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A Comparative Analysis of Genocidal Rape in Rwanda and the Former Yugoslavia: Implications for the Future

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A Comparative Analysis of Genocidal Rape in Rwanda and the Former Yugoslavia:
Implications for the Future

by

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Thesis

Submitted to the Department of Sociology, Anthropology, and Criminology

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in partial fulfillment of the requirements

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MASTER OF ARTS

in

Criminology and Criminal Justice

Thesis Committee:

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Ypsilanti, Michigan

Dedication

This thesis is dedicated to my parents.

Pops- I am not ashamed to say that no man I ever met was my father's equal, and I never loved any other man as much.

Momma- Life began with waking up and loving my mother's face.

Acknowledgements

First of all, I need to thank Gregg Barak for all of the many things he has done for me. Originally, I did not believe I was even capable of creating a thesis; however, Gregg gave me the confidence to take on the challenge. He introduced me to supranational criminology and fostered my interest in the subject. Last, Gregg allowed me to participate in his criminology courses as a teaching assistant and as a guest speaker. I know my understanding of EVERY aspect of criminology has grown leaps and bounds under his guidance. I would like to thank Paul Leighton for agreeing to be on my thesis committee; he has provided invaluable feedback on my writing. Thank you to the faculty at Eastern Michigan University and my fellow students; it is always easier to pursue an education when you enjoy the people that surround you. Most important, I am forever grateful to my precious family. Mom and dad, you have given me two of the greatest gifts; one is roots and the other is wings. Grandma and Elizabeth, thank you for your unending support and encouragement. To my two dear nieces, Sophie and Emma Bear, you are all that is good and beautiful in this world and I love you.

ABSTRACT

This work examines the genocidal rape policies that occurred in the Rwandan and former Yugoslavian conflicts. Traditionally, rape has been considered an unfortunate yet inescapable consequence of war. In the early 1990s, the Hutu and Serbian regimes developed a new tactic and utilized rape as a genocidal weapon. Following a comparative analysis framework, the present study will examine the similarities and differences of the genocidal rape in Rwanda and the former Yugoslavia. Five points of comparison were established: perpetrators, victims, global economics, social disorder, and militias. Results of this analysis show that Rwanda and the former Yugoslavia possessed common pre-genocidal conditions and displayed similar ideological processes. Uncovering precursors to and generalizable characteristics of genocidal rape, the international community may be given the opportunity to develop a preventative approach to this atrocity. The objective of this study is to contribute to a growing body of research on genocidal rape.

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CHAPTER 1: INTRODUCTION

This thesis provides a comparative analysis of genocidal rape in Rwanda and the former Yugoslavia. It is organized into five chapters and this opening chapter contains a statement of the problem, followed by the historical background of the events leading up to and including the rapes. A literature review, research questions and the methodological approach are presented in Chapter 1 as well. Chapter 2 will contain an in-depth, multi-disciplinary review of the theories and explanations concerning both wartime rape and genocidal rape. An assessment of the different perspectives will take place in an attempt to determine which theory is most applicable to genocidal rape in Rwanda and the former Yugoslavia. Chapter 3 will consist of an analysis of the individual components of genocidal rape in Rwanda and the former Yugoslavia with a breakdown of the perpetrators (*génocidaires*) and the victims. Chapter 4 will include an examination of three additional points of comparison: global economics, social disorder, and militias. Chapter 5 will begin with a brief summary of the thesis and follow with an evaluation of post-conflict justice in Rwanda and the former Yugoslavia with an investigation of the development of the *ad hoc* criminal tribunals and their perceived efficacy. This chapter will also include concluding thoughts on genocidal rape in Rwanda and the former Yugoslavia and possible implications stemming from this comparative analysis.

Problem Statement

Genocide is a term that evokes a strong emotional response, yet oftentimes it is misconstrued. It is a ubiquitous crime that has proven itself difficult to define. Due to the complexity surrounding genocide, it is nearly impossible to define such a concept in a clear and concise manner (Alvarez, 2010). Scott Straus explained:

from its inception, then, genocide has been an empirical, moral, legal, and political concept. To one person, “genocide” means evil and demands preventive or punitive action by a government; to another, “genocide” carries a circumscribed juridical meaning, while to still others it designates a specific type of mass violence. (cited in Alvarez, 2010:6)

When one envisions genocide, the well-known example of the Holocaust readily appears. The Holocaust is an extreme example of direct genocide, but there are many indirect methods of genocide as well. Renowned genocide scholar Ervin Staub’s definition of genocide, therefore, would be the most appropriate for this thesis. He described genocide as “an attempt to exterminate a racial, ethnic, religious, cultural or political group, either directly through murder or indirectly by creating conditions that lead to the group’s destruction” (Staub, 1989:8). This definition makes it clear that genocide can be accomplished through direct and/or indirect means.

Direct methods of genocide may include murder through the use of guns, machetes, gas chambers; yet less direct approaches such as rape, forced sterilization, disease, starvation and displacement may be just as effective, if not more so, than direct means (Alvarez, 2010). Of interest to this study, rape as an indirect method of genocide is translated into the term “genocidal rape.” Rothe and Mullins define genocidal rape as:

a systematically organized military tactic of terror and genocide. Used to (1) generate fear in subdued population, (2) humiliate the population (both men and women), (3) derogation of women (spoilage of identity), (4) create a cohort of mixed-ethnic children to maintain the humiliation/spoilage/domination. Such a use of sexual assault is an orchestrated tactic of warfare. (Rothe & Mullins, 2008:157)

To clarify, it is best to follow the indirect model of genocide, as opposed to the Holocaust's direct model, when considering genocidal rape. Overall, the present study seeks to find essential individual and structural components in the practice of genocidal rape by comparatively analyzing its occurrence in Rwanda and the former Yugoslavia.

History of Conflicts and Description of Rapes in Rwanda and the Former Yugoslavia

In the early 1990s, two countries over five thousand miles apart, Rwanda and the former Yugoslavia, experienced genocides that resulted in over a million deaths combined. In Rwanda, the Hutu militias led a one-hundred-day siege against the Tutsi population while, in the former Yugoslavia, the Serbian militias attempted to exterminate the non-Serbian (particularly Bosnian Muslim) population during a three-year ethnic cleansing campaign. These countries are not only geographically different but embody different cultural, socio-economic, and political contexts as well. Yet they share an unspeakable commonality. Militaries in Rwanda and the former Yugoslavia used collective wartime rape as a genocidal weapon. The present study will explore from a criminological perspective the concept of genocidal rape and its occurrence in Rwanda and the former Yugoslavia.

History of conflict in Rwanda

The African nation of Rwanda lived a relatively peaceful existence until their colonization by Belgium. The Belgian colonialists institutionalized three ethnic categories of Rwandans through race analysis: Hutu, Tutsi, and Twa. This race analysis consisted of an assumption that the foreign-born Tutsi were more like Caucasians than the native, inferior Hutu through the measurement of skull sizes (purportedly determining intelligence), bone structure, and height. Although a minority, the Belgian colonialists indirectly ruled Rwanda through the Tutsi by entrusting them with high-level rank in military and political life (Baines, 2003).

Arguably, the main difference between the Tutsi and Hutu is a political one originating in the legacies of the colonial state with the politics becoming racialized and race becoming politicized (Baines, 2003). The concept of ethnicity and the division caused by it became more rigid and oppositional in 1926 when Belgian colonialists issued the first ethnic identity cards. Once Rwanda became independent from Belgium in 1962, racialist ideologies had become institutionalized. Newly independent Rwanda experienced a redistribution of land ownership and an abolition of the monarchy, which led to a change in power from Tutsi to Hutu. This independence resulted in a fight over legitimate claims to the state, citizenship, and, most importantly, access to resources (Baines, 2003). The Hutu used force in an attempt to push out Tutsi from their positions of privilege. From 1959-1990, at least seven massacres of Tutsi were reported forcing many to flee to neighboring countries (Haveman, 2008).

Rwanda developed into a one-party state under the moderately repressive Hutu opposition parties, first the Southern Hutu and then the Northern Hutu. Hutu Juvenal Habyarimana became the President of Rwanda, and a Tutsi rebel army, the Rwandan Patriotic Front (RPF), was organized in Uganda. In October 1990 the RPF invaded Rwanda, and immediately after the invasion the genocidal climate intensified (Haveman, 2008). As an indirect result of the RPF invasion, an emergence of growing corruption by the political elite and a militarization of Rwandan state expenditure occurred. Hutu nationalism became rampant, and organized Hutu propaganda put a focus on the sexuality of Tutsi women. In December 1990, a Hutu “Ten Commandments” was published, and the first “commandment” describes Tutsi women as instruments of their ethnic community, used to weaken and possibly destroy Hutu men (Ducey, 2010). The publication of the Hutu Ten Commandments and corresponding Hutu propaganda

maliciously targeted women and would eventually contribute to the brutal sexual violence against Tutsi women (Ducey, 2010).

With strong pressure from the international community and the peacekeeping Arusha Accords, political democratization in the form of a multi-party system was imposed on Rwanda. To clarify, the Arusha Accords were a peace agreement between the government of Rwanda and the RPF; however, it became clear that one of the signatories, Habyarimana, had no intention of implementing the peacekeeping agreement (Mackintosh, 1994). At this point, the Rwandese Armed Forces (RAF) increased in size from 7,000 troops in 1989 to over 30,000 troops by 1994. In addition to the influx of RAF troops, a rapid para-militarization of Rwandans took place. An extremist Hutu sentiment with the goal of fighting the RPF and their allies found fertile ground. Of particular concern, a radical youth division in Habyarimana's regime was formed, the *Interahamwe* (Hintjens, 1999).

On April 6, 1994, President Habyarimana's plane was shot down over Kigali, and as a result of the assassination, the Hutu extremists implemented their genocidal strategy the following day. With the help of national radio, the Hutu killing campaign began immediately and moved rapidly. The genocide of the Tutsi by the Hutu took place over 100 days, beginning on April 7, 1994. The primary *génocidaires* were the RAF, the Presidential guard, and the *Interahamwe* militia, although many "civilians" also took part. There were three phases to the genocide. First, political and intellectual leaders, human rights activists, and opinion makers in Kigali were targeted for immediate elimination. Roadblocks were set up to screen (according to ethnicity) anyone attempting to flee; these roadblocks became bases of execution and rape. The ethnicity cards originally implemented by Belgian colonialists served as a tool to identify Tutsi. Hutu that were attempting to escape the bloodshed were also known to be killed. The second phase of the

genocide focused on local sweeps with the intention of rounding up, imprisoning, and executing local Tutsis, supposed RPF allies and moderate Hutus (for example, Hutus that were married to Tutsis or children of mixed parentage). Last, the exhortation of *génocidaires* to continue the genocidal massacre until the entirety of the enemy Tutsi had been identified and eliminated constituted the third phase. It has also been argued that a fourth, post-genocidal phase continued in refugee camps in the Democratic Republic of the Congo and Burundi (Jamieson, 1999).

The numbers of the Rwandan genocide were staggering; an estimated 800,000 to one million people were killed. Nearly 75 percent of the Tutsi population was exterminated (Weitsman, 2008). Mass killings occurred in churches and schools in Nyange (20,000 deaths), Ntarama (5,000 deaths), Nyamata (10,000 deaths), Nyarubuye (20,000 deaths), and Murambi (40,000 deaths), and the massacres took place within a few days (Haveman, 2008). It is important to note that while ethnic fractionalization appears to be a main cause of the Rwandan genocide, ethnic conflict is an inadequate description of the conflict (Hintjens, 1999; Mackintosh, 1997; Verwimp, 2006). Economic, regional, and political divisions also played a role and ethnicity *became* a factor in the genocide due to manipulations by extremists (Mackintosh, 1997). In fact, ethnic identities are the way that political identities are expressed; arguably, the Rwandan genocide was a reaction to a deep-rooted political crisis of state legitimacy (Hintjens, 1999). The UN Security Council passed Resolution 918 on May 17, 1994. Resolution 918 imposed an arms embargo and demanded a cease-fire on both sides of the Rwandan conflict (Lyons, 2001).

Description of rapes in Rwanda

A strong gender component was present in the Rwandan genocide, and mass rape played a critical role. Prior to the genocide, Hutu propaganda targeted Tutsi women, focusing on their supposed feelings of superiority toward Hutu men and alleged promiscuity. Radio broadcasts in

particular depicted Tutsi women as seductresses and agents of Tutsi men (Weitsman, 2008). Consequently, much of the genocidal violence was aimed at women. It is estimated that 90 percent of Tutsi women who *survived* the genocide were systematically sexually assaulted in some form; a greater number were raped before they were killed (Weitsman, 2008). For example, during an attack in Gikomero, the militia sought out the female refugees and carried them away, raping them before killing them. It is estimated that 250,000 to 500,000 Rwandan women were victims of genocidal rape (Baines, 2003; Smeulers & Haveman, 2008).

These rapes were especially atrocious; claims of rapes with foreign objects such as machetes, spears and gun barrels were numerous. Gender-based forms of torture included raping women in public places or making the victims march naked through public places (Baines, 2003). A survey by Dyregrov, Gupta, Gjestad, and Mukanoheli (2000) found that 31 percent of Rwandan children witnessed rape or sexual assault during the genocide (Haveman, 2008). In addition, some women's sexual organs were mutilated with acid, boiling water, and machetes; their breasts were cut off, and reports of the evisceration of pregnant women and the subsequent killing of the fetuses were also made (Weitsman, 2008).

The genocidal rape that took place in Rwanda was carried out with the goal of torturing, punishing, degrading, and humiliating the Tutsi population. Tutsi women were held captive and systematically raped; many were forced into marriages with their rapists (Alison, 2007). Some of these women were held collectively or privately for days, others for years. Many were given the ultimatum: death or marriage to a Hutu *Interahamwe* (Baines, 2003). In these situations, forced impregnation was almost an inevitable result. Despite the intended purposes of the genocidal campaign, while the exact number of babies resulting from these genocidal rapes are not known, estimates range from 2,000 to 10,000 (Mukangendo, 2007). Additionally, the

deliberate infection of victim-survivors with the HIV virus was widespread. Rates of HIV transmission during sexual violence are deemed to be high, and therefore proved to be an effective weapon in the genocide (Mukangendo, 2007). It is estimated that 70 percent of the Tutsi women who were raped contracted HIV (Smeulers & Haveman, 2008). This was a calculated plan - the Rwandan government was known to have enlisted AIDS patients specifically to form troops of rapists (Weitsman, 2008).

History of conflict in the former Yugoslavia

The former Yugoslavia's history of conflict can be traced to the medieval era. The Serbians ruled the area from the twelfth to fourteenth century. The Battle of Kosovo Polje, however, was a turning point in the Serbian empire. The Ottomans defeated the Serbs on June 28, 1389, in this infamous battle that began nearly 500 years of Turkish rule over Serbia. The Serbian Orthodox calendar now commemoratively marks June 28th, the date of the Battle of Kosovo, as St. Vitus's Day, a national holiday (Boose, 2002). Ottomans continued their conquest into the territory of Bosnia-Herzegovina in 1463, and unlike Serbia, the Bosnians converted to Islam. By converting, members of the now Bosnian Muslim nobility were able to preserve many of their rights and become high officials in the Turkish Empire. Importantly, two events that occurred in this timeframe, the Battle of Kosovo Polje and the conversion of the Bosnians to Islam (which led to Bosnian Muslims taking part in Serbian oppression under Ottoman rule), generated a deep-seated resentment in the Serbian population and became an integral part of the genocide that would occur centuries later (Stiglmayer, 1994).

During the nineteenth century, the Serbian defining legend (or myth) took hold, although it did not completely correspond with historical reality. Lynda Boose (2002) elaborates:

Not many nations celebrate a defeat as the cradle of their nationhood, but by doing so Serbs seal their history within a mythic imaginary in which the Serbs are forever victims, situated for perpetuity in the place of resentment and unassuaged revenge within a story that promises to confer heroism in the present only through return, repetition, and revenge. (Boose, 2002:80)

Due to World War I, the Turkish Empire disintegrated and Yugoslavia came into being. The Serbians insisted on having the leading role in this new state made up of Croats, Slovenes (Bosnians), and Serbs, and the constitution that was passed provided a centralist constitution that gave the Serbs an advantage as the relatively most powerful group. A series of unending clashes between the Croats and Serbs led to collapsed governments and boycotts of Parliament. After World War II, a hard-hit Yugoslavia passed a constitution on January 30, 1946, which divided the territory into six component republics: Slovenia, Croatia, Bosnia-Herzegovina, Montenegro, Serbia, and Macedonia. Serbia had to accept sensitive losses, primarily the loss of Kosovo, which was the site of the infamous battle mentioned earlier. Divisions between “ethnic” groups became more rigid; racial ethnicity became synonymous with religious difference, and ethnic identity synonymous with national boundaries (Boose, 2002). Underlying all of the confusion over Bosnian Serbs, Serbian Muslims, Croatian Serbs, Bosnian Croats, Serbian Croats, and Croatian Muslims is the immensely tragic irony that all three of these groups (Croats, Bosnians, and Serbians) actually belong to the same racial and linguistic group, the southern Slavs; the only difference among them is a religious one (Albanese, 2001; Boose, 2002; Snyder, Gabbard, May & Zulcic, 2006; Stiglmeier, 1994).

Josip Tito gained rule of Yugoslavia, and during the years of his presidency, Serbs, Bosnian Muslims, and Croats lived amongst each other peacefully within a socialist society. Yet, after

Tito's death in 1980, nationalist movements started gaining political space, and nationalist politicians on both sides (Serb and Croat) engaged in rhetoric that portrayed their own people as blameless victims and the other side as ruthless killers. Past ethno-religious rivalries quickly re-emerged, along with a strong sense of nationalism, and the setting was primed for warfare (Albanese, 2001; Snyder et al., 2006; Stiglmeier, 1994).

Nearly a decade later, the political dissolution of the Socialist Federative Republic of Yugoslavia (SFRY) and its six republics in the late 1980s wrought devastation for Eastern Europe (Olujic, 1998). Within one year of each other (1991-1992), Croatia, Slovenia, and Bosnia-Herzegovina declared their independence from the federation of Yugoslavia. These three states, along with Macedonia, were admitted into the United Nations by 1993. The other two republics, Serbia and Montenegro, combined and created a republic referred to now as Yugoslavia. The division that took place between these states created military disputes and ethnic hatred.

The media played an important role in the facilitation of nationalist movements in the former Yugoslavia. Following the dissolution of the SFRY, the inflow and exchange of information between republics was greatly reduced. The exclusive media space that existed within the individual republics was tightly controlled and censored. Ivan Čolović (1994) described this as a "media war" that became a mode of "auto-communication," with its primary role to foster the unified and mobilizing power of an ethnically defined group. Dubravka Žarkov (2007) furthered the concept of a media war by arguing that it involved the production of ethnicity, with norms of sexuality and notions of masculinity and femininity as its essential components. Both the Croatian and Serbian media used similar associations and divisions in their representational

strategies, which points to shared notions of femininity, sexuality, and ethnicity, as well as common assumptions about the gendered nature of sexual violence (Žarkov, 2007).

In March of 1992, almost immediately after Bosnia-Herzegovina declared its independence in an election boycotted by Bosnian Serbs, the Serbian troops attacked. The troops involved consisted of 80,000 to 100,000 soldiers of the Yugoslavian Federal Army (YFA), Bosnian Serb volunteers and an army of paramilitary groups (Stiglmayer, 1994). At this time, Bosnia consisted of three dominant “ethnic groups”: the Eastern Orthodox Serbs (31 percent of population), the Catholic Croats (17 percent of population), the Muslims (44 percent of population) and a relatively small group of citizens with mixed parentages (8 percent of population). The Serbian forces conducted a blitzkrieg ethnic cleansing campaign in Bosnia and Croatia in an attempt to create a Serb-populated territory under their total control. Anticipating the shift towards independence, the Bosnian Serbs had already started to arm and train paramilitaries and declared a Serbian Republic of Bosnia-Herzegovina months prior. Militarism in the former Yugoslavia generated “reverberating violence” where each atrocity was matched with an equal atrocity (Littlewood, 1997). This was the case during the Balkan conflict: murder, rape, and torture victims were found to be Serbian, Bosnian Muslim, and Croat. However, the intent of the Serbs was to destroy the Bosnian Muslim population through ethnic cleansing, while the violence perpetrated by other states in the former republic did not result in genocide (Alvarez, 2001; Wood, 2001).

The Serbian Socialist Party (SPS), the Serbian Orthodox Church, the Serbian Academy of Arts and Sciences, and the Serbian ruling party published a document titled “Warning” in October of 1992 (Salzman, 1998). This document stressed that non-Serb areas were increasing in growth, while Serbs were not. Therefore, the Serbian Parliament adopted a resolution that

promoted the stimulation of the birth rate amongst Serbians while suppressing the birth rate in non-Serb populations (Salzman, 1998). This resolution and the viewpoints present within it quickly snowballed into Serbian nationalism. The concept of nationalism refers to the belief that an individual's national affiliation is his or her primary form of belonging (Albanese, 2001). Nationalistic sentiment thrives in a society where its members bond with each other on the basis of their nationality and ethnicity in turn rejecting, to the point of hatred, individuals from another nationality or ethnicity.

