unique religion predates the Abrahamic faiths, has lived in northern Iraq – ancient Mesopotamia and a neighboring region of historic Armenia – for thousands of years. Like their Armenian neighbors, the Yazidis have experienced many periods of persecution; indeed the current ISIS genocide is considered by the community to be the 74th genocidal event in their history.[21] By the time ISIS proclaimed an Islamic Caliphate in June 2014,[22] it was already committing crimes against humanity as it "sought to create a passageway between Mosul and Raqqa via the Syrian city of Deir az-Zour."[23] Uncannily, this is the very same desert town in which thousands of Armenians were left to starve to death, and which has become the most potent symbol of the Armenian Genocide.[24] ISIS has been operating as a quasi-state across much of the territory under its control, collecting taxes and operating a court system and governmental offices.[25] It had the means and infrastructure to conduct a campaign of mass violence, and the chaos of war allowed it to do so with virtual impunity.[26] ISIS's leaders and fighters continue to persecute various ethnic and religious minorities. Life is extremely challenging for all populations under its control; strict rules, harsh punishments and a highly discriminatory gender ideology mean that people of all religious backgrounds, especially women, are being deprived of education, freedom of movement and other basic human rights.

However, ISIS identified the Yazidi people as *mushrik* (idolaters) and established a goal of annihilation even prior to carrying out its attacks. It later justified its actions by stating that the Yazidis' "continual existence to this day is a matter that Muslims should question as they will be asked about it on Judgment Day…kill the *mushrikīn* wherever you find them."[27] By August 2014, ISIS's violence culminated in large-scale massacres of Yazidi men (and elderly women) and systematic abduction of women and children, during coordinated attacks around Iraq's Sinjar region.

The gender segregation and killing of males that is frequently cited by Yazidi survivors[28] echoes the plethora of Armenian testimonies describing the removal of men from villages and shootings into mass graves. In conjunction with killing members of the group, both sets of perpetrators created conditions calculated to produce large numbers of deaths: entrapment and forced deportation without access to food, water or shelter.[29] One organization found that in addition to these harbingers of genocide, several earlier indicators of escalating persecution of Yazidis were largely ignored or misdiagnosed, "meaning that preventive strategies that could have mitigated the risk to these populations were not developed."[30] In March 2015, the UN High Commissioner for Human Rights reported that atrocities being committed against Yazidis may constitute genocide,[31] and as early as October 2014 it was clear that the enslavement of women was being employed as a strategic weapon against the community, with one analyst saying, "The campaign to enslave Yazidi women is genocidal in that it is part of a greater effort to end the existence of the Yazidi people."[32]

## Sexual Enslavement

Decades before recognition of genocidal sexual violence in international law,[33] the perpetrators of the Armenian Genocide employed sexual violence systematically as a genocidal weapon, juxtaposing the use of technology and bureaucracy, and distinctly modern ideologies such as nationalism, with the ancient institutions of sexual slavery and forced marriage. Today, ISIS has merged the modern with the ancient in catastrophic ways.[34] The pervasiveness of sexual violence is, on its own, telling. A doctor treating Yazidi survivors in 2015 stated that two-thirds of the women and girls she had examined appeared to have been raped,[35] bringing to mind the striking 1926 testimony of Danish relief worker Karen Jeppe, who said of the thousands of Armenian women she had seen, all except one had been sexually abused.[36] The frequency of rape and consistency of process are indicators of an underlying ideology and culture in which sexual violence is not only permitted but actively endorsed:

> Genocidal rape can be sanctioned, however, not only by command, but by authorization…which can involve encouragement of mass rape, approval of it, or simply non-interference with it. In such cases the process of destroying

a group in whole or in part is set in motion by the central authorities…some of the implementation (including the decision to rape) will be left to local authorities.[37]

Sexual violence against Armenian women was committed by a range of perpetrators with encouragement and participation by Ottoman officials. A German missionary witnessed an officer give his soldiers "the right to dispose over the women among these poor people by saying they might do what they like with them,"[38] while other German eye-witnesses, such as the Vice-Consul in Aleppo, confirmed that rape of deportees was condoned by authorities.[39] One survivor recalled how the gendarmes both committed and facilitated sexual violence:

> The soldiers would come and give us a bad time. Others from the hills and mountains would come and snatch girls and baggage…You scream, "Gendarme, gendarme," but there was no help, because they [the soldiers and abductors] were all together in this.[40]

Armenian women were abused to intimidate them into handing over valuables, or sometimes in public as a warning to others and as a tool of humiliation or to incite and normalize violence against civilians. Widespread gift-giving of women among Ottoman officials[41] demonstrates that sexual violence was an accepted, even sanctioned, element of the genocidal policies of the government that filtered down through every level of the bureaucracy.

Similarly, ISIS uses sexual violence for "entertainment," recruitment and reward, and bonding.[42] In his 2016 article, Ariel Ahram argues that ISIS is developing a hypermasculine state that is "instrumentalising sexual violence as a tool of state-building."[43] In a context where shame and honor are key elements of gender ideology and where men are expected to protect "their" women, Ahram argues that sexual violence and slavery of women "demonstrates the abject humiliation of a conquered community."[44] As in the Armenian case, sexual violence against Yazidi women clearly incorporates genocidal intent, but there are elements of ISIS's attacks that are distinctive. Not satisfied with officially endorsing rape in the group's policies, ISIS has even endowed sexual violence with religious value, believing it to be a form of *Ibadah*, or worship – *because* the victims are Yazidis.[45] As a 12-year-old survivor stated, "He told me that according to Islam he is allowed to rape an unbeliever. He said that by raping me, he

is drawing closer to God."[46] With victims targeted *as women and as Yazidi women* specifically, the intersection of misogyny and religious hatred is palpable. ISIS documents, such as its official magazine, *Dabiq*, explicitly promote the enslavement of Yazidi women,[47] and even the system of distribution is given religious justification: "ISIS made eighty percent of the women and girls available to its fighters for individual purchase [the others were deemed collective ISIS property], the apportioning being drawn from religious interpretation."[48] Further, followers choosing *not* to participate are considered in contravention of their religion:

