2006

MOTHER OF ATROCITIES: PAULINE NYIRAMASUHUKO'S ROLE IN THE RWANDAN GENOCIDE

Carrie Sperling

Follow this and additional works at: https://ir.lawnet.fordham.edu/ulj

Part of the Law and Gender Commons

Recommended Citation
Available at: https://ir.lawnet.fordham.edu/ulj/vol33/iss2/11
MOTHER OF ATROCITIES: PAULINE NYIRAMASUHUKO'S ROLE IN THE RWANDAN GENOCIDE

Cover Page Footnote
Carrie Sperling is an Assistant Professor of Legal Research and Writing at the University of Oklahoma College of Law. I would like to thank three of the brightest people I know for their assistance in writing this article—Talitha Ebrite for her excellent research and thoughtful comments, Meg Penrose for her encouragement and superb suggestions, and Vivian Houng for her keen insight and deft editing.

This article is available in Fordham Urban Law Journal: https://ir.lawnet.fordham.edu/ulj/vol33/iss2/11
MOTHER OF ATROCITIES: PAULINE NYIRAMASUHUKO’S ROLE IN THE RWANDAN GENOCIDE

Carrie Sperling*

In the courtroom she prefers “plain high-necked dresses that show off a gleaming gold crucifix she usually wears.”1 “[H]er appearance in court suggest[s] a school teacher.”2 “With her hair pulled neatly back, her heavy glasses beside her on the table, she looks more like someone’s dear great aunt than what she is alleged to be: a high-level organizer of Rwanda’s 1994 genocide who authorized the rape and murder of countless men and women.”3

As Pauline Nyiramasuhuko stands trial before the International Criminal Tribunal for Rwanda (ICTR)4 for crimes against humanity and genocide,5 crimes shocking in their depravity, the press seems more fixated on her gender than the significance of her crimes and her prosecution.6 The press asks: how could a woman, a mother, a female that looks so feminine commit such atrocities?7 To ask the question is to assume that women are not capable of committing acts of violence and depravity such as rape,

* Carrie Sperling is an Assistant Professor of Legal Research and Writing at the University of Oklahoma College of Law. I would like to thank three of the brightest people I know for their assistance in writing this article—Talitha Ebrite for her excellent research and thoughtful comments, Meg Penrose for her encouragement and superb suggestions, and Vivian Houng for her keen insight and deft editing.

2. Id.
3. Id. at 125.
5. See id. at 366 for a listing of crimes for which Pauline has been prosecuted.
6. See infra notes 156-164 and accompanying text.
7. See infra notes 156-164 and accompanying text.
mass murder, and genocide. In reality, “[i]t is probably the case that women’s peacefulness is as mythical as men’s violence.”

Women throughout history have equaled their male counterparts in their cruelty and in their willingness to plan, orchestrate, and participate in mass atrocities.

Women, girls, and mothers also willingly and enthusiastically played important roles in the Rwandan genocide. As a female perpetrator of mass violence, Pauline is not an anomaly.

Those who view Pauline’s actions during the genocide as somehow inexplicable because of her gender engage in the stereotypical thinking that perpetuates the special victimization of women. History demonstrates that women suffer especially heinous sexual violence in almost every armed conflict. Women become such targets for many reasons, all connected to their otherness, their difference from the patriarchy that perpetuates the conflict. As one writer noted, “if . . . war is the continuation of politics by other means, it has been constructed out of hostility towards the female ‘other’.”

The Tutsi women of Rwanda, like women in countless other conflicts, were sexually violated to denigrate Tutsi men or the Tutsi race, to attack their purity, and to serve as a warrior’s reward. To successfully carry out a campaign of sexual terror, the perpetrators had to embrace the myth that sees women as merely an extension of the Tutsi man, merely a tool for the troops’ pleasure, or merely a vessel of procreation. This myth also sees rape as a defilement of the woman and her family, her man, and often her entire ethnic group. And because of adherence to this myth, crimes specifically targeting women during armed conflict are rarely prosecuted.

Pauline’s case challenges the other side of the myth: that women, by their nature, are incapable of being warriors—somehow their roles as women and mothers prohibit them from planning or participating in depraved violence. Pauline’s case says more about our continued resistance to view women as equals than it says about her uniqueness among her female peers. Because we continue to view women as less

9. See infra Part V.
10. See infra Part VI.
11. See infra Part VII.
12. Id.
13. STEANS, supra note 8, at 99.
14. See infra notes 79-91 and accompanying text.
15. See infra Part VI.
16. See infra notes 223-227 and accompanying text.
17. See infra Part IX.
18. See infra Part IV.
capable than men, as less worthy than men, and as confined to the roles of sexual objects or mothers, women continue to bear the painful scars of sexual violence in times of conflict. Pauline’s case will hopefully prove to the world, once again, that women are equally human, even in their capacity for violence. When women begin to be seen as equals, sexual violence against women may lose its purpose. And though we may not live to see that day, we may live to see the day when crimes against women are treated as crimes against humanity, because women are equal participants in humanity.