The former Yugoslavia was once abundant with "mixed" marriages and families. In particular, before the war it was estimated that up to one-third of the marriages within Bosnia-Herzegovina were between members of different ethnic groups (Engle, 2005). Yet, once the conflict began, the ethnic hatred was strong enough to break families apart and turn neighbors against each other. While the origins of the Balkan conflict are complicated, the Serbian war strategy could be best explained by Vladimir Srebrov of the Serbian Democratic Party:

The plan was for a division of Bosnia into two spheres of influence, leading to a Greater Serbia and a Greater Croatia. The Muslims were to be subjected to a final solution – more than half were to be killed, a smaller segment converted to Orthodoxy while a smaller segment still, those with riches, could buy their lives and leave. The goal was to cleanse Bosnia-Herzegovina completely of the Muslim people. (as cited by Vulliamy, 1998:77)

The genocide in former Yugoslavia lasted for several years, and innumerable atrocities occurred during the war. It is estimated that 100,000 people were killed; however, the exact death toll may never be known because many of the missing have not been found and mass graves continue to be uncovered. A particularly awful incident of mass violence occurred in the UN safe haven of Srebrenica where more than 8,000 men and boys were killed. In addition,

more than two million Bosnians were displaced during and after the genocide. Detention (also called torture) camps, which greatly resembled Nazi concentration camps, were used by the Serbians to contain and destroy the ethnic other. Reports of beatings, castrations, forced cannibalism, gang rapes, and other extreme forms of torture that frequently led to death were commonplace. Intervention by the United Nations finally changed the course of the conflict in 1995 when the Serbs signed a peace agreement. Yugoslavia was then known as the former Yugoslavia and Bosnia-Herzegovina was separated into three different autonomous regions along ethnic lines. This “solution,” however, was deemed unsatisfactory by all parties (Bos, 2006; Weitsman, 2008).

Description of rapes in the former Yugoslavia

A distinctive aspect to the Rwandan genocide as well, the genocidal and ethnic cleansing campaign led by the Serbs contained a strategy involving mass rape. Serbians frequently used rape as a method of ethnic cleansing. In doing so, the Serbs demoralized and displaced the local population and forced the births of “mixed” children (Niarchos, 1995). In addition, rape was an especially relevant form of torture in the Balkan wars, because the beliefs and implications surrounding rape were shared amongst the three ethnic groups involved (Olujic, 1998). Catherine MacKinnon described the Balkan conflict as “first a genocide, in which ethnicity is a tool for political hegemony: the war is the instrument of the genocide; the rapes are an instrument of the war” (MacKinnon, 1993:187).

It is important to note that the literature regarding the genocidal rape in the former Yugoslavia is abundant in comparison to that of Rwanda. The primary reason for that disproportion is the unprecedented international political, journalist, and feminist responses to

the initial reports of mass rape in the Balkan conflict. Therefore, the accounts of genocidal rape in the former Yugoslavia were better documented and more intensely analyzed.

Several identifiable patterns of rape occurred during the Balkan conflict: 1) the rapes took places prior to an attack on a specific region by Serb militias and civilians terrorizing and publicly raping the villagers before the official Serbian military entered a village, 2) the rapes were committed in concurrence with the invasion and capture of villages and towns, 3) in Serb concentration camps, Bosnian and Croatian women were randomly chosen to be raped and oftentimes murdered, 4) women were forced to sexually entertain men in brothels, and 5) rape that occurred in “rape camps” were often systematic for an extended period of time with the purpose of forced impregnation (Allen, 1996). Along with these patterns, characteristics have been identified that were commonplace in the rapes that were committed by Serbians against non-Serbs. Many of the rapes involved more than one male perpetrator, occurred in a public setting and involved sexual torture or ritualistic elements. In addition, most of the victims experienced multiple rapes and some of the rapes were videotaped and shown on Serbian television. Most importantly, these rapes were not random acts, but were part of a deliberate and systematic strategy (Niarchos, 1996).

Driving Muslims and Croats away from the conquered territories was one of the key objectives in the Serb genocide campaign. Rape became an effective weapon tactic for dispersion; it spread fear and induced the flight of refugees. The rapes demoralized, humiliated, and destroyed not only the victim, but also her family and community. Ultimately, “[t]he effect of rape is often to ensure that women and their families will flee and never return” (Helsinki Watch, 1993:21). The main goal of ethnic cleansing is expulsion of an “enemy” ethnic group

from their native surroundings, and, as previously mentioned, rape was one method chosen by the Serbs. Vera Folnegovic-Smalc (1994) explained this particular process of ethnic cleansing:

[A] woman who has been raped over several months is usually set free during an exchange of prisoners; she can then move freely and speak about the rape. Her story produces fear in the remaining inhabitants, not only the females, but also the males: the men come to realize that they are not in a position to defend their women, and thus they are not only fearful, but also severely demoralized. (Folnegovic-Smalc, 1994:174)

Another genocidal rape tactic used in the Balkan war was rape-induced pregnancy. The Serbian forces sought to impregnate Bosnian Muslim women, which created a major crisis of ethnic identity amongst the Muslim population (Olujic, 1998). A unique aspect of rape-induced pregnancy is that in order for the perpetrator to succeed in his objective, the victim, her family and her community must follow the same reasoning as the perpetrator. In other words, the concept of patrilineal descent in Eastern Europe promoted the idea that a child belongs to his father's ethnicity. Thus, if a Serbian man raped a Muslim woman and a child resulted from that rape, the child would be Serbian. Muslim law also stated that a child's ethnicity is determined by the father (Engle, 2005). This myth was cross-cultural and supported by Serb, Muslim, and Catholic men and women (Salzman, 1998). The misinformed belief that the father determines a child's ethnicity facilitated the Serbian strategy of ethnic cleansing through forced impregnation.

Many of these rapes that resulted in pregnancy occurred in what the Bosnian government has termed as *rape camps* (Olujic, 1998). These Serbian gulags could be located in old restaurants, old mines, factories, schools, sports arenas, farms, post offices, hotels, or brothels. Throughout the Bosnia-Herzegovina territory, rape camps were set up in nearly identical ways – they even had the same layout and uniform patterns of rape (Weitsman, 2008). Non-Serb women that had

been transported to a camp from their conquered village were repeatedly raped and oftentimes if they became pregnant, they were held at the camp into their third trimester. Therefore, once the pregnant women were released from the camp, it would be too late to obtain an abortion (Engle, 2005). However, it is suspected that most of the rape-induced pregnancies during the Bosnian conflict ended in abortion (Card, 1996).

The towns of Foča and Doboj were both known to have housed rape camps. These camps were somewhat elusive and found in inaccessible areas, they were kept secret by the people in charge and dissolved immediately when discovered. In the northern Bosnian town of Doboj, the gymnasium of the Djure Pucar Stari School housed approximately 2,000 Muslim and Croatian women and children who were bused in from conquered villages. The non-Serbian women were repeatedly raped and tortured; some were killed. One survivor of the Doboj camp explained that women who became pregnant had to stay in the camp late into their third trimester. Pregnant captives were separated from the rest of the group and given special privileges such as meals (the others were given daily bread rations). Gynecologists were also made available to medically examine the pregnant women. Those young women who did not become pregnant were beaten and accused of using contraceptives (Stiglmayer, 1994).

An important factor in the Serbian practice of genocidal rape lies in the fact that a systematic military policy was conceived and planned before the outbreak of the war (Salzman, 1998). Evidence of this documented Serbian strategy can be found in the first official document establishing ethnic cleansing as military policy, the Ram Plan. The Ram Plan was created in late 1991 by the Yugoslav National Army Psychological Operations Department in Belgrade. The document outlined the plan to ethnically cleanse Bosnia-Herzegovina of Muslims by aiming “our action at the point where the religious and social structure is most fragile. We refer to the

women, especially adolescents, and to the children” (Allen, 1996:57). More specifically, their analysis of Muslim behavior “showed that their morale, desire for battle, and will could be crushed more easily by raping women, especially minors and even children...” (Salzman, 1998:356). Additional evidence of Serbian policy of genocidal rape was discovered in a letter from a commander in the Serb Army to a chief of police:

Sixteen hundred and eighty Muslim women of ages ranging from twelve to sixty years are now gathered in the centers for displaced persons within our territory. A large number of these are pregnant, especially those ranging in age from fifteen to thirty years. In the estimation of Bocko Kelevic and Smiljan Geric, the psychological effect is strong and therefore we must continue [the practice of genocidal rape]. (Lyons, 2001:113)

Frequently, the Serbian perpetrators told their victims that they were trying to impregnate them in an attempt to create “Chetnik babies” that would grow up to kill Muslims (Daniel-Wrabetz, 2007). The term “Chetnik” refers to the Serbian partisans during World War II, and the term was also used during the Balkan conflict in reference to Serbians (Niarchos, 1995). Using “Chetnik” to describe a Serbian revived the historic conflict that they had with the Croats and Muslims (Niarchos, 1995). Ultimately, it has been proven that there was an official Serbian military policy of rape as a means to achieve a political goal (Allen, 1996; Lyons, 2001; Salzman, 1998).

The European Community spearheaded a fact-finding mission to the former Yugoslavia in December 1992. They found that Bosnian Serb soldiers reportedly raped 20,000 women, most of whom were from the Muslim ethnicity. However, the Bosnian Ministry of the Interior documented 50,000 female rape victims. The discrepancy in numbers leads most scholars to estimate that the actual number lies between 25,000 - 50,000 victims. Some scholars will not even venture to guess the number of victims, claiming that “the combinations of victim silence, wartime chaos, decentralized recordkeeping, and institutional barriers make it impossible to

guess at the actual number of victims” (Green, 2004:112). Rapes continued to be reported for years, but most of the documented cases took place between the fall of 1991 and the end of 1993. There was also a sharp increase in the number of rape cases between April and November 1992. The age of the victims ranged from seven to sixty-five years old; young women between thirteen and thirty-five appeared to have been the target group (Niarchos, 1995; Olujic, 1998; Snyder et al., 2006).

Understanding Genocidal Rape

In order to examine the enigma of wartime rape, an investigation into the factors surrounding it and the connection it has to genocide must occur. To lay the groundwork, the literature review will analyze articles that address wartime rape as a whole, with some concentration on Rwanda and the former Yugoslavia. The following literature will address both wartime (martial, collective, war) rape and genocidal rape. The study of genocidal rape has grown out of the research of wartime rape and genocide; therefore, both of the terms will appear in the review of the literature. Most of the literature explored in this review does not compare Rwanda and the former Yugoslavia, which is why the following literature review contains little in the way of a comparative analysis. However, the intent of this study is to uncover the similarities and differences between the genocidal rape in Rwanda and in the former Yugoslavia, which will be done through the interpretation of the following literature.

Arguably, martial rape (also known as war rape, wartime rape, collective rape, and state-sanctioned rape) has been practiced since the first war was ever fought. Roland Littlewood (1997) provides a detailed narrative into the concept of military rape from an anthropologic perspective. In his empirical analysis of existing interpretations of wartime rape, he found that wartime rape is not unique to certain areas, nor is it new. Littlewood explored militarism,

biosocial and situational arguments, and sexuality and aggression, in addition to genes, territory, and resources for their possible application to wartime rape. Littlewood has argued that there are certain situations in which martial rape is more common: civil war, low intensity conflict, treason, “pacification,” and counter-insurgency. He also explained that war rape is elusive and well-concealed, oftentimes remaining as only a rumor. However, there are many documented occurrences of wartime rape, which is the case for both Rwanda and the former Yugoslavia.

From the arena of sex research, Jonathan Gottschall provided a brief overview of the literature on wartime rape in historical and ethnographical societies, including accounts of historical mass wartime rape spanning from World War II to Ancient Greece and ethnographical accounts of primitive wars in Papua New Guinea. Gottschall mainly focused on the four leading explanations for the causes of wartime rape: classic feminist theory, cultural pathology theory, strategic rape theory, and biosocial theory. To clarify, the classic feminist theory utilizes the harmful patriarchy concept and maintains that rape in war, like rape in peacetime, is a crime motivated by the male desire to exert power and control over a woman. He decided that this theory of wartime rape was inadequate because it cannot account for the societies, mostly non-patriarchal ones, that experience wartime rape. Gottschall’s analysis ultimately led him to conclude that the biosocial theory was the most applicable to wartime rape. The biosocial theory is a combination of biological determinism and sociocultural theories of wartime rape. In essence, Gottschall found that the biosocial theory, because it integrates biological and cultural factors, allowed an analysis of wartime rape in which all data are explained in a one context. Currently, the most influential theory of mass wartime rape is strategic rape theory; this is also the most beneficial theory when analyzing genocidal rape (Gottschall, 2004). Strategic rape

theory contends that wartime rape is a tactic used by soldiers in the process of executing larger strategic objectives (Gottschall, 2004).

Jennifer Green suggests a few possible explanations for “collective rape” in her comparative sociological study of political sexual violence. Green used new source data to identify international incidents of collective rape. She defines collective rape as “a pattern of sexual violence perpetrated on civilians by agents of a state, political group, and/or politicized ethnic group” (Green, 2004:98). Due to the sizeable percentage of mass rapes that involve agents of the state as perpetrators, state repression is a possible explanation. Collective rape oftentimes concurs with other forms of state violence, such as enslavement, mass killings, torture, and genocide, which reinforces the notion that state repression may predict collective rape. Another possible explanation offered by Green concerns the influence of gender. This perspective, similar to the classic feminist argument, contends that the primary perpetrators of rape are male and the primary victims are female: men may view women as less than fully human while reducing them to their reproductive capabilities, which legitimize acts of sexual violence against them. Last, Green states that ethnic animosity could possibly be an explanation for collective rape (Green, 2004).

The articles above do not directly address the *genocidal* aspect of the mass wartime rape. Several authors have addressed the idea of rape as a tool of genocide. In her book, Beverly Allen directly refers to the concept of genocidal rape by providing an analysis and definition. From a women’s studies perspective, Allen utilizes personal accounts from rape/death camp survivors and individuals who have worked with the survivors to examine six themes which are identity, representation, facts, analysis, remedies, and implications. Allen labeled the Serbian military policy of rape for the purpose of genocide and ethnic cleansing as genocidal rape (Allen, 1996).

In her law and human rights project, Catherine N. Niarchos also identified five patterns of rape that occurred during the Balkan conflict. Niarchos analyzes the rape of civilian women in the former Yugoslavia and in other conflicts. The patterns she found strengthen the argument that the rapes were of a systemic nature. First, the rapes occurred prior to an attack on a specific region. Second, the rapes were committed in concurrence with the invasion and capture of villages and towns. Third, the rapes occurred while women were detained in camps. Fourth, the rapes were committed in alleged “rape-camps.” The fifth and final pattern states that women were forced to sexually entertain men in brothels (Niarchos, 1995).

Along with the five patterns, Niarchos also established several characteristics that were common to all of the rapes that were committed by Serbians against non-Serbs. Many of the rapes involved more than one male perpetrator, occurred in a public setting, and involved sexual torture or ritualistic elements. In addition, most of the victims experienced multiple rapes, and some of the rapes were videotaped and shown on Serbian television. Most importantly, these rapes were not random acts, but were part of a deliberate and systematic strategy. The above patterns and characteristics support the concept of rape being used as a tool of genocide, as well as a method of ethnic cleansing. Last, Niarchos explored the status of rape under international humanitarian law, as well as addressed the challenges faced by the International Criminal Tribunal for the Former Yugoslavia (ICTY) by focusing on the legal discourse, investigations, and crimes involved (Niarchos, 1995).

While Allen and Niarchos focused on the former Yugoslavia, Patricia A. Weitsman concentrated on Rwanda from an international studies viewpoint. Weitsman (2008) found that approximately 90 percent of Tutsi females who survived the genocide were sexually assaulted in some way by the Interahamwe (Hutu militia). Obviously, mass rape was a significant part of the

Rwandan genocide and, unfortunately, was oftentimes a prelude to death. In her article, Weitsman analyzed the politics of identity and its connection to sexual violence. She argued that certain assumptions regarding ethnicity, biology, genetics, and gender produce a permissive environment for strategies of sexual violence during war. Ultimately, she concluded that the aftermath of mass rape campaigns, in particular the treatment of the children born from the rapes, reflect important assumptions about identity within that country (Weitsman, 2008).

A researcher from the Centre of International Relations in Vancouver, Erin K. Baines examined the role of body politics in the Rwandan genocide in her article. Using a qualitative method, Baines utilized testimonial evidence from human rights reports to explore the function of gender and the body during this crisis (Baines, 2003). Human rights reports are an important tool for assessing secondary data, especially if the researcher is not able to collect first-hand data. This micro-level approach brought some valuable information to light; and Baines concluded that the genocide was an attempt of the Hutu nation to cleanse Rwanda of the Tutsi. The Hutu aimed to achieve this imagined nation through the use of women's bodies and their sexuality. She also made a case for further research in the under-theorized realm of gender and body politics (Baines, 2003).

From a social work perspective, Nancy Farwell focuses on the intersections of patriarchy, gender, militarism, and political, religious, and ethnic identities that promote wartime rape. In her article, Farwell explored new conceptualizations of war rape in international law. Importantly, Farwell contends that by accepting the fact that rape is a regrettable aspect of war, it relays a message of implicit tolerance and permission for martial rape. Farwell states that the development of the International Criminal Tribunal for Rwanda (ICTR) and the ICTY has helped in the emerging conceptualization of war rape as a crime. For instance, the ICTR and the ICTY

established the legal precedents and definitions for prosecuting perpetrators of wartime rape (Farwell, 2004).

Doris E. Buss analyzed the systematic, pervasive, and orchestrated nature of wartime rape, therefore marking sexual violence as integral rather than incidental to war. Using a legal perspective, Buss examined how the ICTR's record of judgments conceives of rape as an instrument of genocide. Similar to Farwell's claims, Buss (2009) contends that viewing rape as an inevitable by-product of war brings forward the assumption that wartime rape is "natural." This allows for the notion that rape is always a viable weapon during war to take root. Buss (2009) explains that post-conflict tribunals, such as the ICTR and the ICTY, provide the most productive sites for the recording of women's experiences in armed conflict. However, she argues that there is room for much needed improvement in future tribunals. For example, women who testified at the ICTR and the ICTY often were limited by time and relativity during the trial or commission process; also, these women's testimonies were subject to reinterpretation and they could have suffered unintended consequences after testifying. Ultimately, the presumed therapeutic benefits of testifying at a post-conflict tribunal may be exaggerated (Buss, 2009).

William B. Wood performed a comparative analysis of Bosnia and Rwanda from a geographical perspective. He observed geographically-linked concepts of ethnic cleansing, forced migration and territorial nationalism in an attempt to explain the genocides that occurred in Rwanda and the former Yugoslavia. Wood (2001) also identified several commonalities between the genocides in Rwanda and the former Yugoslavia: deep roots in politically motivated inter-ethnic distrust and fear, violence propaganda, exaggerated perceived "ethnic" differences, confounded international peacekeeping efforts with the nearly impenetrable post-conflict ethnic hatred, post-genocidal socio-economic collapse, "final solutions" consisted of cutting out the

offending ethnic group so that the rightful heirs can claim back their homeland, and the generation of possible genocidal efforts in neighboring countries (Wood, 2001).

Vesna Nikolic-Ristanovic, from the Institute for Criminological and Sociological Research in Yugoslavia, discussed in her article the violence against Yugoslavian women during the conflict. Nikolic-Ristanovic (1999) examined how, with the lack of democracy, militarism and nationalism decrease the safety of women during conflict and peacetimes. In particular, she focuses on the sexual, physical, and psychological violence against women in times of war. Through the use of her own research findings from interviews with refugee women settled in Serbia and from cases reported to a local Belgrade hotline for women and children, Nikolic-Ristanovic analyzed three groups of problems: the abuse of women as a means of achieving military or political goals, violence against women as a consequence of war, and the abuse of women's reproductive rights. She concluded that the atrocities experienced in the former Yugoslavia during the Balkan conflict was a continuation of the oppression faced by women all over the world for many centuries (Nikolic-Ristanovic, 1999).