> Enslaving the families of the *kuffār* and taking their women as concubines is a firmly established aspect of the *Sharī'ah* that if one were to deny or mock, he would be denying or mocking the verses of the *Qur'ān* and the narrations of the Prophet...and thereby apostatizing from Islam.[49]

In conjunction with ideological statements, ISIS issues its supporters with guidelines and instructions. For instance, the Islamic State Research and Fatwa Department released a Question and Answer booklet which included advice that "If she is a virgin, he [her master] can have intercourse with her immediately after taking possession of her."[50] Moreover, Armenian and Yazidi women have been, through rape, enslavement and trafficking, turned into a commodity. As a Yazidi woman was told after being purchased at a slave market in Raqqa, "You are like a sheep. I have bought you."[51] Dehumanization is fundamental to genocide, and just as rape is used to degrade, brutalize and humiliate, Anthonie Holslag has argued there is an important "symbolism at work in the selling of female Armenians: the symbolism of the dehumanization and commercialization of the victimized group...By commercializing victims and using them literally as a product, perpetrators transformed victims from humans into non-humans."[52] Abducted Armenian women were categorized by age, marital and sexual status, and physical appearance, with senior Ottoman officials given the "first choice." At a camp outside Mezre, buyers employed doctors to check women and girls for diseases and determine whether they were virgins.[53] A German engineer reported on the sale of women in Ras ul-Ain, saying: "The policemen carried on a flourishing trade with the girls: against payment of a few Medjidies, anyone could take the girl of his choice either for a short while or forever."[54] Some slave markets were held outside government buildings while institutions such as the Red Crescent Hospital in Trebizond were used to keep captive

Armenian sex slaves.[55] Ruth Seifert has identified in gang rape a "ritualized procedure…[in which] the order of the rape is determined by the status of the men within the group."[56] This is reflected in several accounts of the trade of Armenian women which refer to senior officials and gendarmes selecting their victims first, with the remainder left to be raped and kidnapped by Kurdish and Arabic locals or alternatively sold in marketplaces.[57]

Where Armenian women were lined up naked in marketplaces for trade and purchase, ISIS now displays Yazidi women and girls, tags them with prices and photographs them for potential buyers.[58] The UN Special Representative of the Secretary-General on Sexual Violence in Conflict reported in May 2015 that Yazidi girls were being "literally stripped naked and examined in slave bazaars."[59] Many eye-witnesses and survivors record Yazidi women and girls being separated from their families and categorized into groups of young, old, married, unmarried, with or without children, virgins or non-virgins, and by "beauty."[60] One escapee explained:

> Unmarried women and girls were separated from older women and those with children from the outset. They focused first on the young girls, the pretty ones. They were the first ones to be taken away.[61]

ISIS has developed a system of "inventorying" the women,[62] referring to them as *sabaya* (slaves), followed by their name or simply a number – a common tactic of dehumanization during genocide. There is a strong emphasis on virginity[63] and ISIS fighters quickly progress from one victim to another. A 16-year-old victim reported that ISIS leaders aged between 50 and 70 selected "the most beautiful and youngest girls for themselves," herself included. After a few weeks, the commander selected a new virgin and sold her to another fighter. After repeated sexual assaults, this fighter also sold her.[64] Individuals are supported in this process with bureaucratic procedures like official contracts for buying and selling "slaves."[65] Question Six in the pamphlet released by the Research and Fatwa Department asks "Is it permissible to sell a female captive?" The answer: "It is permissible to buy, sell, or give as a gift female captives and slaves, for they are merely property, which can be disposed of…"[66] The June 2016 report to the UN describes a system of sexual violence which is "tightly controlled, occurs in a manner prescribed and authorized, and is respectful only of the property rights of those who 'own' the women and girls."[67]

In addition to the striking parallels with the Armenian Genocide, what is especially significant about ISIS's use of systematic sex trafficking is that it was planned in advance of the August 2014 attacks.[68] ISIS had set up transportation and buildings for holding the women and girls captive and there remains a permanent infrastructure of schools, warehouses and prisons where they are held.[69] A video circulated in January 2015 of ISIS fighters discussing the purchase of Yazidis shows how enslavement and sexual violence have become central aspects of their ideology and practice. In the film, the fighters are shown considering how much they would pay and speculating about the age of the girls and desired physical characteristics, such as blue eyes:

> "Today is the slave market, God willing"
>> "Each one takes his share"
>> "Where's my Yazidi girl?"
>> "You can sell your slave, or give her as a gift...You can do whatever you want with your share."[70]

These practices directly align with the UN Genocide Convention, particularly Article II (b) – causing serious bodily and mental harm. A British psychotherapist working with Yazidis noted the intense impact caused by sexual violence, "These are girls who can't sleep. They're having bad nightmares. They are having flashbacks."[71] The extended impact of the genocide, from massacres and deportation to witnessing family members abducted or attacked, is also clear. A 2016 psychological study among displaced Yazidis found high rates of post-traumatic stress disorder, with women representing almost three quarters of sufferers. Women in particular reported flashbacks, hypervigilance and intense psychological distress, as well as feelings of guilt and worthlessness.[72] Card has noted the connection between rape and social death, asserting that

> Social vitality is destroyed when the social relations – organizations, practices, institutions – of the members of a group are irreparably damaged or demolished. Such destruction is a commonly intended consequence of war rape, which is aimed at family breakdown.[73]

Articulations of social death can be seen in the testimony of Yazidi escapees, as one survivor of rape and enslavement said: "I have no house, no husband, no sister, no friends. What good is this world, being free of ISIS, if you have no one left to share it with?"[74] Meanwhile, deeply entrenched

notions of honor and purity are exploited by perpetrators to ensure victims experience enduring shame and stigma, preventing them from reintegrating into their community and thereby contributing to social death. Perpetrators know that by dishonoring their victims, they are limiting their ability to marry or have a family in the future, and as such, ensure their actions affect the victim in a permanent way:

> Rituals of degradation…are part of a calculated policy…to intensify the victim's suffering, deepen her trauma, and produce continuing hurt…The perpetrators attempt to perpetuate their power (understood as the ability to inflict pain) through linking memory with pain, with the woman recalling for the rest of her life her violation and humiliation, and, by extension, the shame brought upon her group.[75]

Armenian survivors also exhibited severe psychological symptoms including speechlessness, delirium and chronic depression,[76] and in both cases, the ubiquity of suicide and attempted suicide is a strong indicator of trauma and the perceived futility of survival. Countless eye-witnesses recall Armenian women jumping to their deaths over cliffs or into the Euphrates River.[77] Since August 2014, there have been reports of Yazidi women and girls taking rat poison or drinking bleach, cutting their wrists, trying to strangle one another or to electrocute themselves.[78] ISIS itself is well-aware of the psychological damage it is inflicting on Yazidi women with supporters publicly acknowledging, even celebrating it. One supporter wrote on social media: "Yes they are idolaters, so it's normal that they are slaves, in Mosul they are closed in a room and cry, and one of them committed suicide LOL [laugh out loud].…"[79]

## CULTURAL, SOCIAL AND BIOLOGICAL ENSLAVEMENT

Helen Fein has asserted that during genocide:

> Whether women are allowed to live – which often implies their reproduction is appropriated whether they become wives or slaves – appears to be related to several variables: the perpetrators' interest in expanding their population, the institution of slavery, and the strategy and the ideology of the perpetrators, especially their beliefs as to whether women of the victim group can and should be assimilated – i.e. the dangers their blood or practices or identity represent.[80]

Cultural, social and biological genocidal strategies, operating in the context of enslavement of women and in conjunction with sexual violence, are a cornerstone of both the Armenian and Yazidi genocides. So too are they indelibly linked to the concept of social death, as Card has explained:

> When a group with its own cultural identity is destroyed, its survivors lose their cultural heritage and may even lose their intergenerational connections…no longer able to pass along and build upon the traditions, cultural developments (including languages), and projects of earlier generations.[81]

In both case studies, gendered beliefs about the perpetuation of identity form the basis for cultural and biological attacks, in particular that

- ethnicity and religion are patrilineal (passed from the father to the child);
- women's bodies can be appropriated as vessels for reproducing the perpetrator group; and
- women's own identities are easily transformed through conversion and assimilation.

In Ottoman society, women were considered the property of men and those who were parentless and unmarried were designated as *sahipsizlanter* (without an owner).[82] Abducted Armenian women and girls were forced to abandon their cultural and religious practices and their language. Such mechanisms can produce social death by alienating the victims from expressions of their identity (such as changing their names), while also disconnecting them psychologically from their culture and community. In the Armenian case, the genocidal intent of the policy of forced assimilation is indicated, not least, by the fact that it was "a centrally planned government policy…no accidental by-product or unintentional result; on the contrary, it preceded the deportations both in concept and design."[83] Taner Akçam's analysis of Ottoman documents found several telegrams and other papers referring to the distribution of Armenian women and children with the explicit direction to assimilate them to local customs.[84] The government facilitated participation by the broader population in this aspect of the genocide by providing incentives for Turkish families to "absorb" Armenian women and children. Deported Armenians were considered by the government to be deceased; thus the family that took in the "orphan" became the legal heir to the Armenian family's assets.[85]

Similarly, survivor testimony from Yazidi women shows how ISIS is, in both policy and practice, intertwining forced conversion with sexual violence and forced marriage. One group of around 60 women were taken to a "wedding hall" in Syria and told by ISIS leaders: "Forget about your relatives, from now on you will marry us, bear our children, God will convert you to Islam and you will pray."[86] Another survivor described the immediate and entrenched nature of forced conversion:

> When they came to select the girls, they would pull them away. The girls would cry and faint, they would have to take them by force. They made us convert to Islam and we all had to say the *shahada* [Islamic creed]. They said, "You Yezidis are *kufar* [infidels], you must repeat these words after the leader." They gathered us all in one place and made us repeat after him.[87]

Yazidi captives attempting to retain their culture, religion or language are severely punished. One survivor witnessed ISIS burning her niece's hands and tying her in stress positions for speaking her own language and failing to recite passages from the Quran.[88] Such violence is imbued with genocidal intent; for perpetrators, any sign of the women's original identity and group membership must be erased.