Alex Alvarez, the first criminologist to broach the subject of genocide, analyzed the role of ideology in the facilitation of genocide. In one of his studies, Alvarez (2008) explored the underlying beliefs and ideas present in genocidal policies, which he described as contradictory in nature, genocidal ideologies being both rational and irrational. For instance:

while a government may ostensibly be motivated by clear political, economic and/or social interests in pursuing genocidal policies, that motivation is generally supported and legitimated by various ideologies that provide the necessary justification for the wholesale killing of men, women and children from within the targeted victim group. (Alvarez, 2008:214)

Alvarez also explained the concept of ideology and the fact that it is an inescapable element of every culture. In fact, he found that the nexus where ideology connects with genocide is when human communities create belief systems which provide the framework for the purpose of the destruction of the victim population. In essence, those participating in genocide have invested in the ideology that their genocidal actions are a necessary duty for their nationality, ethnic group, or race. Alvarez ultimately found that ideologies are a necessary component of any genocide, because these ideologies supply the necessary intellectual framework that justifies and motivates the elimination of the victim group. In the concluding paragraphs, he looked at possible genocide prevention techniques, which included making populations resistant to nationalistic propaganda by educating them on the uses and misuses of national history and identity, providing access to independent news and media outlets as an alternative to state propaganda, political re-socialization and resolute enforcement of international human rights law (Alvarez, 2008).

Last, criminology has acknowledged the existence of genocidal rape, and Dawn Rothe and Christopher Mullins have also provided a brief summary of its properties. By applying an inductive examination of state crimes and their etiological factors, Rothe and Mullins present a multi-level integrated theory that takes into account motivation, opportunity, constraint, and control at the international, macro-state, meso-organizational, and micro-individual levels to examine genocide, war crimes, and crimes against humanity. Rothe and Mullins also bring up the concept of genocidal rape with the primary motive being population elimination and eliciting terror. In addition, they explain four other motivations for genocidal rape: create fear in a population, humiliate men and women within a population, spoil female identity, and produce a

generation of mixed-ethnic children to continue the humiliation/spoilage/ domination methods (Rothe & Mullins, 2008).

To summarize, the literature available on genocidal rape, conflict in Rwanda and the former Yugoslavia, and international criminology is primarily qualitative in design with most taking a discursive or essay approach. While some scholars have utilized interviews, most used some form of a content analysis methodology. This appears to be an effective approach to analyzing wartime rape from a historical perspective, and the current thesis will attempt to mirror this method of exploration.

Research Questions

1. “What theories are applicable to genocidal rape?”
2. “What commonalities and differences are present between Rwanda and the former Yugoslavia’s instances of genocidal rape?”
3. “How can these commonalities and differences be interpreted?”
4. “What has been the impact on international law as a result of Rwanda and the former Yugoslavia’s *ad hoc* tribunals?”
5. “What are the implications stemming from the present comparative analysis?”

Methodology

This study of genocidal rape in Rwanda and the former Yugoslavia will follow a comparative analysis framework. The purpose of this comparative analysis is to explore similar patterns in the production of genocidal rape and to raise questions regarding the reinvention of genocidal preconditions (Wood, 2001). The grounds of comparison of the genocidal rape that occurred in Rwanda and the former Yugoslavia are clear in that these two events occurred within a short timeframe, and each of the post-conflict responses (*ad hoc* international criminal tribunals)

specifically addressed the criminal nature of the sexual violence that transpired against civilian women.

The present research will be following a criminological perspective; and the area of wartime rape is an under-developed area within the field of criminology. The topic of this research is best analyzed through an investigative process. Alex Alvarez (2001) explained that a comparative social science-based approach when examining transcultural elements can be a useful medium for developing additional insight into genocide. Due to the fact that genocidal rape is an under-developed area within the field of criminology, comparatively analyzing this international crime will contribute to the field. In his discussion on genocide, Robert Melson noted this important detail:

[t]he point of such comparison is not to diminish the events themselves, certainly not to relativize the crimes of the perpetrators, but rather to try to shed light on the empirical conditions, the underlying pattern of empirical similarity, that led to genocide in the past and may lead to it in the future. (cited in Alvarez, 2001:13)

Haveman and Smeulers (2008) also argued that developing comparative analyses for international crimes may contribute substantially to the field. The present study, therefore, will take a qualitative, comparative approach in its exploration of genocidal rape in Rwanda and the former Yugoslavia.

The goals of this research will be classified as pure research and will ideally have an indirect impact on the future policies and responses to genocidal rape. Pure research is conducted for the purpose of producing knowledge in order to comprehend the world at a basic level (O'Leary, 2010). This research goal was chosen because more knowledge is needed in the area of genocidal rape in Rwanda and the former Yugoslavia. Critical/radical ethnographies, on the

other hand, are used in an attempt to create a radical change to a dominant structure (O'Leary, 2010), and thus were chosen because a fundamental change in the societal structure must occur in order to combat genocidal rape. This strategy is also beneficial to the present study due to the fact that it promotes "critical examination of worldviews, ideology and power...[and] attempts to contextualize the current situation in a larger socio-historic framework that offers, and encourages others to engage in, critical reflection" (O'Leary, 2010:155).

It is expected that a number of commonalities and differences will be identified between the Rwandan and former Yugoslavian genocidal rapes. In Rothe and Mullins' (2008) multi-level integrated theory of supranational crimes, they have identified several common elements of supranational crimes: global economics, social disorder, and militias. In an attempt to extend Rothe and Mullins' analysis of genocidal rape, the present study will utilize their three points of comparison (global economics, social disorder, and militias), and, in addition, an exploration into the perpetrators (*génocidaires*) and victims will be completed. To clarify, five points of comparison will be examined in this comparative analysis between Rwanda and the former Yugoslavia: global economics, social disorder, militias, perpetrators (*génocidaires*), and victims.

In essence, this study may also draw in elements similar to that of a content analysis, utilizing a socio-historic framework. The content to be analyzed consists of a myriad of inter-disciplinary peer-reviewed journal articles and books related to genocide, wartime rape, Rwanda, and the former Yugoslavia. This content will then be applied within a comparative context in an attempt to isolate common threads between the genocidal rape that occurred in Rwanda and that which occurred in the former Yugoslavia.

CHAPTER 2: WARTIME RAPE AND GENOCIDAL RAPE

Rape has often been viewed as an unfortunate, yet inevitable, by-product of war (Snyder et al., 2006). From this perspective, preventing or punishing rape during war was deemed unnecessary because the behavior had become normalized. The UN Commission on Human Rights defined war rape as:

a deliberate and strategic decision on the part of combatants to intimidate and destroy ‘the enemy’ as a whole by raping and enslaving women who are identified as members of the opposition group (Farwell, 2004:392).

There are several different terms used in reference to war rape: wartime rape, martial rape, militarized rape, state-sponsored rape, collective rape, and, most recently, genocidal rape. The term “genocidal rape” should not be used interchangeably with other terms for wartime rape, however. The reasoning behind this, along with an analysis of genocidal rape, will be explained later in the chapter. But first, an overview of the theoretical explanations of wartime rape will be presented.

Wartime Rape

Arguably, wartime rape has been practiced since the first war was ever fought. The social anthropologist Roland Littlewood contends that wartime rape is not unique to certain areas, nor is it new; “Hebrew, Anglo-Saxon and Chinese chronicles recognized the rape of women as a consequence of defeat in war – as did Herodotus and Thucydides – not endorsing the horrors but certainly recognizing them as an inevitable part of military conflict” (Littlewood, 1997:8).

Littlewood has also argued that there are certain situations in which martial rape is more common: civil war, low intensity conflict, treason, “pacification,” and counter-insurgency. He has found that war rape is elusive and well-concealed, oftentimes remaining as only a rumor (Littlewood, 1997).

While sexual violence during armed conflict can be well-hidden, there have been documented accounts of military rape. The earliest written account of wartime rape derives from ancient Greece. Chroniclers of war have also mentioned the rape of women by knights and pilgrims in the Crusades and by soldiers in the American Revolutionary War (Hynes, 2004). The first widely-recognized and published account of mass wartime rape occurred in Nazi Germany during the Kristallnacht riots in 1938 (Milillo, 2006). During the final stages of World War II, Soviet soldiers reportedly raped more than two million German women. Around the same time, the infamous “rape of Nanking” took place when the Japanese army executed mass rapes and sexual imprisonment (“comfort women”) of Chinese women. Approximately 200,000 women were raped in Bangladesh during conflicts that erupted in 1971 (Reid-Cunningham, 2008). In the past 35 years, a growing number of female journalists, human rights activists, lawyers, and physicians have uncovered and exposed more war crimes against women, specifically wartime rape. Currently, mass wartime rape has been identified in Democratic Republic of the Congo (DRC), Iraq, Colombia, and Sudan. An important note regarding the figures surrounding wartime rape is that accurate data of the prevalence of sexual violence during armed conflict is exceptionally difficult to obtain, with the actual number of victims usually higher than reported in censuses (Hynes, 2004).

Notably, there is a clear lack of documentary evidence of rape as an *orchestrated tactic* of warfare prior to the genocides in Rwanda and the former Yugoslavia. However, the absence of documentation does not indicate absence of the phenomena (Rothe & Mullins, 2008). Wartime rape may have been common in previous centuries, yet not thoroughly recorded and analyzed. Several scholars have explained that wartime rape cannot be understood simply as an extension of rape in non-war contexts, and that the institutionalized, state-sanctioned nature of the sexual

violence increases the degree of trauma experienced by the victim (Hastings, 2002). However, some have argued that one fundamental function of rape, war and non-war, is to display, communicate, and produce or maintain dominance. The philosopher Claudia Card considers wartime rape a “cross-cultural language of male domination” (Card, 1996:7). She also explains that martial rape can be a public act that may serve as a bonding agent among the perpetrators, while at the same time destroying family, friend, and community relationships. An additional function of wartime rape is that it can undermine political, cultural, and national solidarity, potentially changing the next generation’s identity by altering the loyalties of all victimized survivors.

Theorists have stressed that wartime rape must be examined while concentrating on the conflict area’s cultural landscape. It is argued that mass rape is made possible by an undercurrent of hostility, aggression, and anger directed against the women who are targeted for these attacks. Five factors that appear to be present in incidents of mass rape have been identified: rigid gender roles, a sense of male entitlement or ownership of women, culturally ingrained norms regarding male dominance, general approval of physical punishment of women, and the construction of hyper-masculinity displayed in military organizations (Reid-Cunningham, 2008).

Rape can be used as both a weapon and a strategy or tactic of war. As a weapon, it attacks women’s security in a physical and emotional sense while simultaneously releasing an assault, through women’s bodies, on the enemy. As a strategy or war tactic, rape is a sanctioned and systematic method of achieving specific political objectives (Farwell, 2004). Rape as a war tactic is not an act of violence against women in particular, but it is an additional form of humiliation to be dealt out to the enemy men (Bos, 2006).

Much of the research in the area of rape in wartime focuses on the male/perpetrator and female/victim paradigm. While the presence of female perpetrators is uncommon, the existence of male victims is well-known. That being said, the focus on female rape victims permits the space needed to present a particular set of problems unique to the rape of women and girls (Reid-Cunningham, 2008). The events of male wartime rape victimization raises different issues; therefore, the present thesis will specifically concentrate on female victims. The “gendering” of war is oftentimes present in instances of mass rape. For instance, the use of gender-based forms of torture (public gang rape, genital mutilation, vaginal impalement with weapons) may serve multiple purposes. Hansen contended:

[The] productive power of rape is that it forms and reinforces national and gendered identity. While wartime rapes on one level serve to destroy the nation, at another level, they simultaneously inscribe the nation they aim to erase. (cited in Baines, 2003)

Gender stereotypes can be attached to stereotypes of the subordinate or opposing group in order to reinforce degradation in an interactive way, such as classifying the women within the victimized population as immoral, promiscuous, or conniving (Milillo, 2006).

Continuing with the theme of gender and its role in wartime rape, Robert Hayden explored the symbolism involved in collective rape. He argued that mass rape is violence that is symbolic, with its basic meaning as a communicative act. In essence, the violation of the female’s body became a sign through which men communicated with each other. Importantly, the social success of this symbolism lies in the compatibility of each group’s sociocultural norms. The use of a woman’s body as a method of communication between men is only possible if the honor of the group (in which males are the normative players) is determined by the masculinity of its men and the honor of its women (Hayden, 2002). To clarify, war-related

gender violence is shaped by preexisting sociocultural dynamics and gender relations; thus, it is the very notion of honor situated in women's bodies that allows wartime rape to be such an effective tool of terror (Farwell, 2004).

In addition to men utilizing rape as a form of communication, the relationship between men and, in particular masculinity, and military is evident. Miranda Alison explained that certain attributes of hegemonic masculinity appear to exist permanently in militaries, such as practical competence, physical strength, sexual performance, and protecting women. This expectation of aggression is coupled with socially-sanctioned and institutionalized uses of force with the military as the supreme standard of masculinity. Therefore, it could be argued that state violence in the hands of men, and not male violence in the hands of the state, may be a causal factor in wartime rape (Alison, 2007).

Some feminist theorists disagree with this explanation, however. From the feminist paradigm, the patriarchal cultures in which men are socialized create contempt for women. While this contempt may be unconscious, it is still perpetuated throughout a society; the men may release all of their suppressed anger towards women through sexual violence using the opportunity that war provides (Snyder et al., 2006). Essentially, feminists view wartime rape as an intensification of the sexual violence that exists outside of armed conflict. Patriarchal values and hierarchies intersect and interact with militarization, which fuels the construction of gender relations that motivate wartime rape (Farwell, 2004).

Feminist scholars and activists were the first to systematically investigate, document, and raise public awareness of mass wartime rape. Many feminists argue that rape and sexual torture in war, like rape and sexual assault in peacetime, is a crime motivated by the desire of a man to exert power and control over a woman and not a crime of sexual passion (Gottschall, 2004;

Milillo, 2006; Snyder et al., 2006). One scholar summarized this point of view by stating: “[w]hile men may fight on different sides and for different reasons, in one sense they are all warriors on behalf of their gender, and the enemy is woman” (Gottschall, 2004:131). Feminists deserve credit for the invaluable contributions made in analyzing wartime rape; however, the shortcomings found in the classic feminist rape theory must also be taken into account.

First of all, since rape is seen as a result of patriarchal socialization, feminist rape theory creates the expectation that rape in the context of war and peacetime should only occur in a limited portion of societies, such as staunchly patriarchal ones. Yet evidence has shown that that not only is rape a cultural universal, but mass rape is a common outcome of armed conflicts throughout the world and throughout the ages (Gottschall, 2004). Another limitation of the feminist argument is that it cannot explain why certain men rape while others do not, nor can it account for the rape of *men*. Last, the feminist perspective on wartime rape emphasizes the focus on ideas of universal gender inequality and indiscriminate male violence towards women without acknowledging the intersection of gender with ethnicity. The concept of indiscriminate rape in contemporary armed conflicts is questionable; for example, many ethno-national conflicts have intentionally utilized rape as a weapon of war. Therefore, when rape is purposefully committed by specific men against specific (namely “enemy”) women, it cannot be considered indiscriminate (Alison, 2007).

Gender ideologies and the effects of nationalism have been linked during the investigation of wartime rape. Some have argued that women are more vulnerable in nationalist conflicts because women become the symbolic representations of the body politic (Buss, 2009). As a result, women are viewed as the embodied boundaries of the nation-state and are targets for violence directed against the opposing group. Collective sexual violence as a mode of sustaining

or dissolving nation-state boundaries may produce reverberating violence. Reverberating violence can be defined as “atrocities matched by atrocities” (Littlewood, 1997:11). For example, in the context of wartime rape, any abuse of “our” women must be matched by further abuse of “their” women in order to maintain the distinction between the two sides. In addition to reverberating violence, nationalist ideology can also promote institutionalized male supremacy, which may increase the likelihood of mass wartime rape by enhancing the sense of male entitlement (Albanese, 2001). The way in which male entitlement and nationalism interact in the context of ethnic conflict could lead to the sexual performance of national identity. The development of ethnicized masculinity allows for rape to be viewed as an accomplishment, constantly negotiated and measured through processes of sexual performance (Price, 2001).

In their study, Baaz and Stern examined armed forces in the Congo to answer the question “why do soldiers rape?” They found three main “forms” of militarized rape: recreational rape, national security rape, and systematic mass rape. Notably, these forms of wartime rape are globalized, yet they are not universal, nor ahistorical. Instead these three forms of militarized rape are deeply political, the result of specific decisions and the product of relationships between institutions, people, and discourses. National security rape is often used to punish and humiliate “subversive” women for posing a threat to national security through their alleged defiance of the society’s strictly defined concept of gender relations. The third form of militarized rape, and most applicable to this thesis, is explained as “an instrument of ethnically specific oppression and generalized terror that ‘makes sense’ through the workings of gendered nationalist discourse” (Baaz & Stern, 2009:500). The first form, recreational rape, was found to be the most common type, according to the soldiers sampled in Baaz and Stern’s analysis. Recreational rape falls into the category of lust or sexual desire. While most scholars who

address wartime rape de-link rape from “natural” sex drives, the sexual urge and biological theories argue that men possess instincts for sexual aggression that are inhibited under normal conditions but are liberated in a chaotic war environment (Gottschall, 2004). Ultimately, biology-based theories of wartime rape maintain that rape in war is inevitable, a biological impulse that had to run its course in war (Snyder et al., 2006). However, this theory cannot account for the soldiers who, even when ordered, do not rape in wartime.

Ruth Seifert has also offered an analysis of wartime rape in which she uncovered five explanations of rape in the context of war. These “theses” are as follows: rapes are a part of the “rules” of war, the abuse of women is an element of male communication in aggressive disputes, rapes result from the offers of or elevation of masculinity that militaries make to their soldiers, rape in wartime aims at destroying the enemy’s culture, and the background to mass rape is a culturally-rooted contempt for women that is lived out in times of crisis. Some of these explanations have been previously discussed; however, the fourth thesis (rape in wartime aims at destroying the enemy’s culture) is of particular interest to the present study. Essentially, this explanation contends that women were part of a tactical objective to destroy a culture. Women become prime targets in war because of their importance in the family structure and their cultural position (Seifert, 1994).

Baaz and Stern’s third form of militarized rape, systematic mass rape, and Seifert’s fourth thesis, rape in wartime aimed at destroying the enemy’s culture, can be coupled to describe the strategic rape theory that is currently the most influential theory of mass wartime rape. Strategic rape theory argues that rape is a coordinated, logical, and brutally effective method of prosecuting warfare. It becomes another mechanism – like bullets and propaganda – that a military can employ to accomplish strategic goals. Systematic mass rape affects the afflicted

culture's capacity to remain coherent and reproduce itself, ultimately attempting to annihilate a people and a culture (Gottschall, 2004). This form of wartime rape was present in both Rwanda and the former Yugoslavia and has been referred to as genocidal rape.

Genocidal Rape

Explanation of Genocidal Rape

In most armed conflicts, rape functions as a tactic to humiliate, degrade, intimidate, and torture the enemy. In some cases – particularly in genocidal campaigns – rape serves as a weapon to destroy a particular ethnic group or to completely annihilate a genus of people (Weitsman, 2008). This tactic is referred to as genocidal rape. The term *genocidal rape* was coined in the late 1980s to describe the new extreme of systematic, sexual brutality found in the Bosnian conflict (Hynes, 2004). It is argued that genocidal rape is a particularly effective means of humiliating the enemy with the aim of destroying the very fabric of society, as women are often labeled as the signifiers of ethnonational difference, reproducers of the boundaries of the collectivity, and transmitters of its culture (Alison, 2007; Baaz & Stern, 2009).

Through the logic of the genocidal rape policy, the soldier-rapist establishes his 'hetero-nationality/ethnicity' – a separate and superior nationality or ethnicity from that of the victim, who in turn has her national or ethnic identity forced into an inferior position through the act of rape (Alison, 2007). Following this line of thinking, Claudia Card argued that there is more than one way to commit genocide: mass murder by killing individual members of a national, ethnic, or political group or to destroy a group's identity by decimating social and cultural bonds. Genocidal rape does both. Many females are raped just prior to being killed, while those who survive the rape(s) are thrown into chaos stemming from the trauma and negative cultural reactions. In effect:

[w]here genocide by cultural decimation is the principal aim, universal slaughter of captives is unnecessary. Instead of being slaughtered, captives may be enslaved or dispersed. (Card, 1996:8)

It is argued here that systematic, state-sanctioned rape and sexual enslavement proves to be an effective method of dispersing a population.

Criminologists Dawn Rothe and Christopher Mullins explain that the phenomenon of genocidal rape is termed as such because it serves as a weapon of terror and population elimination. They define genocidal rape as a:

systematically organized military tactic of terror and genocide. Used to generate fear in subdued population, humiliate the population (both men and women), derogation of women (spoilage of identity), create a cohort of mixed-ethnic children to maintain humiliation/spoilage/domination. Such a use of sexual assault is an orchestrated tactic of warfare. (Rothe & Mullins, 2008:157)

In fact, the UN Security Council agreed with this argument, and in Resolution 1820 declared that rape and other forms of sexual violence can be found as “a constitutive act with respect to genocide” (Reid-Cunningham, 2008:281). Additionally, rape can be a strategy of genocide because it reduces the civilian population through a range of functional methods while also instilling fear, compliance, submission, and flight from regions of contested territory (Reid-Cunningham, 2008).