The intersection of gender and religious hatred can be clearly seen in the use of forced marriage. One survivor described trying to convince ISIS fighters that she was already married (to avoid rape): "The other girls with me said it's forbidden to marry married women. [The ISIS fighter] replied: But not if they are Yezidi women."[89] Forced marriage has been legally recognized as an "other inhumane act" for the purpose of determining a crime against humanity,[90] and moreover, can be related to several articles of the UN Genocide Convention. Further, the stigma associated with forced marriage can be extremely severe since victims may be viewed as having collaborated with their captors. In the Armenian case, women who had been the forced wives of Turks were said to have "fallen in black dye,"[91] a shame from which they could rarely recover. Contributing to the loss of family and community, those who are integrated into existing families are often subjected to appalling treatment:

> His children were treating us badly…They had knives and cellphones saying that they will take videos while cutting off our heads because we follow a different religion…He tried to ban us from crying and showing our sadness…he threatened to sell us if we did. He said "Why are you sad? Forget

about your home and family. This is your home and we are your family now. Forget about your gods, for good, because we have killed them all."[92]

Further to forced marriage, forced pregnancy may be considered a genocidal instrument in that it "occupies" the womb of the victim[93]; and its use within genocide has been acknowledged in international law. The ICTR stipulated that when a woman is deliberately impregnated with the intent that the child will not belong to her group, this constitutes a measure to prevent births within the group and may therefore be interpreted as genocidal.[94] Many thousands of Armenian women who entered into forced marriages produced children who grew up as Muslim Turks; in fact it is estimated that as many as 2 million Turks today have at least one grandparent with Armenian background.[95] Should the more than 3,000 Yazidi women continue to be held hostage by ISIS, it is possible that new generations of children will be born unaware of their mother's heritage.[96] Incidents of pregnancy among Yazidi captives have been confirmed by escapees[97] and even by ISIS supporters, as noted on social media:

> "If you tell them make you some dinner they do it no problems?"
> "Very obedient *akhi* [my brother] I know a bro who has one and she is already pregnant *alhamdulilah* many revert [convert] bro."[98]

Conversely, new evidence is coming to light that some girls and women have been forced to use contraception in order to keep them "available" for ongoing trafficking.[99] In addition, forced abortions have been inflicted on those Yazidi women who were abducted while already pregnant because, as one ISIS fighter stated, "We do not want more Yazidis to be born."[100] The UN reported that the captor of a 19-year-old pregnant woman repeatedly sat on her stomach in an attempt to kill her unborn baby, saying "this baby should die because it is an infidel; I can make a Muslim baby."[101] Such examples echo the countless graphic testimonies by Armenian witnesses to attacks on pregnant women, from the gendarmes' taunts of "boy or girl?" before slashing the women's stomachs to stories of babies being pulled out of their mother's bodies and stabbed.[102] Elisa von Joeden-Forgey, in her extensive analysis of life-force atrocities, has identified pregnant women as "a direct and double threat: they are themselves agents of creation rather than destruction, and as creators they threaten the goal of annihilation of the targeted group."[103]

The targeting of women in these brutal and symbolic ways demonstrates that in genocide, it is never enough to kill combatants, to murder men and community leaders; rather, the continuity of the group must be irrevocably disrupted by targeting women. The community must not be allowed to have a future. As Holslag writes:

> By raping victims, selling them as slaves, forcing assimilation, and removing genitals, the in-group is showing not only its dominance and masculinity, but also the power of the patriarchal nation-state or empire. The message is, "we control your lives" and "we control your identity." Further, "we control those most intimate parts of your life: your sexuality and in the end your sexual reproduction. You are no longer allowed to procreate. Only we – the dominant culture group – are allowed to exist."[104]

This analysis of the Armenian case can be applied equally to ISIS's ideology and current actions, as evidenced in its own unashamed admissions and in Yazidi survivor accounts. As such, the history of the Armenian Genocide can illuminate the motives behind ISIS's crimes against Yazidis; provide impetus to authorities to prioritize support for the victims; and offer lessons for intervention.

## INSIGHTS FROM THE COMPARATIVE ANALYSIS

Importantly, viewing the Yazidi situation through the lens of the Armenian Genocide shows how enslavement of women is being employed as a genocidal strategy by ISIS, and that such methods can be extremely effective in breaking apart the group. The gendered tactics currently being used – separation of women and men, killing of men and boys over 12, abduction of women and children, and enslavement of women in all the forms described in this chapter – could almost have been taken directly from the Ottoman playbook. Analyzing the two cases together also tells us that a perpetrator ideology which sees children as inheriting their father's identity and women as inherently mutable may be a strong indicator of the likelihood of cultural, social and biological weapons of genocide being employed against women and girls of the group.

In addressing the UN, survivor Nadia Murad said: "The Islamic State has made Yazidi women into flesh to be trafficked in. I very much hope that humanity has not yet disappeared…More than 3,400 women and

children still need to be released, they are still suffering."[105] As this chapter stresses, the Yazidi genocide is *ongoing*.

On the basis of the Armenian Genocide and its aftermath, it is fair to assume that ISIS intends for the Yazidi women's enslavement to be permanent and will not, without intervention, release them. In fact, in response to the rescue of hundreds of women over the past months, ISIS has increased security around Yazidi captives, finding new hiding places, sometimes moving them from one place to another and assigning guards.[106]

Using the history of the Armenian Genocide as a foundation, these facts must provide impetus to international authorities to not only recognize the treatment of Yazidis as genocidal, but to prioritize action on behalf of the community, particularly those remaining in ISIS captivity. In addition, consideration of the long-term effects of gendered instruments of genocide can help inform the development of psychosocial support for survivors – and the Armenian experience sheds light on this aspect too. After genocide, there is a concerted effort by survivors of the targeted community to rebuild and repopulate, but there is a risk that women's bodies and identities continue to be controlled not by themselves, but by others. Lerna Ekmekcioglu has written of the various torments Armenian women suffered after they had escaped or been released during the armistice. Some had to leave behind children they had borne while captive, while others were forced to continue pregnancies they did not want.[107]

> This analysis of a metamorphosis of rules of ethnoreligious belonging provides a striking example of how, under certain circumstances, patriarchy may relax one of its central tenets – the primacy of paternity over maternity. But this did not translate into women's agency in determining group belonging. On the contrary, Armenian rescue efforts left the target population with few options for controlling their own lives and bodies, and far from subverting patriarchal norms they reproduced patriarchal hierarchies and left intact long-established assumptions about women's nature, culture, and potential.[108]