In their examination of soldiers who commit wartime rape, Baaz and Stern identified a pattern of particularly brutal and clearly intentional sexual assaults that they termed “evil rapes.” Evil rapes are usually motivated by a desire to corrupt the dignity of the victims, their families, and their communities. In effect, it is argued that evil rape derives from a sense of moral

disengagement that accompanies the climate of violence in which soldiers have been living (Baaz & Stern, 2009). Through the process of normalizing violence and killing, along with dehumanization, previously inconceivable behavior becomes plausible. This description of evil rape has noticeable similarities with the concept of genocidal rape; and it could possibly account for the level of severity oftentimes seen in a genocidal rape campaign.

It is important to note that certain principles must be in place for mass rape to be an effective genocidal strategy. Primarily, the societies involved in the genocide must identify with patriarchal religious and social structures. The success of the genocidal rape policy hinges on the unilateral acceptance of a patriarchal system (Salzman, 1998). Mass rape during genocide draws upon existing cultural factors and gender dynamics to maximize the damaging effects of the abuse (Reid-Cunningham, 2008). Women are considered portrayals of the strength of the men to whom they belong in patriarchal societies. In the case of the former Yugoslavia, the Serbs exploited the patriarchal religious structure of the Muslim world. In this context, women were especially vulnerable due to their assumed powerlessness and due to the belief that men were to protect them. In other words, a raped woman's body is evidence of an attack on her people, particularly the men, for it is the men who are responsible for securing women's dignity (Bergoffen, 2006). Therefore, following the rules of patriarchy and insisting on women's weakness, the Serbs demonstrated their ability to render the men of the enemy community worthless by abusing their women.

Effects of Genocidal Rape

The physical, psychological, direct, and indirect effects of genocidal rape are palpable and vast. One of the original feminist scholars to examine genocidal rape, Catherine MacKinnon, proclaimed "These rapes are to everyday rape what the Holocaust was to everyday

anti-Semitism” (MacKinnon, 1994:186). MacKinnon was referring to the Serbian policy of genocidal rape in the Balkan conflict; however, the list she provides of potential motivations for genocidal rape is applicable universally. She states that rape as an official policy of war in a genocidal campaign for political control is:

rape unto death, rape as massacre, rape to kill and to make the victims wish they were dead. It is rape as an instrument of forced exile, rape to make you leave your home and never want to go back. It is rape to be seen and heard and watched and told to others: rape as spectacle. It is rape to drive a wedge through a community, to shatter a society, to destroy a people. It is rape as genocide. (MacKinnon, 1994:190)

In cases where the victims were killed following repeated sexual assaults, the genocidal intent is clear. Not so obvious, however, is genocide in the form of mass rape. Reid-Cunningham (2009) maintained that genocidal rape is used because it accomplishes two goals at once: the woman is to all intents and purposes “killed,” or loses the will to live, yet continues to live among her people as a continuous reminder of their defeat. Fundamentally, physical annihilation is not necessary to realize genocide (Salzman, 1998). By analyzing alternative ways in which a community’s social existence may be destroyed, a unique evil of genocide is identified – social death (Bergoffen, 2006). Social death can be defined as the fate of a person whose identity and self-worth has been destroyed (Card, 2002). Accordingly, individual identity is inextricably tied to cultural identity, and it is the bonds forged between individuals by cultures that give individuals’ lives their uniquely human characteristics. H. Patricia Hynes also addresses the consequences of genocide disparately suffered by women. She explained that to be raped by enemy soldiers and then to be shunned by one’s own family and community constitutes

a “living death.” A living death is marked with hopelessness, intense culturally imposed shame, and acute impoverishment (Hynes, 2004).

From a psychosocial perspective, scholars have pointed out that the survivors of genocidal rape have been exposed to “interactive traumatic stressors” such as death of loved ones, threats to survival, detention in rape camps, torture, forced impregnation, war-related injuries and illnesses, loss of family and community, lack of support systems, stresses of dislocation, culture shock, and a greatly diminished sense of safety. In the context of genocide, the trauma of rape may be deliberately maximized by the perpetrator(s) to cause injury or death and to convey a message (Reid-Cunningham, 2009). For example, torture, repeated assaults (physical and sexual), gang rapes, forced impregnation and childbirth, and public humiliation of the victim and her family all contribute to the devastation of genocidal rape. Genocidal rapes are frequently combined with organized slaughter, starvation, looting, burning, and pillaging in an effort to amplify physical and psychological trauma. Additionally, memories of these wartime atrocities are left in the collective memory of the community; genocidal rape then “becomes generalized to the whole population as survivors, witnesses, families, and communities internalize rape as an assault on their collective consciousness” (Reid-Cunningham, 2009:279). In addition, secondary victims in the form of witnesses to genocidal rape may suffer severe trauma. Public rape and sexual mutilation, along with rape perpetrated in front of the victim’s immediate family, exploits the terrorizing effects of rape and results in maximized victimization (Reid-Cunningham, 2009).

The psychological rehabilitation of genocidal rape survivors is grim. Lynda Boose clarifies by stating that the psychological comprehension of the term *rape* is grossly insufficient if not meaningless when dealing with genocidal rape survivors. In fact, genocidal rape surpasses

any context in which traditional forms of psychotherapy can assume its meaning (Boose, 2002).

Bosnian psychiatrist Muradis Kulenovic described a common experience for a survivor of genocidal rape in the former Yugoslavia:

the victim, prior to the rape, had experienced the massacre of children and parents, then had to watch the murder of her husband, who had been forced to watch the rape of his wife. Finally... terrified and probably naked, she had to flee under a rain of bullets from her burning village, stumbling on the mangled and charred bodies of her relatives, neighbors and friends. (cited in Boose, 2002:72)

Rape can have numerous medical consequences, including fistulas, internal bleeding, incontinence, and life-threatening injuries (Reid-Cunningham, 2009). Many women have sustained physical injuries to such a degree through rape, torture, and sexual assault that they are now unable to conceive (Salzman, 1998). In these cases, not only does the practice of rape “ethnically cleanse” territories, but it functions to destroy, in whole or in part, the enemy culture and reproductive capabilities once people have fled the war-torn area. Extreme forms of genital mutilation are commonplace in instances of genocidal rape; permanent sexual scarring made it impossible for survivors to conceal the truth of their rape. Noticeably prevalent in Rwanda, breasts were frequently cut or severed and many women were eviscerated after the rape.

HIV Transmission, Forced Impregnation and Rape Camps: Genocidal Rape Strategies

HIV transmission, forced impregnation, and rape camps were genocidal rape strategies practiced during the Rwandan and former Yugoslavian conflicts. In Rwanda, HIV was used as a weapon of war. It is estimated that 25,000 Tutsi women were deliberately infected by HIV-positive Hutu men during the 1994 genocide; approximately 70 percent of Rwandan rape survivors that have been tested have proved to be HIV-positive (Kayitesi-Blewitt, 2006). Some

of the survivors have stated that their perpetrators told them that they would not kill them immediately, but that a slow, painful death was awaiting them in the form of HIV/AIDS (Reid-Cunningham, 2009). When violent sexual attacks involving increased contact with blood and other bodily fluids occur, the virus may be transmitted at an elevated level.

The relatively high incidence of HIV infection during the Rwandan genocide, coupled with the fact that a significant number of the victims were repeatedly raped, makes it inevitable that the majority contracted the virus through the act of rape (Kayitesi-Blewitt, 2006; Smeulers & Haveman, 2008). Most of the rape survivors cannot afford health care and for those with the virus, access to life-prolonging anti-retroviral (ARV) therapy is extremely limited (Mukangendo, 2007). The inaccessibility of ARV therapy is related to the excessively high cost and an inadequacy in resources. Ultimately, the health crisis caused by this HIV epidemic is staggering. Some have argued that the Rwandan genocide did not end in 1994, because deliberate HIV infection continues to claim victims today (Reid-Cunningham, 2009).

In the former Yugoslavia, rape camps and forced impregnation were utilized as genocidal strategies. As previously discussed in Chapter 1, rape camps were set up throughout occupied areas in Croatia and Bosnia-Herzegovina. These camps could have been located in larger Serb-run concentration camps, factories, schools, arenas, and animal stalls; some were found to be outdoor pens ringed with barbed wire (MacKinnon, 1994). The primary intention of rape camps was to impregnate non-Serb women of a fertile age and hold them in captivity until the third trimester. The soldiers perpetrating the rapes explained to some victims that they would be denied an abortion and held captive until termination was impossible (Weitsman, 2008). Pregnancy through rape may worsen the assault's long-term impact by removing any chance of maintaining acceptance by a survivor's family, particularly a husband, through silence about her

sexual victimization. In fact, Anne Tierney Goldstein from the Center for Reproduction, Law and Policy argues that forced impregnation maximizes the pain of rape because:

[L]ike rape, but to a greater degree...it increases and prolongs their physical and emotional pain and makes it more difficult for them to resume any semblance of normal life...Like rape, but to a greater degree, it is a means of demoralizing the victim and depriving her of personal dignity and family privacy. (as cited in Carpenter, 2000:436)

Survivors of genocidal rape who became visibly pregnant were unable to hide what happened to them, and this “hyper-visibility” of rape was one of the purposes of forced impregnation (Reid-Cunningham, 2009). The perpetrators used their knowledge of the social consequences and the stigma associated with rape to amplify the damage to the target population.

Non-Serb women who were detained and repeatedly raped were told by the soldiers that they were multiplying the Serbian population through the implementation of forced pregnancy and maternity, and that they were following their superior’s orders to do so (Weitsman, 2008). In other words, the Serbians were attempting to not only eliminate or “cleanse” the former Yugoslavia of other ethnicities (primarily Bosnian Muslims), but to transform the remaining population by impregnating women with Serbian babies. Although there is minimal racial or biological difference between Serbians and Bosnian Muslims as they are both Slavs, the assumption that *paternal* ethnic identity would be the overruling force in the newly formed life was paramount (Weitsman, 2008). Therefore, forced impregnation as a genocidal strategy is conceivable only if one denies both culture and science; its very practice depends not only upon the perpetrators accepting the cultural and genetic myth, but the victims, their families, and communities buying into the myth as well. The acceptance of the myth of patrilineal descent is not limited to Serbs, but is supported by Catholic and Muslim men and women from the former

Yugoslavia as well. Though misinformed, the notion that the male determines the child's ethnic identity is common and crosscultural (Salzman, 1998).

This illogic of reproduction as a form of genocide is only possible because all identity characteristics of the mother, other than as a sexual vessel, are erased. This is the genocidal rape strategy of forced impregnation most bizarre paradox:

If the Serbs want their formula to work, it must be implemented with persons whose ethnic, religious, or national identities have been erased. It must be performed on women who have, for purposes of the Serb father equals Serb baby equation, no identity beyond sex – on women, that is, who in theory *no longer bear the marks of ethnicity, religion, or nationality that the Serb military and the Bosnian Serbs used to justify their aggression in the first place* (Allen, 1996:97).

Unfortunately, a tragic psychological result of the policy of forced impregnation and maternity is that the victims who survive often do so accepting the Serb illogic as true (Allen, 1996).

One of the first scholars to broach the subject of genocidal rape occurring in the former Yugoslavia was Beverly Allen. Allen concluded that genocidal rape qualifies as a crime of biological warfare. Her argument was that in addition to the traumatic effects on its victims, genocidal rape can be labeled as biological warfare because of the use of sperm. In this context, sperm not only is effectively destructive, but it also “constitutes a highly perfected form of biological warfare for its chemical stability, ease of storage, and capacity to deliver to a specific target” (Allen, 1996:131). Notably, Allen's biological warfare argument has received an adequate amount of criticisms. However, another of Allen's arguments has greatly impacted the future scholarship of genocidal rape. She claimed that the *pregnancies*, and not the rapes alone, are the weapon of genocide. To clarify, this argument supports the concept of genocidal rape

only in the context of forced impregnation. As this was one of the first scholarly texts on genocidal rape, many critics focused on the latter argument in an attempt to discredit the concept of genocidal rape. This led to a large amount of rhetoric in the academic community, which will be discussed in the following section (Allen, 1996).

Genocidal Rape Rhetoric and Legal Standing in the World Today

The argument that the policy of forced impregnation and maternity is the only way in which rape can be genocidal has stirred debate. Patricia Weitsman contends that it is inappropriate to describe forced impregnation and/or maternity as genocide, because to do so is to adopt the illogic of the perpetrators – that identity is paternally created. Additionally, she maintains that by adopting the perpetrator's rationale, the perceptions of the children born of rape reflect and spread myths about identity. Sadly, children born of rape in Rwanda and the former Yugoslavia have suffered grave violations of their human rights. Along with high infanticide rates, many of the babies that survived were abandoned, neglected, or abused. Importantly, the babies born of genocidal rape in Rwanda and the former Yugoslavia were not allowed to be adopted overseas. They were regarded as a vital means of repopulating their respective countries (Weitsman, 2008).

An underlying disagreement in the debate over whether wartime rape in Rwanda and the former Yugoslavia can be labeled as genocide stems from feminist perspectives. For instance, feminist law scholar Rhonda Copelon worried that a focus on genocidal rapes may in fact backfire: “to emphasize as unparalleled the horror of genocidal rape is factually dubious and risks rendering rape invisible once again” (Copelon, 1994:198). She also argued that in the case of the Balkan conflict, women were raped primarily because of their sex and not their ethnicity. Of course, this argument of Copelon's is debatable as well. If Bosnian Muslim women were

raped solely because they were women, then why did Serbian forces not also rape Serbian women?

This feminist argument over genocidal rape has been divided essentially into two camps. Most of the literature on genocidal rape stems from the Balkan conflict as it was the first documented case of genocidal rape. Thus, in regard to the rapes in the former Yugoslavia, the first camp argues that the extreme nature of the rapes as genocide perpetrated by Serbian forces should be emphasized. The other feminist camp cautioned against overemphasizing the exceptionalism of this instance of mass wartime rape as genocide; to do so would set too high a marker that might eliminate less severe and exceptional forms of violence against women (Buss, 2009). Criminologist Ruth Jamieson adds to this by stating that feminist criminologists have succeeded “only in (a) hegemonizing women as victims (and thereby silencing men as victims) and (b) blunting the analysis of the shared human capacity to violence...” (Jamieson, 1999:140). Jamieson explains that by focusing on genocidal rape consisting of female victims of male violence has had the effect of stunting the conceptualization of (im)morality and violence in criminology (Jamieson, 1999).

Feminist legal scholar Doris Buss highlighted two limitations of marking rape as genocide in the Rwandan conflict. First, it minimizes all rape and sexual assault to the equation of (male) Hutu violence against (female) Tutsi victims. Second, rape as a method of violence is treated as a relatively consistent practice and experience. The emphasis here is on common patterns of violence (Tutsi women assaulted by Hutu men) and continuity in impact (devastation of a community) rather than taking into account exceptions and variances. Arguably, these consequences of labeling rape as genocide in Rwanda create an atmosphere in which the subject of violence is understood as naturally gendered and the problem becomes women’s experiences

of sexual violence, instead of violence and its links to power and gender (Buss, 2009).

Additionally, legal scholar Margaret Lyons explains that exaggerating a genocidal rape case could obscure the atrocity of ordinary rape. She also cautions that classifying rape as genocidal in an international court of law, without a compelling case, could undermine the credibility of that court (Lyons, 2001).

Another argument criticizing the use of the term “genocidal rape” comes from the anthropologist Robert Hayden. He wrote that the invocation of the term “genocide” in reference to wartime rape appears to have caused many Western, particularly American, scholars to shift gender away from their analysis, concentrating on rape as a crime against a nation rather than a crime against a gender. Hayden continues by maintaining that viewing rape as genocide would require the acceptance that coexistence is not possible (Hayden, 2000). In other words, labeling rape as genocidal would appear to acknowledge its efficiency as a tool for dividing populations. In response to this claim, it could also be argued that labeling a genocide as an actual “genocide” would acknowledge its effectiveness in eliminating a population. Arguing over rhetoric serves little purpose, and in some cases it is acceptable to “call a spade a spade.” In this case, the mass, state-sanctioned rape that occurred during the Rwandan and Balkan genocides constitutes genocidal rape.

Legalistic arguments involving what does and what does not constitute genocide have repeatedly impeded effective and timely action. In fact, it is imperative to avoid these “definitional traps.” This concept of a definitional trap refers to:

[t]he definitional challenge of invoking the word genocide, which has unmatched rhetorical power. The dilemma is how to harness the power of the word to motivate and mobilize while not allowing debates about its definition or application to constrain or

distract policymakers from addressing the core problems it describes. (Schabas, 2009:177)

It is important to note that the UN General Assembly adopted the “responsibility to protect” (R2P) resolution in 2005, which states that each individual State is responsible for the protection of its populations from war crimes, crimes against humanity, ethnic cleansing, and genocide. Note that the last part “war crimes, crimes against humanity, ethnic cleansing, and genocide” made no distinction between them. Therefore, the obligation to protect subdued populations applies whether the violations are described as genocide or as crimes against humanity (Schabas, 2009). Ultimately, getting wrapped up in most of the rhetoric may prove to be unnecessary.

The essential requirement for genocide is proof of intent or *mens rea* of the perpetrator. The perpetrator must act with the intent to destroy, in whole or in part, a racial, ethnic, national, or political group. In the case of genocide, the *génocidaire*'s deeds, words, and general context of his acts determine the *mens rea* or discriminatory intent that is required to constitute genocide (Lyons, 2001). Wolfgang Schomburg and Ines Peterson have a great deal of experience on the subject of genocidal intent as Schomburg performed as judge on both the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) and Ines as former intern at the ICTY. They explain that in international criminal law:

[t]he genocide provision...covers sexual violence only if it causes death or serious bodily or mental harm to the victim, amounts to the deliberate infliction of conditions of life on the group designed to destroy it, or is intended to prevent births within the protected group. (Schomburg & Peterson, 2007:129)

In the cases of Rwanda and the former Yugoslavia, not only has documented genocidal rape been found, but the particularly brutal torture and rape, accompanied by soldiers' remarks, and the

physical and psychological effects covered previously would constitute not only genocide but genocidal rape as well.

Genocide should not be solely equated with a group's physical annihilation. The UN definition of genocide is quite broad and can include long-term and very indirect tactics (Alvarez, 2010). Criminologist Alex Alvarez maintains that as long as *mens rea* or the intent to destroy exists, various policies can be interpreted as genocide. As previously mentioned, several scholars have contended that rape as genocide centers solely on evidence of a policy of forced impregnation (Carpenter, 2000). Although this was the original argument used to establish the concept of genocidal rape, the concept of genocidal rape need not be constricted to the occurrence of forced impregnation. Criminologists Rothe and Mullins argue that the key difference between the general and diffused condition of war and non-war rape and the very nature of genocidal rape lies in *intentionality*. In general, men as a whole do not tolerate rape because it terrorizes women, nor do they plot at an international level to organize rape events (Rothe & Mullins, 2008). Therefore, genocidal rape is unique in its nature as a conscious and purposeful tactic of war with the definite purpose of creating anxiety and fear in a population. Ultimately, it is clear that not only is genocidal rape a legitimate term and international crime, but it was present in both Rwanda and the former Yugoslavia during their respective conflicts.

CHAPTER 3: PERPETRATORS AND VICTIMS OF GENOCIDAL RAPE

Genocide, genocidal rape, and other crimes against humanity do not simply appear; they are “produced by a complex intersection of historical, social, political, economic and cultural factors in a specific time and place” (Rothe & Mullins, 2008:143). It is uncommon for individuals to act out of a sole motivation; instead, individuals are driven by a myriad of factors that operate at both the individual and collective level to facilitate the creation of genocidal perpetrators (Alvarez, 2010). For this comparative analysis, five vantage points or components have been employed to shed light on both the individual and structural contexts of genocidal rape. In this chapter, a comparison of the perpetrators and victims of these actions in Rwanda and the former Yugoslavia are presented. In the next chapter, the individual perpetrators and victims of genocidal rape will be located within the overlapping dynamics of global economics, social disorder, and local militias. In addition, Chapter 4 will also underscore the transcultural importance of the roles of ideology and nationalism.

Perpetrators (*Génocidaires*)

Genocidal offenders are regarded as *hostes humani generis*: enemies of all humankind (Haveman & Smeulers, 2008). These *génocidaires* cannot be understood outside the context in which they work. Importantly, the foremost reason why these individuals are transformed into *génocidaires* is due to the collectively violent context of genocide. People who engage in genocide actually seem to believe that the violence they are committing is both necessary and justified. They tend to perceive their struggle as a war against injustice, unfairness, and oppressive regimes. When the violence is structural and widespread, many civilians get involved; and in the cases of Rwanda and the former Yugoslavia, the violence was institutionalized and the whole state apparatus and population appeared to be involved. Bureaucrats and state functionaries become “lethal cogs” by simply sitting behind their desks

and filling out paperwork (Alvarez, 2001:86). Many others were involved in a much more physical manner, such as militia members or camp guards (Smeulers, 2008).