In a similar relaxing of rules of conversion and return, Yazidi leader Baba Sheikh has publicly called on the community to welcome back abducted women and girls.[109] Some survivors have even been rebaptized in the holy village of Lalish.[110] But many still hold deep-seated fears about being ostracized by their community and about their ability to marry or have children in the future. Despite the official statement from the Yazidi

leader, longstanding notions of honor and purity combined with the tortures inflicted by ISIS, mean that shame and psychological trauma will be, for many, a life-long burden. The lack of sensitivity to women's individual choices in the aftermath of the Armenian Genocide may serve as an important lesson for intervention and support for Yazidi survivors.[111]

Ekmekcioglu noted in 2015 that the transfer of Armenian women and children had been an "integral and conscious part of the plan to unmake a people. The target itself (or part of the target), in this case, is considered by the Young Turks to be changeable, recyclable, and reprogrammable into the perpetrator group."[112] Now, a hundred years later, the systematic enslavement of Yazidi women and girls holds disturbing echoes of the fate of Armenians. An awareness of how the annihilation of women's identity, culture, family and community has been a crucial weapon in previous genocides must surely mobilize action on behalf of current victims and survivors.

## NOTES

1. Nadia Murad, *UN Security Council 7585ᵗʰ meeting* (16 December 2015), http://webtv.un.org/watch/nadia-murad-basee-taha-isil-victim-on-trafficking-of-persons-in-situations-of-conflict-security-council-7585th-meeting/4665835954001.
2. The group calls itself the "Islamic State"; however, for a number of reasons, including debate within the Muslim community and more broadly, the acronym used in this chapter is ISIS, the Islamic State in Iraq and Al-Sham (or Syria).
3. E.g., Human Rights Watch, the Simon-Skjodt Center for the Prevention of Genocide, and international authorities including the United Nations and the European Union.
4. International Commission of Inquiry on the Syrian Arab Republic, "*They Came to Destroy*": *ISIS Crimes Against the Yazidis* (Human Rights Council, Thirty-second session, Agenda item 4, Human rights situations that require the Council's attention, A/HRC/32/CRP.2, 15 June 2016), 36. This report notes the genocide is being implemented in multiple ways, through killing, enslavement, sexual violence, forcible transfer, imposing conditions of life that produce death, causing mental and physical harm, preventing births within the group, and cutting members off from their culture and community.
5. Taner Akçam, *The Young Turks' Crime Against Humanity: The Armenian Genocide and Ethnic Cleansing in the Ottoman Empire* (New Jersey: Princeton University Press, 2013), 290.

6. Anthonie Holslag, "Exposed Bodies: A Conceptual Approach to Sexual Violence during the Armenian Genocide." In: *Gender and Genocide in the Twentieth Century: A Comparative Survey*, ed. by Amy E. Randall (Bloomsbury Academic, 2015), 98.

7. Roger Smith, "Genocide and the Politics of Rape: Historical Psychological Perspectives." In: *Genocide Matters: Ongoing Issues and Emerging Perspectives,* ed. Joyce Apsel & Ernesto Verdeja (London: Routledge, 2013), 95–96.

8. Elisa von Joeden-Forgey, "The Devil in the Details: 'Life Force Atrocities' and the Assault on the Family in Times of Conflict," *Genocide Studies and Prevention: An International Journal* 5: 1 (2010).

9. Orlando Patterson, *Slavery and Social Death* (Cambridge: Harvard University Press, 1982).

10. Claudia Card, "Genocide and Social Death," *Hypatia* 18: 1 (Winter 2003), 69.

11. Ibid., 76.

12. International Commission of Inquiry on the Syrian Arab Republic, "They came to destroy," cites over 3,200 women and children held by ISIS as at June 2016.

13. Samuel Totten writes that "authentic accounts constitute valuable testimony as to what it means to be caught up in the maelstrom of hatred and savagery that is genocide (Totten, 2012)."

14. Geoffrey Robertson QC, *An Inconvenient Genocide: Who Now Remembers the Armenians?* (Sydney: Vintage, 2014), 65.

15. Information in this chapter is correct at the time of writing.

16. "It is considered legitimate for a girl to be married at the age of 9. Most pure girls will be married by 16 or 17, while they are still young and active," *Women of the Islamic State: A manifesto on women* by the *Al-Khanssaa Brigade*, https://www.quilliamfoundation.org/wp/wp-content/uploads/publications/free/women-of-the-islamic-state3.pdf. Yazidi survivors sometimes use the term "marry" as a euphemism for rape; however where this chapter details forced marriage, its usual meaning applies.

17. Akçam, *The Young Turks' Crime Against Humanity*, 29; see also Robert Melson, "Review Essay: Recent Developments in the Study of the Armenian Genocide," *Holocaust and Genocide Studies* 27:2 (2013).

18. Akçam, *The Young Turks' Crime Against Humanity,* xvi.

19. Adam Jones, *Genocide: A Comprehensive Introduction, Second Edition* (Oxon: Routledge, 2011), 161.

20. Akçam, *The Young Turks' Crime Against Humanity,* 331.

21. Consultation with Yazidi community representatives, June 2016; "The caliphs of the Ottoman Empire carried out no fewer than 72 massacres against the Yazidis in the 18th and 19th centuries alone," Falah Hassan

Juma, quoted in Neil MacFarquar, "Bashiqa Journal; A Sect Shuns Lettuce and Gives the Devil His Due," *New York Times* (3 January 2003); and scholar Matthew Barber: "Yazidis often say they have been the victim of 72 previous genocides, or attempts at annihilation," in Avi Asher-Schapiro, "Who Are the Yazidis, the Ancient, Persecuted Religious Minority Struggling to Survive in Iraq?" *National Geographic News* (11 August 2014).