Upon closer examination of perpetrators who commit genocide, it becomes apparent that the primary reason they commit these acts of violence is that they think it is not only required of them, but that it is for the good of society. Tzvetan Todorov described this altered perception by stating:

[t]hey simply believed that the “atrocities” were in fact a good thing and thus not an atrocity at all – because the state, custodian of the standards of good and evil, told them so. The guards were not deprived of a moral sensibility but provided with a new one. (Todorov, 1996:129)

In other words, most *génocidaires* commit these crimes out of obedience. A crime of obedience has been defined as acts “performed in response to orders from authority that are considered illegal or immoral by the international community” (Kelman & Hamilton, 1989). Notably, to qualify as a crime of obedience, a direct order for the crime in question is unnecessary. Kelman and Hamilton warn that cases involving crimes of obedience can be quite complicated.

Frequently, *génocidaires* may have had motives for their criminal behavior beyond the duty to conform. Motivations for genocidal acts can include ideological zeal, personal gratification such as sadistic pleasure, material gains, or career advancement (Kelman & Hamilton, 1989). In essence, *génocidaires* committing crimes of obedience should not automatically be considered reluctant participants. Instead certain crimes of obedience implies

a level of involvement that goes well beyond the call of duty. Thus, actors may take considerable initiative in the implementation of the orders they receive... [an actor] may at times act without specific orders, making important decisions on the basis of broad

authorization to pursue a general policy line. In effect, they are acting according to their interpretation of their superior's wishes. Apart from the taking of initiative, actions may also suggest a level of involvement beyond the call of duty if they are carried out with a great deal of enthusiasm. (Kelman & Hamilton, 1989:49)

Criminologist Alette Smeulers developed a perpetrator scheme for those involved in international crimes (see Table 1). The contents in this table will be utilized to determine the types of perpetrators found in the Rwandan and former Yugoslavian genocides. For the most part, these *génocidaires* fell into the first category of "law-abiding citizens" prior to the respective genocides. Nevertheless, several individuals have been identified as contributing to the organization of or playing a major role in the genocides in Rwanda and the former Yugoslavia. These individuals will be covered in more detail in the following sections.

Smeulers also described how ordinary people become involved in collective violence.

She explained:

[w]ithin a period of collective violence, many people slowly progress on a continuum of destructiveness, often without being really aware of it. This process can also be described as a pattern of escalating commitment. People get caught up by it – slowly, but inevitably. (Smeulers, 2008:238)

In addition to this external pressure, *génocidaires* frequently experience cognitive dissonance. Cognitive dissonance can be referred to as the guilt that people feel in response to behaving in a way which does not coincide with their own norms and values (Smeulers, 2008). To lessen the feeling of cognitive dissonance, individuals seek to rationalize and justify their behavior. This can turn into a psychological trap in the context of genocide; perpetrators can get caught up in their own defense mechanisms. The further the *génocidaire* progresses on this continuum of

self-destruction through cognitive dissonance and justification, the more difficult it becomes to escape. In other words, genocidal perpetrators may start to believe in the ideology and hate their victims because it justifies the killing and raping in which they have become involved (Smeulers, 2008).

The sociologist Michael Mann developed a more comprehensive perpetrator typology that included nine categories of genocidal perpetrators: ideological, bigoted, violent, fearful, careerist, materialist, disciplined, comradely, and bureaucratic. Of particular interest to this comparative analysis are the bigoted, fearful, and materialist perpetrators. According to Mann, the bigoted perpetrator is an individual whose bigotry and hatred is given legitimacy by the state-sanctioned persecution of a population group. In Rwanda and the former Yugoslavia, various long-standing stereotypes and prejudices were exploited to reinforce and validate those images and facilitate participation (Alvarez, 2010). The fearful perpetrator, on the other hand, is basically acting under duress. The motivation for genocidal violence for these perpetrators is fear for their own safety. In the post-genocide tribunals, *génocidaires* from both Rwanda and the former Yugoslavia testified that if they refused to participate in the killing and raping, they would have been killed along with the victims. In fact, two Serbians, an officer and a 17-year-old girl, were killed for objecting to the killing of Muslims (Mann, 1996). Last, materialist perpetrators are motivated solely by greed; they take advantage of the situation in order to acquire power, status, and wealth. Reports of materialist perpetrators were common in Rwanda and the former Yugoslavia (Alvarez, 2010). They would usually begin the day raping and killing villagers, and end the day by looting the devastated village. Additionally, some individuals were even paid for each Tutsi or Muslim they killed, creating a kind of genocidal bounty hunter.

Table 1

Perpetrator scheme (Smeulers, 2008:242)

Types before the period of violence	Consequences and effects of collective violence	Adaptation and transformation process	Types (main motive they are driven by)
Law-abiding citizens			
Well-adapted citizens, who would generally not be involved in crime. They are relatively well-adjusted and happy.	Collective violence results in a lot of changes and a re-stratification of society. There is enormous pressure to obey and conform. If they do not go along with the situation, passively or actively they might lose everything, become outcasts, make less profit.	They accept the situation and go along with the situation and learn to rationalize and justify what they are doing by redefining certain conventional values. They feel a strong cognitive dissonance and restructure their world and make use of the institutionalized neutralization techniques.	Careerist (career) Conformist (fear of rejection) Follower (authoritarian) Devoted warrior (devotion) Compromised (direct threat) Professional (internalized threat)
Borderline types			
Less well adapted people who do not feel fully adapted in society, unhappy and resentful – they might be deviant but not real criminals.	A period of collective violence is also a period of social engineering which brings new opportunities and chances. Some feel part of something important and big.	They have less difficulty in rejecting conventional norms and values because they didn't feel completely happy with them. Some can easily become intoxicated by a charismatic and manipulative political entrepreneur and become true believers.	Profiteer (opportunism/profit) Fanatics (dogmatic ideology)
Criminals/sadists			
Type 1: They are already involved in crime under ordinary circumstances and/or enjoy pain and suffering from others.	Within a period of structural and systematic violence, violence seems suddenly to be legitimized. What has been criminalized before this period now seems to bring these people honor and glory.	The threshold to commit physical violence is already low and is even lower in this period.	Criminal mastermind (evil) Criminal (personal gain) Sadist (sexual satisfaction) Fanatics (hatred, resentment)
Type 2: latent type: it would have been likely that they would have got involved ultimately.	Within a period of violence and lack of effective control they get caught up and lose the protective layer of socialization.	The period of collective violence makes them lose their layer of civilization and act on their so far hidden tendencies.	

The previous paragraphs describe different types of genocidal perpetrators and how an ordinary individual may become capable of such atrocities. However:

“(the) responsibility for genocide invariably rests with the leadership of the government in power, since the crime of genocide is largely planned and perpetrated by both formal and informal agents of the state. (Alvarez, 2001:57)

Furthermore, while it is the state that offers motivation and force necessary for genocide, the implementation of these projects depends on multiple institutions that turn the abstract initiatives into reality, and it is the resulting organizational context that determines the nature of the *génocidaire*'s participation (Alvarez, 2010). Therefore, it is important to identify and discuss some of the key players in the planning and resulting perpetration of genocidal rape in Rwanda and the former Yugoslavia. Most of the information on these individuals comes from the *ad hoc* criminal tribunals and the testimonies given by survivors and witnesses.

Rwanda

A married man with five children, Jean-Paul Akayesu was an inspector and a schoolteacher before becoming mayor of the Taba commune in southern Rwanda. While under Akayesu's leadership, sexual violence became rampant in the commune. Gang rape, public rape, and humiliation of refugee Tutsi girls and women were everyday occurrences. As the mayor of the Taba commune, Akayesu was responsible for upholding the law and maintaining public order; yet he not only allowed the acts to occur, but facilitated the commission of sexual violence on or near the communal premises. His participation in genocidal rape was not limited to his attitude of complacency; witnesses testified that Akayesu sanctioned the genocidal rape by his mere presence, attitude, and “words of encouragement.” An example of this encouragement, Akayesu addressed *Interahamwe* soldiers by stating, “Never ask me again what a Tutsi woman

tastes like” (Lyons, 2001:107). In addition, it was reported that Akayesu ordered a soldier to undress a Tutsi female student in the public courtyard and forced her to do gymnastics in front of a crowd (Lyons, 2001). According to Smeulers’ scheme, Akayesu would qualify as a careerist type of perpetrator. Careerists are usually law-abiding citizens prior to a genocide, yet use this period of collective violence to promote themselves, and gain power, prestige, influence, or fame (Smeulers, 2008). Similar to other careerists, Akayesu seldom did the dirty work himself, but he planned, organized, and delegated in order to appear blameless.

The Rwandan genocide presents the academic community with a distinct analytical problem – women as agents of sexual and political violence. Many Hutu women reportedly acted as “cheerleaders” to the rounding up, raping, and killing of Tutsi, enabled and participated in the atrocities, “finished off” injured victims, and looted the dead and dying (Jamieson, 1999). These women would most likely be categorized as a conformist, follower, or compromised type of perpetrator. As explained in Table 1, conformist and follower motives usually stem from the need to obey the norms dictated within the group and the fear of standing up against the majority and risking exclusion (Smeulers, 2008). The compromised type of perpetrator, on the other hand, becomes involved in the violence because coercion, force, or threats are used. These individuals participate merely because they believe they have no other choice. Many compromised perpetrators were found in Rwanda, where Hutus who were married to Tutsis were forced to prove their loyalty to the Hutu cause by killing other Tutsi. In addition, some of these female perpetrators may have fallen into the category described by Mann as “fearful,” because they may have been acting under duress.

A prominent political figure and the former Rwandan Minister for Family and Women’s Affairs, Pauline Nyiramasuhuko, was charged with encouraging sexual violence against the Tutsi

and organizing multiple massacres (Alison, 2007). Nyiramasuhuko and her son (Arsene Ntahobali) were sent to their hometown of Butare to suppress the revolt against the genocidal campaign (Weitsman, 2008). There they established a roadblock next to their home and utilized it to identify, kidnap, kill, and, in some instances, rape members of the Tutsi population. All victims were further degraded and humiliated by being forced to undress before being killed (Askin, 1999). Upon capturing the Tutsi women, Nyiramasuhuko ordered the militias to rape the women before killing them. In addition, she used rape to reward soldiers after a slaughter. According to witness testimonies, Nyiramasuhuko's directives produced a form of collective sadism in Butare (Weitsman, 2008). Nyiramasuhuko could be considered a careerist or profiteer according to Smeulers' perpetrator scheme because she was extremely well adapted to the system and consequently rose to a specific position within the regime (Smeulers, 2008). While Akayesu attempted to keep his hands clean, it does not appear that Nyiramasuhuko had the same concern. It could be argued that she also qualified as the devoted warrior type of perpetrator. Smeulers explained that the devoted warrior is the ideal bureaucrat and soldier; they are law-abiding, dutiful, and reliable. As a devoted warrior, Nyiramasuhuko took advantage of the order she was given to suppress the Tutsi revolt in Butare and went beyond the call of duty – playing a crucial role in the perpetration of murder, rape, and torture in Rwanda.

Former Yugoslavia

Slobodan Milošević began as an unknown communist apparatchik, but on April 24, 1987, he prevented police officers from physically assaulting a crowd of Serbs. In the process, Milošević realized the political advantages of militant nationalism and transformed himself into a staunch Serbian nationalist (Alvarez, 2001). With communism disappearing, it is argued that he needed a way to preserve his power base. Milošević created a myth of a resurgent Bosnian

Muslim state plundering, victimizing, and enslaving Bosnian Serbs. Smeulers classified Milošević as the “criminal mastermind” in her perpetrator scheme. These types of perpetrators are male with strong leadership capabilities, an extremely manipulating character, and oftentimes with a charismatic appeal (Smeulers, 2008).

A specific type of criminal mastermind, Milošević was a power hungry careerist who fanatically promoted Serbian nationalism. He opportunistically chose this nationalistic ideology, and switched from communist ideology, which would bring him to power (Smeulers, 2008). Essentially, he gathered widespread support by portraying himself as the champion of the threatened Serb population and thus gained political power amongst the Serbs with his nationalistic rhetoric (Alvarez, 2001). Milošević became Serbia’s party leader and one year later its president. He was the most zealous advocate, utilizing the over 600-year-old Battle of Kosovo Polje to strengthen nationalistic sentiment. In fact, the extremes that Milošević went to have been well-documented:

to revivify the aggressions built into the cultural memory of the Kosovo defeat and imbue them with an immediacy, Milošević and associates carted the six-hundred-year-old body of Prince Lazar, the Serb leader defeated at Kosovo Polje, through every Serb village and town, where crowds of villagers, dressed in black, turned out to mourn him. It was a stunningly effective tactic. (Boose, 2002:80)

Radovan Karadžić, a former psychiatrist, established a Serbian nationalist political party in Bosnia-Herzegovina in 1989 in an attempt to prevent Bosnia from seceding from Yugoslavia (Alvarez, 2010). As the leader of the Serb Democratic Party, Karadžić was an ally of Milošević. As his ally, the careerist Karadžić became his willing “deputy” in preventing the establishment of a self-governed Bosnian state and in implementing Milošević’s plans for a greater Serbia

(Alvarez, 2001). When Bosnia did secede in 1992, Radovan Karadžić and his party took over a portion of the country in which Serbs were predominant and renamed it the Republika Srpska. Along with support from Milošević and under the leadership of Karadžić, a process known as ethnic cleansing (a watered-down euphemism for policies involving murder, rape, and enslavement of the Bosnian Muslims) became widespread. In effect, Karadžić was the architect of much of the genocidal violence: the dispossession, rape, murder or massacre, and enslavement in concentration camps for many thousands of Bosnian Muslims (Alvarez, 2010). Karadžić, according to Mann's typology, could be considered a bigoted perpetrator. It appears as if he used the genocide as an opportunity to express his hate of Bosnian Muslims.

Karadžić was a nearly perfect example of Smeulers' devoted warrior perpetrator. His loyalty and obedience was absolute and unconditional, easily controlled by Milošević. Ultimately, the once law-abiding psychiatrist Karadžić was simply transformed into a ruthless perpetrator under the guidance of a malicious Serbian system. Another devoted warrior in this regime was the commander of the Bosnian Serb army, General Ratko Mladić. Mladić was known for saying that the goal of the Muslims was the "complete annihilation of the Serbian people" (Alvarez, 2001:121). Therefore, he used the illusory mass killing of the Serbs as a motivational weapon for self-defense in the form of a pre-emptive genocidal strike. Mladić orchestrated and carried out the infamous Srebrenica massacre in which more than 8,000 Muslim boys and men were murdered. Mladić could also be described as a "materialist" according to Mann's perpetrator typology, because he took advantage of the situation to gain power in the regime.

Last, a well-known Serbian *génocidaire* was Dusko Tadić. Essentially a low-level gangster, Tadić was an abrasive and brutal man. He was a notorious troublemaker in his Bosnian town of Kozarac and assisted the army by targeting Muslim homes for artillery attacks. Once

Kozarac fell to Serbian forces, Tadić identified leading members of the Muslim community to be killed, and participated in some of the murders himself (Alvarez, 2001). The Omarska and Trnopolje detention camps were eventually established near Kozarac, and Tadić became a frequent visitor. He seemingly enjoyed mutilating and killing the Muslim prisoners, and took part in a campaign of terror which included torture, psychological abuse, sexual assaults, and murders. Tadić was known to have participated in the gang rapes of at least 12 female detainees (Askin, 1999). Omarska housed the largest number of women and girls out of all of the concentration camps, and the sexual violence that occurred there was severe. In addition, Tadić was the ringleader in one of the most widely publicized and horrendous atrocities of the Balkan conflict. Tadić once made a male inmate castrate a fellow prisoner by forcing him to bite off the other's testicles (Alvarez, 2001). It appears that Tadić was a sadistic perpetrator, which is a unique type in that they are motivated by their own drives rather than by conformity or obedience. Sadistic perpetrators are present in nearly every case of mass violence; however, they are the minority, making up only five to ten percent of genocidal perpetrators on average (Smeulers, 2008). Smeulers explained that sadist perpetrators are difficult to control and are set apart from others by using more violence than necessary to fulfill their task. It is important to note that the environment in which genocides are usually committed is not an adequate explanation for this type of perpetrator – criminal and sadistic types would under normal circumstances have been inclined to use illegal or violent behavior (Smeulers, 2008).

Victims

Genocide and genocidal rape represents violence, crime, and human suffering on a scale that is very difficult to comprehend (Alvarez, 2001). Elisa von Joeden-Forgey introduced the

concept of “life force atrocities” in her analysis of twentieth-century genocides. She defines life force atrocity as:

a ritualized pattern of violence that targets the life force of a group by destroying both the physical symbols of its life force as well as its most basic institutions of reproduction, especially the family unit. (Joeden-Forgey, 2010:2)

Under Joeden-Forgey’s definition, genocidal rape would qualify as a life force atrocity. In addition, she points out that life force atrocities – such as genocidal rape – victimize the entire community, not only those physically harmed. Genocidal rape can be very damaging to the victim’s family members; they may even be forced to watch helplessly as their loved one is tortured. Through this destructive process they become indirect victims. Anne Goldstein explained, “Men too are injured by the sexual assault of women for reasons untainted by offensive, antiquated notions of chivalry and ownership” (cited in Joeden-Forgey, 2010:13).

Accordingly, female rape victims are not the only injured party in the life force atrocity of genocidal rape. Men, women, and children are victimized, perhaps in different ways. The female rape survivor may be prevented from assimilating back into her previous roles in her society or family, which creates a ripple effect by changing her entire community on the micro, meso, and macro levels. One genocidal rape survivor stated: “After rape, you don’t have value in the community” (Reid-Cunningham, 2008:290). Children can become indirect or secondary victims of genocidal rape. As indirect victims, they may have been forced to witness the rape of their mother or sister, which would maximize their trauma. Also, the children born of rape are considered secondary victims. These children suffer from egregious human rights abuses simply because they were conceived in hatred.

A noticeable difference between the genocidal rape policies in Rwanda and the former Yugoslavia can be explored to further investigate victimization. In Rwanda, the policies in place did not appear to be an attempt to transform the Tutsi population through the raping of their women, but simply to destroy it. Genocidal rape was not undertaken with the definite purpose of impregnating Tutsi women. In fact, most Rwandan victims were sexually assaulted as a prelude to their death; others were infected with HIV, an agonizing and fatal disease. Despite the intent of the Hutu genocidal rape campaign, it is estimated that thousands of babies were born as a result. While infanticide rates were extremely high after the genocide, some women did choose to raise the children. This introduced a group of secondary victims of genocidal rape; children born of rape in Rwanda have suffered greatly. For instance, they have been labeled “children of bad memories,” “child of hate,” “little killers,” and “the intruder” (Weitsman, 2008). Many of the 2,500 “bad memory babies” were abandoned. The anger, resentment, and stigma associated with these children gives rise to abuse and neglect from not only their mothers, but what is left of the community as well. One rape victim reasoned: “When people kill your family and then rape you, you cannot love the child” (Weitsman, 2008:577).

The Serbian genocidal rape policies, on the other hand, were more clearly launched in an effort to transform non-Serbs through forced impregnation. It is important to note that the official policy of the Yugoslav National Army and of the Serb political leaders was to consider the children born of genocidal rape as completely Serbian (Price, 2001). The children born of rape in the former Yugoslavia have received similar labels as those found in Rwanda; they are often called “a generation of children of hate,” “children of shame,” “children of the enemy,” and “Chetnik babies” (Weitsman, 2007). It is estimated that 5,000 babies were killed or abandoned in the aftermath of genocidal rape in the former Yugoslavia. Unlike Rwanda, however, was the

ban on the international adoption of the children of forced maternity in the former Yugoslavia. This implementation was not only in accordance with religious beliefs of the Muslim community that relatives would care for the children, but also by the desire to repopulate the war-torn country. Nonetheless, many babies were abandoned by their mothers and placed in local orphanages or institutions. As a result of the Serbian policy of forced impregnation, along with the domestic response, an indeterminate number of children are living in institutions, with adopted families or with traumatized and economically impoverished mothers within Bosnia (Daniel-Wrabetz, 2007).

The physical effects of direct victimization are numerous. In the short-term, genocidal rape causes substantial pain and torn vaginal walls. Of course, it is not uncommon for a woman to lose consciousness and die during or directly after rape (Reid-Cunningham, 2009). For those who survive genocidal rape and are abandoned, they may die of exposure, dehydration, or starvation as they alternate being in and out of consciousness. Victims have been sexually abused by foreign objects such as broken glass bottles, truncheons and guns, and in these extreme cases, damage to genitals and the reproductive system may need surgical intervention or even be irreparable. A common physical trauma in genocidal rape campaigns is damage done to the victim's throats. Allen explains that these victims "have been strangling for weeks and months on end as a result of having repeatedly been forced to swallow vast amounts of urine and sperm" (Allen, 1996:79).