22. For more on ISIS's development, see Patrick Cockburn, *The Rise of Islamic State: ISIS and the New Sunni Revolution* (London and New York, Verso, 2015); and Jessica Stern and J.M. Berger, *ISIS: The State of Terror* (London: William Collins, 2015).

23. Kikoler, *Our Generation is Gone*, 12.

24. In a further link between the two cases, ISIS blew up the Armenian Genocide Memorial Church in Deir al-Zour in September 2014, http:// armenianweekly.com/2014/09/21/der-zor/.

25. Stephan Rosiny, "The Caliph's New Clothes: The Islamic State in Iraq and Syria," *German Institute of Global and Area Studies* 6 (2014); see also Institute for International Law and Human Rights, Minority Rights Group International, No Peace Without Justice and the Unrepresented Nations and Peoples Organization. *Between the Millstones: The State of Iraq's Minorities Since the Fall of Mosul*, 2015.

26. At the time of writing, military actions were underway to recapture ISIS territories, e.g. Hwaida Saad and Kareem Fahimmarch, "Syrian Troops Said to Recapture Historic Palmyra From ISIS," *New York Times* (27 March 2016), and "Battle for Sinjar: IS-held town in Iraq 'liberated'," *BBC*, 13 November 2015, http://www.bbc.com/news/34806556. In October 2016, an offensive was launched to retake Mosul and surrounding territories: "Mosul: Iraq launches offensive to drive out Islamic State group; UN warns of humanitarian crisis," *ABC*, 19 October 2016, http://www.abc. net.au/news/2016-10-18/iraq-launches-mosul-offensive-to-drive-out-is-militants/7941164.

27. "The Revival of Slavery Before the Hour," *Dabiq 4: The Failed Crusade*, October 2014, 14–15, https://www.clarionproject.org/news/islamic-state-isis-isil-propaganda-magazine-dabiq#.

28. In addition to numerous witness accounts, evidence of mass graves has been found, E.g. "IS blamed for mass Yazidi grave found near Sinjar, Iraq," *BBC*, 28 November 2015, http://www.bbc.com/news/world-middle-east-34954233.

29. Office of the High Commissioner for Human Rights, *Report on the Protection of Civilians in Armed Conflict in Iraq: 6 July – 10 September 2014*, 12–13. These acts align with Article II(c) of the Genocide Convention; further detailed in "They came to destroy" report.

30. Kikoler, *Our Generation is Gone*, 3.
31. Human Rights Council. *Report of the Office of the United Nations High Commissioner for Human Rights on the human rights situation in Iraq in the light of abuses committed by the so-called Islamic State in Iraq and the Levant and associated groups.* 13 March 2015, 5–6.
32. Matthew Barber, "Islamic State Officially Admits to Enslaving Yazidi Women," October 2014, http://www.joshualandis.com/blog/islamic-state-officially-admits-to-enslaving-yazidi-women/.
33. The International Criminal Tribunal for Rwanda's landmark *Akayesu* decision stated 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, targeted as such," The Prosecutor Versus Jean-Paul Akayesu, Case No. ICTR-96-4-T, 2 September 1998.
34. Helen Fein, "Genocide and gender: The uses of women and group destiny," *Journal of Genocide Research* 1:1 (1999), 44, has argued that the intersection of genocide and rape in the Bosnian and Rwandan cases "both recalls ancient history and suggests disturbing modern innovations in instrumentalizing rape, including the role of propaganda and media." This is even more evident in ISIS's use of the internet and social media to justify and encourage participation in genocide via the enslavement of Yazidi women.
35. Human Rights Watch. "Iraq: ISIS Escapees Describe Systematic Rape." 14 April 2015.
36. Danish rescue worker Karen Jeppe, cited by Matthias Bjørnlund, "A Fate Worse Than Dying: Sexual Violence during the Armenian Genocide." In: Dagmar Herzog, ed. *Brutality and Desire: War and Sexuality in Europe's Twentieth Century* (London: Palgrave Macmillan, 2008), 24.
37. Smith, "Genocide and the Politics of Rape," 86–87.
38. German missionary Blank's testimony, [1915-05-27-DE-001, Enclosure 3], Wolfgang Gust et al. (eds.), "Documents from the Political Archives of the German Foreign Office," (undated), also cited by Akçam, *The Young Turks' Crime Against Humanity*, 312.
39. Ibid. [1916-01-03-DE-001, Enclosure 1]. Also cited by Bjørnlund, "A Fate Worse Than Dying," 33 and Robertson, *An Inconvenient Genocide*, 55.
40. Survivor from Konia, cited by Donald E. Miller and Lorna Touryan Miller, *Survivors: An Oral History of the Armenian Genocide* (Los Angeles: University of California Press, 1999), 88.
41. See Bjørnlund, "A Fate Worse Than Dying," 23, and Akçam, *The Young Turks' Crime Against Humanity,* 313.
42. E.g., an "emir" wrote the names of victims on pieces of paper for fighters to draw out. The emir and an imam were reported to have laughed upon

hearing victims screaming. Two girls, 15 and 18 years old, had blood on their trousers afterwards and confirmed they had been raped, Report of the Office of the High Commissioner for Human Rights, *Report on the Protection of Civilians in Armed Conflict in Iraq*, 9.

43. Ariel I. Ahram, "Sexual Violence and the Making of ISIS," *Survival* 57:3 (2016), 70.

44. Ibid., 67.

45. One survivor reported, "He said that raping me is his prayer to God." Others reported captors praying before and after the rapes. Rukmini Callimachi, "ISIS Enshrines a Theology of Rape," *New York Times* (13 August 2015).

46. Ibid.

47. *Dabiq 4*, "The Revival of Slavery Before the Hour," 15.