Non-sexual forms of torture, such as severe burns, amputations, and infected incisions were also found. Additionally, scarification has been reported in Rwanda and the former Yugoslavia. In the former Yugoslavia, the most common form of amputation was to cut off the ring finger and pinky finger of the victim's right hand – leaving that hand in a permanent Serb

salute (Allen, 1996). As mentioned in the previous chapter, Tutsi women's breasts were often cut or severed in the Rwandan genocide. The women that survived such extreme sexual trauma had little opportunity to obtain proper medical treatment which could also make the victim more vulnerable to infections. These genocidal rape victims suffer the ultimate pain, embarrassment, and stigmatization as a physical consequence of their victimization (Reid-Cunningham, 2008).

Long-term physical trauma is also a concern for genocidal rape survivors. For example, oftentimes these rape survivors' future reproductive capacity is affected by violent physical injuries received during their rape (Reid-Cunningham, 2008). The contraction of infections and illnesses may have life-long effects as well. Sexually transmitted diseases, such as HIV, hepatitis, and syphilis, take on a particular salience during genocide and are common in victims of genocidal rape. There were a few reports of genocidal rape victims being killed by her own family or community because of the shame that rape brings on the family and community. In addition, many women did become pregnant in the Rwandan and the former Yugoslav campaigns. If able, some of these women sought out abortions, while others died in an attempt to abort the fetus.

Direct psychological effects of genocidal rape are numerous and the following disturbances have been reported by victims: dissociation, psychotic symptoms, self-harming behaviors, and sexual dysfunction. Many survivors of genocidal rape are known to have committed suicide following their torment. Sexual abuse, as a whole, has been associated with the development of personality disorders, elevated levels of substance abuse, depression, and anxiety. Other types of psychosocial dysfunctions have been noted, such as isolation, low self-esteem, difficulty relating to others, guilt, self-blame, and feelings of objectification (Reid-Cunningham, 2008). People such as genocidal rape victims in Rwanda and the former

Yugoslavia who endure prolonged and repeated trauma or imprisonment are particularly susceptible to the development of post-traumatic stress disorder (PTSD). One of the persistent characteristics of rape victims with PTSD is the development of recurring avoidant and arousal responses which are triggered by post-traumatic reminders of the event. Social problems may also be a consequence of PTSD; the genocidal rape survivor may not be interested in activities that she once enjoyed. Additionally, the survivor's family members and other loved ones may not comprehend the enormity of the assault's impact on the survivor, which can make the survivor feel misunderstood and more isolated (Reid-Cunningham, 2008).

Direct and indirect victims of genocidal rape continue to lead a troubled existence. In reality, "[m]any feel that their survival is its own form of torture... many see no prospect of recovery" (Kayitesi-Blewitt, 2006:319). Some have argued that participating and testifying in post-conflict proceedings, both domestic and international, would provide catharsis for genocidal rape victims. However, that does not appear to be the case. Many individuals who have testified in at the international criminal tribunals and local truth commissions (Rwandan *gacaca* courts) have experienced anger and disappointment in the process (Kauzlarich, 2008). These feelings stem from the supposed futility associated with post-conflict justice in Rwanda and the former Yugoslavia. In traditional Rwandan *gacaca* courts, for example, genocidal rape survivors usually choose not to participate because many of the perpetrators receive short sentences and are simply released back into the community in exchange for their confessions (Ducey, 2010). Likewise, there is a widespread perception within the former Yugoslavia that justice has not been served because of the failure to indict or convict certain notorious *génocidaires* (Hoare, 2011). This perceived failure of post-conflict justice in Rwanda and the former Yugoslavia has led some scholars to argue that the emphasis of international and domestic prosecutions should principally

be on providing a forum to give the victims a voice by allowing them to communicate the extent of their suffering as a result of the victimization (Kauzlarich, 2008).

In addition to the physical and psychological effects of genocidal rape that were previously discussed in Chapter 2, several factors have been identified that tend to dissuade women from talking about their victimization as well as seeking psychological counseling. Todd Salzman explored five of these factors: many of the victims refused to discuss the experience because of the humiliation and shame associated with it, along with the stigmatization; the victim sometimes felt responsible for the rape in some way, and this misleading notion can be reinforced by comments and attitudes from family, friends and the community; women who have been raped often discouraged other victims from talking about the incident for fear that they themselves will be implicated as victims of rape; fear of retribution towards other detainees posed another real threat to genocidal rape victims if they spoke out about the victimization; and society developed suspicions as to the validity of these women's claims and questioned whether they fabricated these events (Salzman, 1998). The secrecy surrounding genocidal rape may have had a reverse effect, however. It has been argued that "Silence became a sign of victimization, a testament to the trauma of rape. Women were silent because they had been shamed" (Engle, 2005:795).

CHAPTER FOUR: STRUCTURAL COMPONENTS OF GENOCIDAL RAPE

When examining the structural components of genocidal rape in Rwanda and the former Yugoslavia, a comparative social science-based approach is appropriate for developing an appreciation of how the different roles of perpetrators and victims discussed in the previous chapter were grounded in and inseparable from the larger political and economic arrangements as these played out in the two countries. In terms of this comparative study, these include the policies and practices of global economics, social disorder, and local militias as these were articulated in the transcultural contexts of both nationalism and ideology.

Global Economics

The combined impact of structural adjustment policies and the end of the Cold War marginalized sub-Saharan Africa within the global economy. A tiny, landlocked country in central Africa, Rwanda has minimal natural resources. As mentioned in the first chapter, Rwanda is a former Belgian colony in which many dialects exist. In addition to this factor, the international community considered the country both materially and strategically unimportant, which led to Rwanda's further marginalization prior to the 1994 genocide (Mackintosh, 1997). A heavily agrarian society, more than 90 percent of the population lived in rural areas. Essential to their participation in international markets, Rwanda relied on the old colonial cash-crop of coffee. In 1986-7, a drastic drop in prices led to the collapse of the international coffee market. Receipts from coffee sales plummeted from 14 billion to 5 billion Rwanda francs in a single year (Hintjens, 1999). Rwandan peasants found their main source of economic revenue waning, while the state received fewer taxes from this now incapacitated sector of their economy (Rothe & Mullins, 2008).

The coffee market collapse ushered in an economic recession, which prompted a period of political extremism and a search for solutions in Rwanda. The economic crisis was being blamed on a conspiracy of intellectuals, merchants, and traders, professions specialized in by Tutsi. By this time, Rwanda had become indebted to institutions of international finance such as the World Bank Group (WB) and International Monetary Fund (IMF). In June 1990, Rwanda yielded to WB/IMF pressure to implement a set of structural adjustment measures. The national currency was instantly devalued by two-thirds and was followed by budgetary shortages and high import costs. Farmers' incomes were further eroded, and the southern part of the country suffered from famine. Health services could not be maintained due to financial shortages, and the maternal and infant mortality rates rose sharply. Immediately before the genocide, Rwanda experienced a dramatic increase in malaria and food shortages, along with an influx of Burundian refugees. All of these changes drastically worsened the lives of many Rwandans (Hintjens, 1999).

Emergency financial assistance for essential food and drug imports provided to the Rwandan government was reportedly diverted into arms purchases. Militarization of Rwandan state expenditure, growing corruption among the political elite, and a widening trade gap bolstered extremist viewpoints. The deepening of Rwanda's economic crisis seemed to encourage a sort of cultural fundamentalism, similar to religious fundamentalism. Extremist Hutu politicians, military, and paramilitary forces focused their energy on genocide as the only final solution to their problems (Hintjens, 1999).

Rwanda was considered an agrarian society, the former Yugoslavia an industrial society. A struggling economy plagued the former Yugoslavia prior to their conflict, as well. In the 1980s, Josip Tito's death and the unwinding of communism across the Soviet Bloc served to

destabilize Yugoslavia. The process of transitioning away from a socialist society and toward a democracy and free market economy was challenging for the weakened country. Under the leadership of Prime Minister Ante Marković, unprecedented economic reforms and a program of limited trade liberalization put a temporary halt to inflation. He endorsed tactics to privatize sections of the Yugoslav economy under a “shock therapy” approach, which resulted in a brief rise in the country’s plunging standard of living. However, the short-term effect of Marković’s economic reforms led to a decline in the industrial sector (Snyder et al., 2006).

As inflated, state-owned enterprises fought to compete in a more free market system, numerous bankruptcies arose in Yugoslavia. Marković lost his status mainly due to rising unemployment, and he left office late in 1991. An unsuccessful attempt to resolve the foreign debt crisis resulted in a considerable drop in Yugoslavia’s gross national product. The GNP fell at an annual average of 18.7 percent during the three years preceding the Balkan conflict. It has been suggested that the economic crisis that ensued was demoralizing to the Yugoslav people. In fact, given the pervasiveness of social and economic uncertainty, many experienced a sense of disorientation regarding the future and a loss of social identity (Snyder et al., 2006).

Examining social forces at the international level requires an evaluation of global economic forces (Rothe & Mullins, 2008). Through this evaluation process, it is apparent that the global economy held some influence in both of the wars in Rwanda and the former Yugoslavia. More importantly, their respective economic crises generated feelings of uncertainty, instability, and fear. In an attempt to fix blame for their economic situations, both of these countries sought to scapegoat a group. In Rwanda, the Tutsi, and in the former Yugoslavia, the Muslims were identified as being responsible for the problems facing their respective societies. Scapegoating is a universal occurrence that involves a community uniting against a

group that offers a legitimate and safe target for all of the fear and anger that others in a society may feel (Alvarez, 2010). Other extreme ideologies, particularly nationalism, also found fertile ground by offering the masses a renewed sense of security. Based on a traditional set of values that included an idealized past, religion, and common-blood, nationalism promoted division between ethnic groups (Snyder et al., 2006). Along with social disorder, nationalism and ideology-invoked divisions will be addressed in the following section.

Social Disorder

Social disorder is another element in which to measure structural commonalities between Rwanda and the former Yugoslavia. A consistent variable identified by scholars as a common precondition of genocide is difficult life conditions. Well-known genocide scholar Ervin Staub explains:

Why does a government or a dominant group turn against a subgroup or society? Usually difficult life conditions, persistent life problems in a society are an important starting point. They include economic problems such as extreme inflation, or depression and unemployment, political conflict and violence, war, a decline in the power, prestige, and importance of a nation, usually with attendant economic and political problems, and the chaos and social disorganization these often entail. (Staub, 2002:13)

Rothe and Mullins (2008) suggest analyzing social disorder through three conditions: political instability, economic collapse, and ethnic tensions and divisiveness. Economic collapse was discussed in the previous section; therefore, the focus will now turn to political instability and ethnic tensions and divisiveness with an emphasis on ideology and nationalism.

Political institutions often frame a society's meso-level conditions and are critical structural aspects of macro-level conditions. In Rwanda, indigenous life ways were subordinated

upon Belgian colonization, only to have the colonial order dismantled upon independence. The newly independent population had to rebuild a significant social order from its foundation; and the political institutions in place were unstable with a one-party state that oftentimes ruled with terror and force. The nature of the one-party state, along with the Western colonial model, led to the corruption of Rwandan state actors. In particular, Habyarimana utilized the state's resources for the actualization of his own interest. At this point, state-level law and law enforcement became a tool for the personal gain of the social elite and ceased to operate in any acceptable manner. As the Habyarimana political order became less stable, state-level law focused its resources on the investigation and arrest of political opponents instead of basic crime control (Rothe & Mullins, 2008).

From 1990 until 1994 and while overpopulation continued to strain resources, Rwanda enacted the Mayuya Plan, which reduced the budget by forty percent and cut social services (Lyons, 2001). In response to the Mayuya Plan and the Habyarimana regime in general, the Rwandan Patriotic Front (RPF) began preparing for war in an effort to restore Tutsi power. The RPF invaded Rwanda in October 1990 and set in motion the radicalization of Hutu power politics (Baines, 2003). A transitional government was formed in early 1992, which intensified the civil war that was already in progress. The radical Hutu felt threatened by the 1993 Arusha Agreements and the perceived threats by the RPF, and this led to a "culture of impunity" (Mackintosh, 1997). Political activity intensified in anticipation of negotiations with the RPF and thus began a pattern of inter-ethnic violence that erupted whenever these negotiations became particularly strained.

As in Rwanda, a civil war was present in the former Yugoslavia before the genocide took place. The dissolution of the SFRY, and the partitioning of the Yugoslav territory, was a result

of the political collapse of Eastern Europe at the end of the 1980s (Olujic, 1998). This caused long-term political, economic, and social upheaval, as well as exposing military disputes.

Partition translates to “a situation in which territory previously considered to be part of a single state is divided into two or more new states” (Hayden, 2000:31). Partition can be accomplished peacefully, yet when competing ethno-national claims on the territory exist, the partition is prone to violence, especially when groups that consider themselves distinct from each other stake contesting claims to the control over land. In the partition of Yugoslavia, the Serbians sought territory in addition to self-determination through the process of ethnic cleansing (Hayden, 2000).

In the summer of 1990, the ethnic cleansing campaign manifested as a preplanned series of intimidation and tactics of fear in an attempt to drive out non-Serb civilians for the contested territory (Olujic, 1998). It is argued that the immediate cause of the animosity was not ethnic hatred, but rather a group of concrete political concerns. The partition and resulting independence of the republics would mean that Yugoslavians from different nationalities and ethnicities would be separated into self-contained states. The Serbs hoped for the Yugoslav republic to remain intact, or at least obtain self-determination for Serbs outside of Serbia, as they were the most dispersed population among the six republics. That being said, for nearly a year, roadblocks, torture, individual arrests, and massacres of small groups of non-Serbs took place (Bos, 2006). The majority of the fighting occurred in Bosnia and the disputed border areas of Croatia; the most common form of terror was selection and roundup of the civilian population. By the end of the summer of 1991, a full-blown Serbian assault with the heaviest artillery – bombs, missiles, tanks, and cannons – began (Bos, 2006). Eventually, this came to a head when genocidal policies were introduced the following spring.

Genocide and warfare are inextricably linked together as two parallel forms of political violence (Alvarez, 2010). In the case of genocide, however, civilians rather than military forces are the target and therefore can be termed as a kind of “degenerated warfare.” War facilitates genocide by its impact on collective memory and its brutalizing effects. Furthermore, five additional mechanisms that facilitate genocide have been identified: (1) war produces widespread psychological and social instability leading to an anomic society, (2) during times of war, states actively accumulate more power and tend to become more secretive and defensive, (3) during times of war, police and military forces have the necessary resources (personnel, logistics, organization, weapons) to carry out genocide and are practiced in mass violence, (4) during times of war, minority groups become increasingly vulnerable because they are marginalized by the all-powerful state and more easily isolated, and (5) warfare brutalizes and desensitizes individuals to violence, making it more likely that they will support, or at least not oppose, genocide (Alvarez, 2001). Most importantly, only after political power is achieved can a group begin to implement genocidal processes.

A fundamental element within these genocide-producing environments is the set of intense ethnic tensions and rivalries often centered on political, social, or economic resources. A socially-constructed concept, ethnicity is often used to exacerbate divisions among groups involved in a genocide. For instance, political leaders in Rwanda (Habyarimana) and the former Yugoslavia (Milošević) began to generate public discourses of ethnic differences and exclusion in their quest to maintain power. In these cases, ethnicity became a political tool of opportunity in which to stabilize the governments. As Rwanda and the former Yugoslavia weakened under their own weight of corruption, the concept of ethnicity became a polarizing force segregating the societies as they moved toward genocide (Rothe & Mullins, 2008).

While initially abstract ideological political categories, ethnic identifications become reified into dominant social forces during genocide (Alvarez, 2001). This re-definition of group identity was manipulated to motivate atrocities. Unfortunately, casting it as an “ethnic conflict” allows for further opportunity and a greater degree of impunity. The Hutu radicals dehumanized the Tutsi, while the Serb forces dehumanized the non-Serbs (primarily Muslim). This dehumanization facilitated political subordination, in addition to gratuitous violence and destruction. It is important to note that ethnic divisions:

Operate on the micro level to facilitate the wide-spread abuse and slaughter of targeted peoples. In ethnic-otherizing processes the humanity is removed from the targeted group which in turn facilitates and legitimates violence against them. At the meso level, ethnic polarization serves as a bond of solidarity... (Rothe & Mullins, 2008:150).

In short, it is a *symbolic identity* which lures recruits and rallies members around a common, violent cause (Rothe & Mullins, 2008). The ethnic factor was exaggerated in Rwanda and the former Yugoslavia. In and of itself, ethnicity could not be the root cause of the conflicts. Instead, it is argued that ethnicity (or “ethnic politics”) was the way in which the political conflicts were expressed (Hintjens, 1999). While Hutu and Tutsi, Serb and Bosnian Muslim have experienced historical conflict, it is argued that most of the hostility had faded prior to the genocides. The Hutu and Serbs truly came to hate their enemies, but only after nationalist politicians resurrected that hatred through deceptive ideology.

Ideology

It is a common myth that genocide and genocidal rape “just happen.” Often perpetuated by politicians and the media, this perspective maintains that acts of genocide are the result of long-standing racial, ethnic, or religious hatreds that build up until they spontaneously explode into mass violence (Alvarez, 2010). However, this is a misleading perception as genocide is an

example of a state crime that is both planned and rational. It is planned because it requires advanced preparation, and is rational in that it is perceived as a logical strategy intended to achieve certain goals. In order to accomplish genocide and genocidal rape, many individuals must agree with the rationality behind the genocidal strategies (Alvarez, 2010). Ideology plays a vitally important role in the widespread acceptance for these policies of brutality.

Ideology can be defined as a closely organized system of ideas, beliefs, and values that form the basis of a political, economic, or social philosophy. These belief systems influence the way people think and their consequent actions. The genocidal rape perpetrated in Rwanda and the former Yugoslavia held an underlying ideological component that was fundamental to facilitate this particular form of violent criminality. To begin with, hegemony is a manifestation of ideology that is fostered by the state in order to create and maintain citizens' belief in the state's legitimacy (Alvarez, 2010). The state does not maintain its control solely by coercion and force, but also because its citizens have adopted the values and ideas that support the societal norm. Alvarez observed:

[w]hen people believe that a state is acting to protect them; when they believe that a population poses a threat to their safety; when they believe that elimination is the only realistic answer to this problem; then genocide becomes much more possible. (Alvarez, 2010:50)

Hegemony, therefore, is an ideological tool used to shape systems of belief as well as build upon individuals' natural tendency to defer to authority (Alvarez, 2010).

Authority is a specific type of power that concerns perceptions and *acceptance* of legitimacy (Alvarez, 2010). It has long been recognized that people are taught to accede to authority, and the tremendous amount of authority afforded to the state allows it to manipulate

the law. Thus, genocidal policies, such as genocidal rape, become legitimized because everything that the state deems legal is legitimate. Genocidal governments make the seemingly sane and logical decision to destroy a population for understandable reasons; however, they frequently utilize irrational beliefs derived from historic myths, xenophobia, and other prejudicial attitudes. This is the paradox of genocide; it is a kind of “rational irrationality” (Alvarez, 2010). And ideologies provide the non-rational elements necessary for genocide to take place. Certain ideologies appear to have spread and intensified in the Rwandan and former Yugoslav genocides – scapegoating, patriarchy, and nationalism.

As mentioned previously, populations in Rwanda and the former Yugoslavia sought to blame a group because of the social disorder plaguing their respective communities. This process of scapegoating is emotionally satisfying and appealing to individuals who need to understand why something bad has happened (Alvarez, 2010). Tom Douglas explained this need for transference:

Where ignorance of the actual causes of distress and harm exists, then human beings inevitably seek for an explanation. It is as if individuals, groups and communities cannot tolerate or live with events that are apparently inextricable. Thus, when such events occur, no relief, no cleansing can take place until some acceptable explanation has been found. (cited in Alvarez, 2010:69)

It is important to note that a vital and recurring component of genocidal environments is difficult life conditions. Staub maintained that difficult life conditions and certain cultural characteristics can produce motives and psychological processes that lead a group to become hostile towards another group. An important cultural characteristic is the adaptability or rigidity of a society; monolithic societies, with a limited set of acceptable values and lifestyles, may be more

disturbed by change and disorder (Staub, 1989). On an individual and group level, the perpetrators transform as they progress along a continuum of destruction that may develop into genocide. As individuals feel powerless in controlling the circumstances of their lives or alleviate the physical effects of difficult life conditions, they may begin to feel threatened or frustrated. In fact, these difficult conditions threaten the self-concept as people cannot provide for themselves and their families (Staub, 1989). It becomes easier to create a division between groups when this disruption in self-concept or identity is widespread. Division actually reinforces identity because it separates groups, creating an “us” versus “them” paradigm. Ultimately, this facilitates the ideological process of scapegoating and allows for the perpetrating group to view the target group as a threat, and therefore justifying genocidal policies.