48. International Commission of Inquiry on the Syrian Arab Republic, "*They came to destroy,*" 12.

49. *Dabiq 4*, "The Revival of Slavery Before the Hour," 17.

50. The answer continues: "However, if she isn't, her uterus must be purified [first]…" ISIS prohibits sex with Yazidis if they are pregnant. Su'al wa-Jawab fi al-Sabi wa-Riqab ("Questions and Answers on Taking Captives and Slaves"), The Middle East Media Research Institute (MEMRI), http://www.mem rijttm.org/islamic-state-isis-releases-pamphlet-on-female-slaves.html.

51. International Commission of Inquiry on the Syrian Arab Republic, *They came to destroy,* 13.

52. Holslag, "Exposed Bodies," 98.

53. Bjørnlund, "A Fate Worse Than Dying," 23. Also see Ara Sarafian, "The Absorption of Armenian Women and Children into Muslim Households as a Structural Component of the Armenian Genocide," in: Omer Bartov and Phyllis Mack (eds), *In God's Name: Genocide and Religion in the Twentieth Century* (New York: Berghahn Books, 2001).

54. German eye-witness, Bastendorff, Gust et al., "Documents from the Political Archives of the German Foreign Office," [1916-01-03-DE-002, Enclosure 2].

55. The hospital was described as a "pleasuredome" for CUP officials including Cemal Azmi, the province's governor-general, 26 March session of Trebizond court-martial trial, as cited in Akçam, *The Young Turks' Crime Against Humanity*, 313.

56. Ruth Seifert, "War and Rape: A Preliminary Analysis." In: Alexandra Stiglmayer (ed.) and Marion Faber (trans), *Mass Rape: The War against Women in Bosnia-Herzegovina* (Lincoln: University of Nebraska Press, 1994), 56.

57. Katharine Derderian, "Common Fate, Different Experience: Gender-Specific Aspects of the Armenian Genocide, 1915–1917," *Holocaust and*

*Genocide Studies* 19:1 (Spring 2015), 7, cites the *New York Times*, September 1915, "One hundred [Armenian] girls…were divided into groups, and those that were the best looking in the opinion of the Turkish officers were taken over by those officers. Those considered not quite so good-looking were given over to the soldiers, while those still less attractive were put up for sale to the highest bidders."

58. "They were ordered to stand and remove their headscarves to be inspected. Then they were forced to smile while ISIL fighters took photographs," Office of the High Commissioner for Human Rights, *Report on the Protection of Civilians in Armed Conflict in Iraq*, 9; "Some women and girls reported ISIS fighters taking photographs of them without their headscarves. One girl, aged 18, recalled being ordered to smile and laugh while fighters photographed her," International Commission of Inquiry on the Syrian Arab Republic, "*They came to destroy,*" 10–11.

59. "Senior UN official warns of 'widespread and systematic' sexual violence in Syria, Iraq," 7 May 2015, http://www.un.org/apps/news/story.asp?NewsID=50794#.VUxlN40cSB9.

60. Office of the High Commissioner for Human Rights, *Report on the Protection of Civilians in Armed Conflict in Iraq*, 9.

61. Amnesty International, *Escape from Hell: Torture and Sexual Slavery in Islamic State Captivity in Iraq*, December 2014, 6.

62. Callimachi, "ISIS Enshrines a Theology of Rape."

63. In "Genocide and gender," Helen Fein writes: "In such [patriarchal] societies…women's 'purity' and honor are usually contingent on their preservation of virginity before marriage and later inviolability. Repeatedly, we see that men of the group perpetrating genocides in such societies use rape as a means to destroy the Other," 58.

64. Sue Lloyd Roberts, "Raped, beaten and sold: Yazidi women tell of IS abuse," *BBC* (14 July 2015).

65. Callimachi, "ISIS Enshrines a Theology of Rape."

66. "Questions and Answers on Taking Captives and Slaves," MEMRI, Also, as one survivor explained: "He said that Taus Malik is the devil and that because you worship the devil, you belong to us. We can sell you and use you as we see fit," Callimachi, "ISIS Enshrines a Theology of Rape."

67. International Commission of Inquiry on the Syrian Arab Republic, "*They came to destroy,*" 12.

68. Survivor testimonies from different locations and dates are consistent. Callimachi, "ISIS Enshrines a Theology of Rape."

69. ISIS used buses fitted with curtains to transport large groups, and halls were prepared with mattresses, plates and food, ibid.

70. Y. Yehoshua et al., "Sex Slavery in the Islamic State – Practices, Social Media Discourse, and Justifications; Jabhat Al-Nusra: ISIS Is Taking Our Women

as Sex Slaves Too." *MEMRI Inquiry & Analysis Series Report* No.1181 (17 August 2015); Also see Paul Wood, "Islamic State: Yazidi women tell of sex-slavery trauma," *BBC* (22 Dec 2014).

71. Derek Farrell interviewed by PBS, "Freed but not free: Yazidi girls who escaped Islamic State are trapped by trauma," 19 February 2015, http://www.pbs.org/newshour/bb/freed-free-yazidi-girls-escaped-islamic-state-trapped-trauma/. International Commission of Inquiry on the Syrian Arab Republic notes that many interviewees showed signs of both physical and psychological trauma, *"They came to destroy,"* 16.

72. Attila Tekin et al., "Prevalence and gender differences in symptomatology of posttraumatic stress disorder and depression among Iraqi Yazidis displaced into Turkey," *European Journal of Psychotraumatology* 7: 28556 (February 2016).

73. Card, "Genocide and Social Death," 69.

74. Erika Solomon, "Escape from ISIS," *The Australian* (13–14 February 2016).

75. Smith, "Genocide and the Politics of Rape," 92.

76. Bjørnlund, "A Fate Worse Than Dying," 33.

77. These accounts are extremely common. See for example, Raymond Kevorkian, *The Armenian Genocide: A Complete History* (London/New York: I.B. Taurus, 2011) and Miller and Miller, *Survivors*.