Language and propaganda serve as pathways to ideology (Alvarez, 2001). The power of language to categorize and destroy populations was evident in Rwanda and the former Yugoslavia. In Rwanda, analogies found in the largely agrarian Hutu society were used in the genocide. The killing was referred to as *umuganda* or “collective work,” while killing men was “bush clearing,” and destroying women and children was “pulling out the roots of the bad weeds.” In addition, the Hutu referred to Tutsi as *inyenzi* or “cockroaches.” Utilizing this term allowed for murder, rape, and torture to be defined as acceptable in order to rid the territory of a pestilence. Likewise, the Serbians used the term “ethnic cleansing” as a euphemism for genocide. Serbs employed the term “ethnic cleansing” as a linguistic expression in order to falsely promote a “procedure” implemented to correct an impure or unnatural state (Alvarez, 2001).

Euphemistic expressions were designed to convey, and to disguise, the true intention of the Hutu and Serb forces. Propaganda, and its chief element of dissimulation, heavily influenced the ideologies that fueled genocidal rape in Rwanda and the former Yugoslavia. Hate speech on

the popular Rwandan radio station RTLM (Radio-Télévision Mille Collines) urged on the killings and rapes by broadcasting names and locations of Tutsi and opposition targets. Through coded radio messages, the RTLM utilized powerful metaphorical and euphemistic language. In addition, under Habyarimana's regime, Rwandans were indoctrinated by weekly *umuganda* sessions that involved dancing, and praising the regime and its leaders, along with excessive collective chanting and clapping (Hintjens, 1999). These ritualistic assemblies (also called "animations") functioned to prepare ordinary people and militias for genocide. Deliberate and calculated disinformation in propaganda leaflets depicting the Tutsi RPF as less than human and capable of atrocities also served to prepare the Hutu for genocide (Hintjens, 1999).

The blatant use of propaganda to incite Serbian people was also found in the former Yugoslavia. Slobodan Milošević took over the press and national television in order to manipulate the media to foster popular support. Referred to as the "Serbian propaganda machine," Milošević aired what appeared to be Muslims and Croats raping Serbian women on national television when, in actuality, the footage showed Serbs raping Muslim and Croat women (Salzman, 1998). Arguably, displaying scenes such as this serves not only to desensitize society to sexual violence, but also to provoke Serbs to retaliate. The concept of reverberating violence has already been discussed, and in this case leaders manipulated media footage to provoke vengeance and further legitimacy of the Serbian genocidal rape policy.

Patriarchy undoubtedly played a role in the perpetration of genocidal rape. Traditionally patriarchal societies, Rwanda and the former Yugoslavia formulated a narrow perception of the female and her role and function within society. The female was essentially reduced to a sexual object that could be used to subdue a population (Salzman, 1998). Motherhood was a critical social identity and esteemed status in both countries, and as such women were the primary

biological and cultural producers of the nations. For male nationalists, women serve as the visible markers of national homogeneity and therefore they become subjected to increasingly vigilant and violent discipline (Baines, 2003). With the rising tide of ethnic nationalism and militarism, groups of men were brought together in formal or informal military venues where norms and values that celebrated male power and control were pervasive. Consequently, gendered power differentials that already existed in Rwanda and the former Yugoslavia were reinforced and institutionalized, particularly through nationalist sentiment and propaganda (Albanese, 2001). The perpetrators of genocidal rape sent a message to men on the enemy side that their women had been sullied and were now worthless. Unfortunately, the men in the rape victims' communities readily accepted the message (Nikolic-Ristanovic, 1999). The vast majority of rape victims who became pregnant were rejected by their family and community, which speaks to the potentially destructive nature of patriarchy.

Nationalism

Nationalism has a long and problematic history; while a nation, in the course of its development, needs the unifying power of nationalism to prosper, it could become a destructive mechanism (Friedrichs, 2008). Emerging and reemerging nationalistic movements have brought forth militant rhetoric, fervency, and self-righteousness most commonly seen with religious fanaticism rather than secular notions of community. Michael Ignatieff explained that nationalism operates at different levels:

As a political doctrine, nationalism is the belief that the world's peoples are divided into nations, and that each of these nations has the right of self-determination, either as self-governing units within existing nation-states or as nation-states of their own. As a cultural ideal, nationalism is the claim that while men and women have many identities, it

is the nation that provides them with their primary form of belonging. As a moral ideal, nationalism is an ethic of heroic sacrifice, justifying the use of violence in the defense of one's nation against enemies, internal or external. (cited in Alvarez, 2001:62-63)

Nationalism is a state ideology that depends on the conformity of the nation's citizens to agree with its leaders. It is important to note that belonging to a group can be a double-edged sword: it has a destructive potential if the members cease questioning the group's ideologies and actions, but not belonging to a group (especially in times of conflict) may result in physical and emotional vulnerability. In effect, nationalism is an "ideology of exclusion" meaning it is as much about who is a member of the national community as it is about who is *not* a member (Alvarez, 2008). At times, nationalistic propaganda asserts that one's own group is not only different, but superior as well. Alvarez warns that "ideologies that emphasize difference rather than commonality are particularly dangerous... and none is perhaps as pervasive or as pernicious as that of nationalism" (Alvarez, 2008:220). States have a tremendous capacity to enlist the self-sacrifice and loyalty of its citizens, especially in times of conflict. Nationalism not only encourages affection, loyalty, and allegiance to the nation, but it also serves to facilitate genocide due to the intrinsic perception of the nation's absolute political independence and sovereignty (Alvarez, 2010; Staub, 1989).

Collective self-doubt can be a motivation for mass violence. When an underlying (perhaps unacknowledged) collective self-doubt combines with a sense of superiority, the potential for genocide can be especially high. It is argued that nationalism arises in part due to this combination of self-doubt and superiority (Staub, 1989). In fact, strong nationalism may originate in the experiences of shared trauma, humiliation, and suffering, which are also sources of self-doubt. Shared trauma or past victimization, therefore, heightens nationalistic sentiment

and may serve to justify aggressive action. Oftentimes woven into nationalist ideology, the glorification of past victimization makes it easier to victimize others. In other words, it creates and maintains a group self-image of a mistreated and persecuted people and thus offers a ready justification for violence targeted at those labeled as the former victimizer (Alvarez, 2008).

In Rwanda, entering the realm of the personal and familiar and likening it to the national, Hutu extremists sought to destroy any ambiguity of local identities and developed a unified, national collective identity (Baines, 2003). The central site of this nation building was the private sphere, manifest in the sexual and reproductive control of women's bodies, along with the brutal murder of men, women, and children. The abstract hatred of the Tutsi population was transformed easily into hatred of friends, neighbors, wives, children, and other relatives, who were viewed as concrete symbols of the enemy (Nikolic-Ristanovic, 1999).

Turning now to the former Yugoslavia, Milošević was able to successfully exploit a deep-seated ideology of Serb victimization in order to rally support for genocide (Alvarez, 2010). As mentioned in Chapter 1, he employed the legendary battle of Kosovo Polje to breed nationalism and mobilize Serb popular opinion and behavior in service to the genocide. Serbian nationalist rhetoric, which argued that the Serbs defended Europe from Islam in the fourteenth century and were defending Europe yet again from Islamic fundamentalism, led the Serb population to feel justified that they were engaging in self-defense when they were persecuting the Bosnian Muslims. In other words,

The Serb, as perennial victim, could not see himself as executioner; the Serb, as eternal liberator, could not see himself as enslaver; the Serb, as concentration camp survivor, could not see the concentration camps he built. (Roger Cohen, cited in Alvarez, 2010:66)

Ultimately, Milošević was able to maintain his power by capitalizing on the historical myths that were being distributed through propaganda (Alvarez, 2010).

Ethnic nationalism, which was present in both Rwanda and the former Yugoslavia, assumes a collective identity based on inherited traits. However, as previously discussed, ethnicity is a more social construct than a physiological or biological one. Small differences (such as height, hair, and eye color) between peoples are amplified to presume a disproportionate significance exists; this is the Freudian concept of the “narcissism of minor difference” (Alvarez, 2001). In Rwanda, the case of the Hutu and Tutsi illustrates the narcissism of minor difference. Small differences in appearance, class, and even milk consumption were exaggerated in order to create difference between the groups. The use of identity cards was enforced to determine the ethnicity of each citizen. Many Hutu who looked like Tutsi were killed; their denials and proffered identity cards were seen as a typical Tutsi deception. Of course, mistakes like this are grimly ironic and unavoidable given the artificial distinctions that were used (Alvarez, 2001).

Ethnic nationalism in the former Yugoslavia, on the other hand, exacerbated the perceived differences among people and transformed those divisions into powerful definitions of identity (Alvarez, 2001). Much has been made of the various ethnic nationalities in the Balkans (“Turks”-Serb nationalists, “Ustasha”-Croat nationalists and “Islamic fundamentalists”), yet they come from the same racial stock and speak the same language. Serbian nationalists also manipulated fears that the Muslim birthrate was dramatically outpacing their own (Snyder et al., 2006). They condemned the Muslim fertility yet also blamed Serb women for their reproductive failures. In this context, ethnic nationalism as an ideology designated mothers as both the embodiment and property of the nation (Alvarez, 2001).

One of the features of a nation in crisis is that it can bring about major changes in the socially and culturally accepted ways of being a man. During war, perpetrating rape against the enemy becomes a more acceptable feature of militarized masculinity. The world view of militarized nationalism is quite similar to the masculinist world view, and that is loyal, male citizenship defined as the capacity and will to commit violence upon the enemy (Price, 2001). Masculinity under militarized nationalism is primarily violent, misogynist, and heterosexist. When militarism and nationalism align, perpetrators may perform their national identity in different ways. For instance, a soldier may be performing his national identity sexually in a genocidal rape scenario. The perpetrator could be viewing his *national dominance* as sexual and performing that national dominance by forcing the victim into a position of *sexual submission* (Price, 2001). In this context, the perpetrators can use rape performance as a way in which to prove their individual allegiance to the masculine Hutu or Serb nation. The “style” of masculinity created under militarized nationalism allows for the men to view sexual violence as no more than an extension of their natural, yet heroic, soldierly duty (Price, 2001). This “gendering” of nationalism, along with ethnic nationalism, appear to be the dominant nationalist ideologies in both Rwanda and the former Yugoslavia.

Militias

Governments engaged in genocide frequently depend on paramilitary organizations to carry out much of the actual violence, this was noticeable in both Rwanda and the former Yugoslavia. Militias or paramilitaries are organizations created in order to engage in acts of mass, collective violence. They are a particularly deadly form of social organization, because they are trained in violence, yet not obligated to follow formal codes of conduct (Alvarez, 2010). In their thorough exploration of militia groups, Rothe and Mullins identified several factors that

appear to be present in militias that participate in crimes against humanity: militias emerge in response to valid and perceived-to-be valid threats; meso-level conditions of social disorder provide strong micro-level motivations to join militia groups; militia recruitment processes demonstrate a strong level of social homogeneity, which intensifies the social bonds of members, thus promoting a collective motivational force; many of the militias are holdovers from previously defeated military units which could motivate the members to commit atrocities due to their harboring of old grievances and the violent history with the current group in power (Rothe & Mullins, 2008). It is argued that the draw of militias stems from young men who find themselves without social and economic opportunities, only to find militia as the single empowered and stable social grouping in the community (Rothe & Mullins, 2008).

State-supported militias are in a unique position of power and given “legitimate” opportunities (Rothe & Mullins, 2008). These militia groups can have access to financial and tactical supports and act with total impunity, because of the overt or covert assistance of the state in which the militia operates. In fact, some governmental agents including the police and military often participate in the general militia thuggery for their own self gain (Rothe & Mullins). It is well-known that moral constraints are less powerful in groups, and militia groups are no exception (Staub, 1989). In addition to the limited moral constraint, militias also create a sense of individual absolution, which is exacerbated by the official and collective nature of genocide. Social psychologist Stanley Milgram explained:

Each individual possesses a conscience which to a greater or lesser degree serves to restrain the unimpeded flow of impulses destructive to others. But when he merges his person in an organizational structure, a new creature replaces autonomous man,

unhindered by the limitations of individual morality, freed of humane inhibition, mindful only of the sanctions of authority. (cited in Alvarez, 2001:95)

Put another way, perpetrators of genocide who belong to a militia can avoid feelings of individual responsibility and defer their ability for moral choice to the amorality of the group (Alvarez, 2001).

Alvarez described the ways in which militias differ from militaries. He found that unlike military groups who tend to be rigidly organized and regimented, militias oftentimes are informally organized with a looser structure (no hierarchy, flexible authority). Militias may or may not assign rank; essentially, militias have much more dynamic and fluid social arrangements. Militias are not made up of professionals such as it is in the military. Next, while the military clearly acts on the state's authority, the connection between the militia and the government tends to be more obscure. Last, members of the military and police generally do not profit personally from their actions; however, militia members often act for personal gain and profit. States do benefit from relying on militia groups in times of war. The first benefit, and perhaps most important, is deniability. Militias do much of the "dirty work" in genocide; the most brutal atrocities are usually blamed on militia activity. However, militias are usually affiliated with political power structures and also funded and equipped by that party. This relationship is frequently denied or intentionally obscured to provide the genocidal government "plausible deniability" of their involvement in the genocide (Alvarez, 2010).

Another reason for a genocidal state to rely on militias is that they are a quick and easy force multiplier. For example, the Rwandan military numbered 9,335 at the time of the RPF invasion of 1990; however, by 1991 the army had grown to 27,913 (Alvarez, 2010). The use of militias also permits a government the best and worst of military organizations. Put differently,

militias offer governments the benefit of military training without some of the “ideological baggage” against harming the defenseless. The military is imbued with a code of honor and discipline that usually includes the adoption of a value system that prohibits the killing of unarmed noncombatants (women and children). Essentially, employing militias for a genocidal campaign allows for violence without limits (Alvarez, 2010).

Paramilitary organizations were rampant in Rwanda, such as the *Impuzamugambi* (“those with a single purpose”) and the *Interahamwe* (“those who stand together” or “those who fight together”). These militias were created in response to the perceived threat of the RPF forces. The most widely known Rwandan militia was the *Interahamwe*, which was started by President Habyarimana and began military training to young members of his party (Alvarez, 2010). Thousands of young Rwandan men had lost their jobs and were left alienated and angry by the Rwandan economic problems, and they flocked to state-sponsored fan clubs which led to their recruit into the *Interahamwe*. Additional members were recruited from football (soccer) fan clubs as well. The Hutu extremists were able to recruit between 30,000 and 50,000 displaced and unemployed boys and young men (Baines, 2003).

Membership in the *Interahamwe* was appealing to many of the young recruits:

Hutu power youth leaders, jetting around on motorbikes and sporting pop hairstyles, dark glasses, and flamboyantly colored pajama suits and robes, preached ethnic solidarity and civil defense to increasingly packed rallies, where alcohol usually flowed freely ... while in private the members of the *Interahamwe* were organized into small neighborhood bands, drew up lists of Tutsis, and went on retreats to practice burning houses, tossing grenades, and hacking dummies with machetes. (Alvarez, 2010:83-84)

Along with mass rallies, the *Interahamwe* also engaged in three-week indoctrination sessions at a training camp. The recruits were taught how to throw grenades and burn homes, as well as how to use a machete on a human-shaped dummy. These recruits were highly susceptible to the *Interahamwe* regime's message of hatred. The militia spent most of its time killing in excess, drunk on power and alcohol. In the hands of these militia groups, the combination of roadblocks, alcohol, and machetes proved terrifying (Alvarez, 2010).

In the former Yugoslavia, Serbians employed the use of militias as well. There were well-known paramilitary organizations such as the White Eagles and Arkan's Tigers. First of all, the Serbian Volunteer Guard was transformed into Arkan's Tigers. The leader of this militia was a Belgrade gangster with ties to the Serbian police, Željko Ražnatović, who went by the name "Arkan." Arkan's involvement in the paramilitary scene began in 1990 when he became the head of the Belgrade's Red Star football team's fan club (Delije). He was already a well-known criminal, yet his involvement as the Delije leader was encouraged by the Milošević government. Apparently, the government sought to harness the violence, energy, and nationalism of the young club members. The men primarily recruited for Arkan's Tigers derived from the most violent and aggressive members of Delije and were trained by regular army officers (Alvarez, 2010). As ethnic cleansing began in Bosnia, Arkan's Tigers were employed to do much of the work. An example of this was on April 2, 1992, in the town of Bijeljina, in what was to become the first case of ethnic cleansing in the territory. Arkan's Tigers, dressed in camouflage uniforms and wearing ski masks, rampaged through the town with automatic weapons in a preview of subsequent "cleansings" throughout Bosnia. Later on, the Tigers would be implicated in some of the worst massacres of this genocide (Alvarez, 2010).

Militias are a vital element of genocidal rape. As mentioned above, militias offer a great capacity to do violence, without the “ideological baggage” against harming the defenseless. Rape as a state-sanctioned, genocidal policy would thrive in the hands of a militia group. Paramilitary groups, such as the Interahamwe and Arkan’s Tigers, were on the front lines of genocidal rape and deliberately maximized the level of trauma to rape survivors and witnesses. It is easy to place blame on these groups; however, it is important to note that genocidal militias do not exist without some political support (Alvarez, 2010). It could be argued that they were simply the “grunts.” For instance, Milošević had a direct hand in the creation of Arkan’s Tigers; however, he denied knowing Arkan when confronted about the actions of the militia group. In fact, Milošević asserted that the atrocities were the responsibility of paramilitaries that had been banned in Serbia. Yet he portrayed himself as the peacemaker by claiming that he brought the militias to heel. On the other hand, Rwanda was not concerned with the linkages between the state and militia groups. The Rwandan military openly trained and armed the militias, in addition to coordinating attacks with other paramilitaries to maximize the genocidal impact (Alvarez, 2010).

CHAPTER FIVE: CONCLUSION

This comparative analysis was organized into five chapters that covered a review of the literature on wartime rape and genocidal rape, as well as a historical background of the events leading up to and including the genocidal rapes that occurred in Rwanda and the former Yugoslavia. A comprehensive, multidisciplinary review of theoretical explanations concerning wartime rape and genocidal rape was carried out in order to determine which theory is most applicable to genocidal rape in Rwanda and the former Yugoslavia. Systematic mass rape, as explained by Baaz and Stern, and Seifert's fourth theory, rape in wartime aimed at destroying the enemy's culture, were coupled to describe the strategic rape theory. Currently, the most influential theory of mass wartime rape, strategic rape theory, argues that rape is a coordinated, logical, and brutally effective method of prosecuting warfare. It was concluded that the strategic rape theory was most relevant to genocidal rape in Rwanda and the former Yugoslavia.

An analysis of the individual and structural components of the genocides led to the development of five points of comparison. Several similarities and differences were identified between the perpetrators, victims, global economics, social disorder and militias found in the Rwandan and former Yugoslav genocides. The most obvious difference between the two is the length of the conflict: Rwanda's genocide spanning a mere three months to the former Yugoslavia's four years. Additionally, there were disparities in terms of historical, economic, political, and cultural contexts. Regarding genocidal rape, Rwanda and the former Yugoslavia employed seemingly different policies. The Hutu in Rwanda utilized sexual violence as a method of destruction, recruiting HIV positive men to rape and frequently killing the female after she was victimized. On the other hand, while many women also died in the former Yugoslavia, the Serbs sought to transform the Bosnian Muslim population by forcibly

impregnating its women. It is important to note that in both genocides, whether through destruction or transformation, the goal was to *eliminate* a population.

Commonalities were also uncovered through this comparative analysis. For instance, the deeply rooted and politically fueled inter-ethnic distrust and fear was present in Rwanda and the former Yugoslavia. Socio-economic collapses appear to have stimulated both of the genocides, as well. There also exists ample evidence that the Rwandan and former Yugoslav genocides followed similar logics (Jamieson, 1999). They were planned by the political elite, organized and coordinated by the state, and implemented locally by militaries, police, and militias. Both involved the resurgence and manipulation of old tribal or ethnic hatreds to promote legitimacy of those in charge and their necessity to annihilate the “enemy” population. A weapon in both genocides, women were selectively targeted for rape according to their ethnicity. The genocidal rape perpetrated in Rwanda and the former Yugoslavia held an underlying ideological component that was fundamental to facilitate this particular form of violent criminality. Patriarchy and nationalism were not only noticeable in both of the genocides, but also a gendering of nationalism. Ultimately, the above factors and those discussed previously in more detail facilitated the Rwandan and former Yugoslavian genocidal rape policies.

In the rest of this conclusion, the reactions of the two International Criminal Tribunals that were created for the purposes of prosecuting crimes of genocide in the former Yugoslavia and Rwanda are reviewed, especially in the context of the socio-legal construction of the crime of “genocidal rape.” Finally, the implications of these responses are discussed in terms of the future of genocidal rape.

International Criminal Tribunals

The establishment of the International Criminal Tribunal for the former Yugoslavia (ICTY) in May of 1993 and the International Criminal Tribunal for Rwanda (ICTR) in November 1994 by the United Nations Security Council launched an effort to try alleged offenders of war crimes, genocide, and crimes against humanity in their respective conflicts. These *ad hoc* tribunals have made unprecedented efforts to clarify the injunction of sexual violence during wartime and to punish its violators (Schomburg & Peterson, 2007). Arguably, one of their most important successes has been in the development of international humanitarian law. The history of virtual effacement of gender crimes from international humanitarian law has made the ICTY and ICTR's recognition and prosecution of these crimes particularly noteworthy (Goldstone, 2002). In addition, women serve in numerous high-level capacities in the ICTY and ICTR that represent a monumental advance over women's historically minimized role in international law and prior tribunals (Askin, 1999).

ICTY

It is argued that the Balkan conflict has been the most publicized war in history; consequently, the genocide in the former Yugoslavia has received an extraordinary level of attention in the international courts (Hoare, 2011). On May 25, 1993, the UN Security Council passed Resolution 827, establishing the ICTY. It was expected that the tribunal would not only restore and maintain peace and security by prosecuting war crimes and violations of human rights law in the former Yugoslavia, but would also develop and strengthen existing international law (Bergoffen, 2006). It is argued that international prosecutions for war crimes are not ideal. By pursuing the prosecution process, the ICTY accepted the risk that reunification and reconciliation in the former Yugoslavia would be hampered. With the enormous scale of

atrocities, the suspicion and hatred between Serb and non-Serb communities, coupled with the reckless leaders thriving on violence and extreme nationalism, international prosecution for the war crimes committed appeared to be the only option (Meron, 1997).

The ICTY instituted a process in which it sent investigative teams to Bosnia-Herzegovina, Croatia, and Serbia with the purpose of gathering data and forensic evidence, exhuming mass graves, and interviewing and deposing witnesses. Under Article 29 of the ICTY's mandate, they could indict and issue arrest warrants for suspects once enough validating evidence had been assembled (Alvarez, 2010). A significant obstacle for the ICTY has been arresting and getting custody of the indicted suspects. For the first several years, the ICTY was hampered by a lack of cooperation from the states of the former Yugoslavia and the international community; however, in recent years the tribunal has been more aggressive in seeking the arrest and extradition of suspects (Alvarez, 2001). Advocates of the ICTY anticipated that the decollectivezation and individualization of guilt would help bring about peace. The first prosecutor for the ICTY was Richard Goldstone and he explained the prosecutorial strategy, which included:

the investigation of lower-level persons directly involved in carrying out the crimes in order to build effective cases against the military and civilian leaders who were party to the overall planning and organization of these crimes. (cited in Alvarez, 2001:149)

It appears as if the tribunal has had no major impact, neither positive nor negative, on reconciliation in the former Yugoslav states. In fact, as of April 2011, the ICTY has indicted over 150 military and political figures from the former Yugoslavia; nonetheless, they have successfully prosecuted only one individual for genocide – Bosnian Serb officer Radislav Krstić (Hoare, 2011). Of particular interest here is the effect the ICTY has had on the occurrence of

sexual violence in wartime. Two ICTY cases have helped to set the standard for the definition of rape in the jurisprudence of the international tribunals: *Furundžija* and *Kunarac*. The *Furundžija* trial chamber applied a “mechanical” definition of rape (which requires penetration of certain described parts of the victim’s body by certain described means), but also concluded that the prohibition of sexual violence under international law “embraces all serious abuses of a sexual nature inflicted upon the physical and moral integrity of a person by means of coercion, threat of force or intimidation in way that is degrading and humiliating to the victim’s dignity” (Schomburg & Peterson, 2007:133). Nearly two years later, the *Kunarac* trial chamber reassessed the definition of rape as a crime. They endorsed the “mechanical” portion of the *Furundžija* definition; however, the chamber widened the concept of force, coercion, and threat by supporting the more basic principle of punishing violations of sexual *autonomy* (Schomburg & Peterson, 2007).

The ICTY was the first to recognize and try sexual violence as a distinct war crime and a crime against humanity. War crimes and crimes against humanity differ in their degrees of prevalence. To qualify as a war crime, the rape(s) need not be systematic or widespread, but still must be committed in the course of an armed conflict. However, rape on a systematic and widespread scale would be prosecuted as a crime against humanity (Carpenter, 2000). Approximately twenty percent of all charges brought before the ICTY have included allegations of sexual assault (Engle, 2005). Only three of these cases have focused exclusively on sexual violence, while rape has been merely noted in some of the genocide indictments against Slobodan Milošević, Radovan Karadžić, and Ratko Mladić. Notably, in the *Kunarac* case, three Bosnian Serb soldiers were tried and convicted of crimes against humanity because of their participation in the rape and enslavement of Muslim women and girls. Dusko Tadić was also

found guilty of crimes against humanity. It was not proven that Tadić had actually committed sexual assault, but the ICTY trial chamber held him responsible for his participation in the systematic violence. The reasoning of this decision is vital, because:

[e]ven though insufficient evidence was submitted at trial that Tadić himself had committed rape crimes, the evidence did establish that sexual violence was pervasive and rampant and that the consequences for victims and the community were devastating. Therefore, anyone – including nonstate actors and low-level participants – may be convicted of aiding and abetting crimes of physical, mental and sexual violence through continued and knowing participation in, or tacit agreement of, these crimes. (Askin, 1999:105)

All in all, the ICTY has not been considered successful in the *prosecution* of genocidal offenders. However, it has made significant contributions in respect to the gendered criminality of genocide, as well as reformulating the criteria of rape (Bergoffen, 2006). In addition, Theodor Meron identified several other successes of the ICTY: strengthened international law; generated an unprecedented interest in humanitarian law and in penalizing its violators; continues to prevent indicted suspects from traveling abroad; triggered interest in the establishment of the ICTR and a permanent international criminal court (ICC); prepared the first code of international criminal procedure and evidence; and perhaps most importantly, proved the international investigation and prosecution of war crimes and crimes against humanity (yet not genocide) credible and feasible (Meron, 1997). Last, while the ICTY did not explicitly link rape and genocide, they did suggest a connection by considering that sexual violence may constitute one of the weapons utilized in a genocidal war. Patricia Sellers, a legal advisor for gender-related

crimes at the ICTY, explicated, “Now we can say rape is a crime, a crime against humanity, or a war crime, a constituent part of genocide” (cited in Reid-Cunningham, 2008:280).

ICTR

The ICTR, on the other hand, went further and successfully linked rape to genocide in a landmark case. The *Akayesu* case was the first international war crimes trial to convict a defendant for genocide. At the trial, extensive and overwhelming courtroom testimony concerning rape and other forms of sexual assault was admitted into evidence (Askin, 1999). Seven witnesses testified to having survived or witnessed sexual violence. As reported in the judgment, the sexual crimes described at trial included gang rape, repeated rapes, public rape, rape with foreign objects, rape of female children as young as six, forced prostitution, forced marriage, forced abortion, forced miscarriage, forced nudity, sexual slavery, and sexual torture (Askin, 1999). Additionally, many of the women and girls were killed after being sexually victimized, while others were not killed precisely so they could be continually subjected to sexual violence. This testimonial evidence was used to establish that rape was a fundamental and integral tool used to commit the crime of genocide:

With regard, particularly, to the acts described in paragraphs 12(A) and 12(B) of the Indictment, that is, rape and sexual violence, the [Tribunal] wishes to underscore the fact that in its opinion, they 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. (cited in Lyons, 2001:118)

It has been estimated that 800,000 Hutu were suspected of participation in the genocide, which translates to 20 percent of the adult population (Haveman, 2008). The ICTR has tried fewer than 50 suspects in 10 years, and considering the astronomical number of suspected

génocidaires, it would take the tribunal over 100,000 years to try all of those involved in the Rwandan genocide. With this monumental task, it is not surprising that the tribunal has been viewed by some as disappointing. The ICTR has encountered many obstacles similar to the ICTY and consequently has produced a relatively small number of indictments and convictions. As of April 2011, the ICTR has completed 32 cases with 20 cases currently in progress, while 11 have been indicted and are still at large. In particular, only five men (Akayesu, Bagasora, Gacumbitsi, Muhimana, and Semanza) in total have been tried and convicted of rape-related crimes. Further, five men pled guilty to sexually violent crimes, yet in exchange for guilty pleas on other counts, all five were able to have their sexual assault charges dropped (Buss, 2009). This is the paradox of the ICTR's record on rape. While mostly failing to prosecute rape, the tribunal has frequently acknowledged the systematic and widespread use of rape in the Rwandan genocide.

Scholars have identified several reasons for the low prosecution and conviction rate for sexual violence in the ICTR: a lack of or shifting political commitment by the Office of the Prosecutor (OTP), poor investigations and training, lack of diversity among the investigators, inadequate drafting of indictments, lack of coordination between investigations and the OTP and resistance to testifying by Tutsi rape survivors (Buss, 2009). In essence, the ICTR consistently maintained that the rapes actually took place, but has dismissed most of the indictments due to the obstacles listed above. It also appears as if the ICTR, by not consistently enforcing the crime of genocidal rape, has added to the confusion surrounding the crime:

The Genocide Convention leaves the definition of genocidal acts open to interpretation.

This creates a gap that criminal tribunals are trying to fill. Bridging this gap requires tribunals to apply a universal body of international law consistently... Addressing rape as

genocide with clarity and decisiveness will enable the international community to prosecute these atrocities with legal justifications beyond a mere moral sense of duty. (Lyons, 2001:123)

Unlike the ICTY, which is primarily concerned with prosecuting crimes mostly committed in an international armed conflict, the ICTR focused principally on prosecuting crimes committed during an internal or civil armed conflict. In both of these cases, uniting criminal law and international law was an enormous challenge. These international criminal tribunals are expected to promote justice under a coherent and universal body of law that, in the ways that seem to matter most, does not exist. The international community has no “universal standard of humanity” to follow (Lyons, 2001). Failure to prosecute leaders responsible for war crimes, crimes against humanity, and genocide breeds contempt for international law and promotes future crime. However, the international law evolves through the criminal tribunals such as the ICTY and ICTR. Regarding rape in wartime, international law has grown by leaps and bounds. Gender-based and sexually violent crimes are no longer ignored by the international criminal tribunals. In addition to ensuring adequate protection and support for genocidal rape victims and witnesses, much remains to be done. Kelly Askin summarized this point by stating:

The Tribunals must guarantee that the violent, gendered and sexual nature of the crimes is not lost in broad, vague catchall phrases used in treaties and the respective statutes. Sentences must be commensurate with the gravity of the crime, reflecting the fact that crimes of sexual violence are as grave as other crimes of violence. (Askin, 1999:123)

Final Thoughts on Genocidal Rape and Minimalist Implications for the Future

In the twentieth century, approximately 40 to 60 million unarmed civilians became victims of genocidal policies; the twenty-first century is not off to a good start either, with full-

force genocide campaigns in Darfur and the Congo (Üngör, 2011). One “knee jerk” response or alternative to legal-prosecutorial intervention against genocides of any type is military intervention: action through direct use of force to infringe on another state’s sovereignty. Obviously, this is the most aggressive and dangerous form of intervention. It also increases the risk of not only increasing the geographic area of an armed conflict, but of intensifying the violence (Alvarez, 2001). For example, in 2010, the United States Army published the *MARO: Mass Atrocity Response Operations Planning Handbook*. This report was developed in an attempt to educate military personnel to understand genocidal situations. While a valiant effort, the *MARO* tackles genocide from a purely militaristic perspective that is inadequate because genocide is a political act. It is argued by Üngör that this document is full of fallacies, missteps, and naiveté. Instead, he suggests that military planning documents do not use hypothetical mass atrocities to train, but take current or real historical events and examine them in light of a few potential future developments. This would provide a credible argumentation linking international politics and military planning and a thorough analysis of existing genocidal campaigns and their processes (Üngör, 2011).

Another technological form of intervention involves “electronic jamming.” Electronic jamming can be accomplished through blocking hate propaganda or by broadcasting alternative perspectives and information to discourage indoctrination. It is evident from this thesis, as well as a multitude of previous research, that the media play a vital role in genocidal campaigns. States that pursue genocide rely on electronic media to broadcast their propaganda, which in turn targets a population by portraying it as the enemy and creates a climate of fear and hostility. While it may seem like an effective and safe form of intervention, it would probably be inadequate. For instance, once electronic jamming can be implemented, the population may

already be too indoctrinated with the propaganda, or the population may view the *outside* information as the propaganda and the domestic media as broadcasting only the truth (Alvarez, 2001).

There appears to be an assortment of idealist and realist perspectives in the study of genocide. One genocide scholar reminded the academic community that “we are really going down the road of formulating a superbly pious wish: because conflict is obviously inherent in the history of man, and so any intention to prevent it is doomed to fail from the start” (Sémelin, 2007:364). The international community has repeatedly failed to take a strong and successful stand against genocide. Criminologists, however, must not distance themselves from the tragedy of genocide. Supranational criminologists do address international human rights violations by researching “unimaginable atrocities that deeply shock the conscience of humanity” (Haveman & Smeulers, 2008:17). It is difficult to imagine that genocidal crimes can be interpreted solely as an assault on individual autonomy; therefore, they are supranational – they violate the international community as a whole. In the field of supranational criminology, therefore, it is vital to continue adding to the research on not only genocide, but genocidal rape as well.

Michael Freeman contends:

The failure of the international community to tackle the problem of genocide is reflected by the failure of the academic community to contribute much to our understanding of the problem. The study of genocide has remained marginal to academic discourse.

(Freeman, 1991:185)

Hence, it is essential that research in the area of genocidal rape continue. Comparative analyses, such as the one currently presented, are imperative to identify commonalities between genocidal rape events. Without uncovering generalizable characteristics of and precursors to genocidal

rape, the international community can only react to the atrocity, rather than develop a preventive approach (Alvarez, 2001). Genocidal rape in Rwanda and the former Yugoslavia differed in certain areas, such as methodology and scale, yet this analysis also illustrated that the commonalities, such as social disorder and ideology, can be meaningfully related to each other to create a more generalized understanding of genocidal rape.

At the same time, this comparative analysis uncovered several important points regarding the genocides in Rwanda and the former Yugoslavia and their policies of sexual violence. To begin, these genocides have repeatedly been referred to as “ethnic conflicts,” which is a woefully inadequate explanation for such atrocities. Ethnicity *became* a key factor in Rwanda and the former Yugoslavia as it was a tool employed by those in a position of power to foster mistrust and promote genocidal policies. In fact, these cases are more accurately explained as instances of political or state violence, not ethnic violence.

As bureaucracy and technology advances, there is a factor that mechanizes human behavior or increases the efficacy and removes the individual culpability or motivation from the institutionally driven and structural violence of extraordinary crimes. Alvarez explains by stating:

many of the instances of mass violence in the twentieth century [are] inextricably linked together in an escalating chain of increasingly impersonal, bureaucratized, and industrialized killing, with each example paving the way for the next... As each threshold of violence is passed, the previously unimaginable becomes increasingly acceptable.

(Alvarez, 2001:31)

In other words, impersonality and modernization has reshaped genocide into a more rational and efficient endeavor capable of destruction on a massive scale (Alvarez, 2001). It could also be

argued that the unique nature of contemporary genocides in an era of HIV, even in nonindustrial areas like Rwanda, may facilitate policies of genocidal rape.

Accordingly, determining that genocidal rapes are operational terms in the Rwandan and former Yugoslavian genocides become essential. This term is needlessly contested; given the definition of genocide, one can easily follow the logic which leads to the use of rape as a weapon of genocide (or genocidal rape). Unfortunately, analysts have difficulty overcoming “accusations that the use of the term ‘genocide’ is nothing more than a (highly politicized) matter of semantics” (Joeden-Forgey, 2010:16). Resistance of accepting “genocidal rape” as a valid offense may be linked to the challenges encountered when using the term “genocide.” Of course, more research is needed in the area of genocidal rape, which might increase its validity in the international community.

Globalization, just like modernity, has had a significant impact on genocidal campaigns. To expound, Kenneth Campbell states:

Genocide is a transsovereign problem facing the international community. Indeed, it is the worst problem. Although the practice of genocide is not new, the contemporary process of globalization has rendered it a transnational threat that outstrips the ability of states, and state-based international governmental organizations, to prevent, suppress, or punish this crime. (cited in Alvarez, 2010:125)

Is it possible to prevent, suppress, or punish the crime of genocide and genocidal rape? While this usually provides bleak responses, some scholars have provided possibilities through their research. Roelof Haveman maintains that genocide prevention may be possible:

History shows that genocide is the result of a systematic development, culminating in the crime of crimes. This implies that it may be possible to explain and prevent genocide in

the future by fighting its causes. And this implies that an approach could be assessed in the function of its capability of diminishing structural causes. (Haveman, 2008:393)

Alex Alvarez provides a potential technique for genocide prevention. He argues that since genocide is inextricably ideological, genocide prevention techniques must include initiatives to educate populations about the uses and abuses of national or ethnic identity and history (Alvarez, 2008). If possible, this would make individuals less vulnerable to nationalist propaganda. Also, nationalism is a key player in genocide. Alvarez suggests a political resocialization to replace nationalistic attitudes and value systems with more international and humanitarian based ethos. Notably, he contends that this resocialization must temporarily be accompanied with aggressive enforcement of international human rights law. He emphasizes that “legal changes often precede and influence attitudinal changes” (Alvarez, 2008:231).

Another prevention possibility comes from Ervin Staub, and he argues that furthering minimalism could make genocide and war less likely. Minimalism in this context means: a limited definition of national interest as a guide to foreign policy, foreign policies toward other nations guided in part by the extent that they fulfill essential, “minimal” values and the practice by nations of “persistent minimalism” in their relations. (Staub, 1989:258)

The principles of minimalism require nations to respect the human and civil rights of their citizens, and respect the legitimate interests and security of other countries. Ideally, all nations would adopt the practice of minimalism and not only influence one another, but hold each other accountable as well (Staub, 1989).

It is essential to detect the genocide early on or before it even begins. Scholars have recently identified certain rituals that appear to be indicators for future genocide; they have

characterized this as the “interim stage” of genocide (Joeden-Forgey, 2010). Elisa von Joeden-Forgey explained that life force atrocities, which are ritualized patterns of violence that destroy a community’s life force symbols, may be signs of an impending genocide:

The presence of specific acts of violence directed at families can also serve to alert us the dangerous presence of genocidal logic in conflict situations – potentially at a very early stage in the conflict, before a full-blown root and branch genocide is in the works. Life force atrocities may signal – and act as evidence of – intent on the part of the state authorities in control of the conflict region, or they may offer a warning that a certain militia or cadre within an armed force is behaving genocidally. (Joeden-Forgey, 2010:3)

Alex Alvarez has outlined possible intervention techniques once genocide has been detected. Through the development of international humanitarian law, it has been established that every state must protect the human rights of its citizens. It is important to note that once it is determined that a state has violated those rights, the state’s sovereignty becomes moot and the international community has the right to intervene. The international community can intervene in several ways: diplomacy, mediation, sanctions, military action, and electronic jamming. Diplomacy “is a process of communication that involves negotiation, coercion, and clarification of intentions and reactions” (Alvarez, 2001:136). A limitation of diplomacy and diplomats is that they are often forced to engage in political strategies that are based on pragmatism and protecting national security, not on protecting the victimized group.

Mediation is another form of intervention which relies on an objective third party to resolve the dispute. This proposed form of intervention has a very poor track record. All sides involved in the genocide must present their case to the mediator and consequently abide by the mediator’s decision. Ultimately, mediation is limited in its effectiveness as a method of

intervention in genocide (Alvarez, 2001). Imposing sanctions has been used more as an intervention. Sanctions involve severing some or all of a country's linkages with other countries, essentially isolating the nation. Unfortunately, a potentially devastating limitation of sanctioning countries is that it is the civilians who suffer most – with the scarcity of food, medical equipment, and fuel that accompanies the imposition of sanctions (Alvarez, 2001).

In the end, while the results and prospects of present-day intervention efforts do not look all that bright with respect to precluding such behaviors as genocidal rape in the near future, one must keep in mind that it has only been in recent history that political, legal, and social communities throughout the world have begun to recognize these types of crimes – genocide and genocidal rape—as crimes against humanity. Continued research and intervention, no matter how inadequate, will continue to shine a light on this behavior that humanity will hopefully learn how to eliminate.

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