78. Amnesty, *Escape from Hell*, 8.

79. Yehoshua et al., "Sex Slavery in the Islamic State."

80. Fein, "Genocide and gender," 57.

81. Card, "Genocide and Social Death," 73.

82. Ayse Gül Altinay and Yektan Turkyilmaz, "Unraveling layers of gendered silencing: converted Armenian survivors of the 1915 catastrophe," in Singer et al. (eds., 2011), 43–44.

83. Akçam, *The Young Turks' Crime Against Humanity*, 316.

84. E.g. telegram dated 30 April 1916 from the Interior Ministry to almost all provinces, ibid., 322–323.

85. E.g. Akçam, *The Young Turks' Crime Against Humanity,* cites a telegram dated 11 August 1915: "The personal property of the children who are to be left with people worthy of trust for the purpose of education and upbringing, [this necessarily entailed forced conversion and assimilation] together with that of those converting or marrying, will be preserved, and if their testators have died, their hereditary shares will be given."

86. Human Rights Watch. "Iraq: ISIS Escapees Describe Systematic Rape."

87. Ibid.

88. Sohrab Ahmari, "Helping the Escaped Slaves of ISIS," *Wall Street Journal* 23 (November 2015).

89. Human Rights Watch, "Iraq: ISIS Escapees Describe Systematic Rape."

90. Stephen Mallesons Jaques, "Special Court for Sierra Leone – Forced Marriage as an 'other inhumane act,'" *Australian Red Cross Humanitarian Law Perspectives* (3 September 2010); also see Carmel O'Sullivan, "Dying for the Bonds of Marriage: Forced Marriages as a Weapon of Genocide," *Hastings Women's Law Journal* 22:2 (2011).
91. Margaret Ajemian Ahnert, *The Knock at the Door: A Mother's Survival of the Armenian Genocide* (New York: Beaufort Books, 2012).
92. Matt Brown, and Suzanne Dredge, "Australian jihadists Khaled Sharrouf and Mohamed Elomar accused of enslaving Yazidi women in Islamic State stronghold," *ABC* (23 January 2015).
93. Siobhan K. Fisher, "Occupation of the Womb: Forced Impregnation as Genocide," *Duke Law Journal* 46 (1996).
94. The Akayesu decision consolidated the earlier definition of forced pregnancy as "the unlawful confinement of a woman forcibly made pregnant, with the intent of affecting the ethnic composition of any population," Rome Statute of the International Criminal Court, entered into force on 1 July 2002, Article 7, 2(f).
95. Some descendants have broken the taboo by investigating their Armenian family history; see e.g, Fethiye Çetin, *My Grandmother: A Memoir* (London/New York: Verso, 2008).
96. Patterson's concept of "natal alienation" may apply here, which he argues occurs when a child is born in slavery: "Formally isolated in his social relations with those who lived, he also was culturally isolated from the social heritage of his ancestors," Patterson, *Slavery and Social Death*, 5.
97. International Commission of Inquiry on the Syrian Arab Republic, *"They came to destroy,"* 15.
98. Yehoshua et al., "Sex Slavery in the Islamic State."
99. International Commission of Inquiry on the Syrian Arab Republic, *"They came to destroy,"* 15.
100. Office of the High Commissioner for Human Rights, *Report on the Protection of Civilians in Armed Conflict in Iraq*, 10.
101. Ibid., 10.
102. For more detail, see Survivor "Mesrob," at http://www.teachgenocide.org/files/Witnesses%20to%20the%20Armenian%20Genocide.pdf, Survivor "Elise," *The Forgotten*, http://www.theforgotten.org/site/intro_eng.html and Survivor from Konia, Miller and Miller, *Survivors*, 88–89.
103. Joeden-Forgey, "The Devil in the Details," 7.
104. Holslag, "Exposed Bodies," 101.
105. Nadia Murad, UN Security Council address, December 2015.
106. Kurdish official Dr Nuri Osman and Matthew Barber, cited in Cathy Otten, "Isis keep closer eye on enslaved Yazidi women after series of dramatic rescues strike at the heart of the 'caliphate,'" *The Independent*, 18

February 2016. Also, International Commission of Inquiry on the Syrian Arab Republic notes that many Yazidi women were not given *abayas* to wear which are mandatory in ISIS-controlled areas, thereby ensuring any escapees would be quickly identified, *"They came to destroy,"* 14.

107. Ekmekcioglu gives the example of a woman who begged for an abortion, only to be incarcerated in a special hospital ward until she gave birth. She suicided hours later. "The Biopolitics of 'Rescue': Women and the Politics of Inclusion after the Armenian Genocide," in Amy E. Randall (ed), *Gender and Genocide in the Twentieth Century: A Comparative Survey*.

108. Ibid., 217.

109. This is in direct contrast to the usually strict rules about conversion and return, e.g, that two Yazidi parents are required for a child to be considered a member of the community, and that conversion of a woman prevents her children from being accepted as Yazidis, Kikoler, *Our Generation Is Gone*, 20.

110. Susannah George, "Yazidi Women Welcomed Back to the Faith," *UNHCR Tracks* (15 June 2015).

111. International Commission of Inquiry on the Syrian Arab Republic also mentions additional challenges such as a lack of education and financial independence, and recommends that women's views be considered in processes of accountability and reconciliation, *"They came to destroy,"* 16. Detailed recommendations to the Human Rights Council are included in the report.

112. Lerna Ekmekcioglu, quoted in Hrant Galstyan, "Confronting Challenges: To be an Armenian Feminist in Turkey," *hetq* 2 (September 2015).

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