The ICTR, where Pauline currently sits on trial for her crimes, has made significant progress towards ending impunity for the crimes carried out almost exclusively against Rwandan women. The next step toward ending impunity for crimes of sexual violence during conflict is to demystify the nature of women. In this regard, Pauline’s case may become that important step in the process.

I. THE RWANDAN GENOCIDE: HISTORICAL BACKGROUND

Between April and July 1994, Rwanda suffered the most efficient and brutal genocide in recorded history. Best estimates calculate the dead between five hundred thousand and one million people, decimating the pre-genocide population of eight million. Tutsis made up less than fifteen percent of the population before 1994, and the genocide eradicated approximately seventy-seven percent of that population. Nearly all the victims were killed in the first ninety days of the Rwandan genocide, making the rate of the genocide five times as swift as the Nazi’s extermination of the Jews in the Holocaust.

Genocide of that magnitude takes planning. Hutu extremists were able to carry out massacres on such a large and rapid scale because they had

19. See infra notes 256-263 and accompanying text.
23. HUMAN RIGHTS WATCH, LEAVE NONE TO TELL THE STORY, supra note 20.
25. PHILLIP GOUREVITCH, WE WISH TO INFORM YOU THAT TOMORROW WE WILL BE KILLED WITH OUR FAMILIES: STORIES FROM RWANDA 17-18 (1998) [hereinafter GOUREVITCH, WE WISH TO INFORM YOU].
been preparing for years. They arranged for massive shipments of arms, trained thousands of militia members, and engaged in a propaganda campaign demonizing the Tutsis. The media campaign targeted Tutsis as not only sub-human but also as a threat to the Hutu existence. The arms shipments made it possible for the militia to commandeer large portions of the Hutu civilian population in killing their Tutsi neighbors.

Many historians trace the roots of the genocide back to colonial times, when Belgian colonizers created distinct racial classes in Rwanda. Belgians deemed the Tutsis, who were taller and had more narrow facial features, more European and thus a more advanced “race” than the Hutu. The Belgian colonizers required citizens to carry identity cards listing the racial group to which they belonged. Tutsis were given positions of power within the government, much of the country’s land, and exclusive access to education, while Hutus were excluded from political power, obligated to work for Tutsis, and denied access to education. The fact that the European colonizers were able to create such a chasm between two groups of Rwandans is remarkable considering the fact that the Rwandan people were so homogenous. In fact, Rwandans shared commonalities rarely found in other nations: one language (Kinyarwanda), one faith (Catholicism), and one law.

This system created extreme hostilities between Hutus and Tutsis, and it existed until the Hutu majority began to make demands for self-

27. Id.
28. See id. at 92, 103-05 (referring to Tutsis as cockroaches and characterizing all Tutsis as accomplices to the RPF); POWER, supra note 21, at 338-40 (setting forth the “Ten Commandments of the Hutu” and summarizing Hutu propaganda alluding to Tutsis as devils and claiming Tutsis intended to exterminate the Hutus).
29. MELVERN, supra note 26, at 45-47.
30. Id. at 3-4; TEMPLE-RASTON, supra note 22, at 17.
32. The practice of requiring citizens to carry national identity cards that permanently classified each citizen as Hutu or Tutsi assisted in carrying out the genocide. TEMPLE-RASTON, supra note 22, at 19. In 1990, outsiders became concerned about the identity cards playing a role in a looming genocide. MELVERN, supra note 26, at 60-61. That same year, as part of the peace negotiations, the government ordered new identity cards that deleted the Hutu-Tutsi delineation, but those cards never arrived. Id.
33. MELVERN, supra note 26, at 5-6; TEMPLE-RASTON, supra note 22, at 19.
34. GOUREVITCH, WE WISH TO INFORM YOU, supra note 25, at 55 (quoting Monsignor Louis de Lacger); TEMPLE-RASTON, supra note 22, at 6.
determination and self-government.35 Sensing a possible uprising, the colonizers reversed field, supporting the Hutu uprising in 1959.36 During this uprising, the Hutus targeted Tutsis, killing and displacing large numbers of Tutsis.37 Many of the displaced Tutsis crossed into neighboring countries, including Uganda and Burundi.38

Following this Hutu uprising, the Hutu majority held most of the political power in Rwanda39 and denied Tutsis equal access to education, government office, and military service.40 The Hutus succeeded in completely turning the tables in this new political reality.41

In the few years preceding the 1994 genocide, many of the Tutsis who had fled to Uganda formed a rebel force, the Rwandan Patriotic Front (RPF),42 originated to regain some political control in Rwanda.43 Meanwhile, Hutu politics became radicalized. Many Hutus supported the total annihilation of the Tutsi population to rid Rwanda of the threat of another period of Tutsi domination—a political movement known as Hutu Power.44 The dominant Hutu political party began to train youth militia, known as Interahamwe,45 who would eventually carry out the genocidal plans.46

As tensions built, foreign aid to Rwanda’s Hutu president, Juvenal Habyarimana, and his government, continued to pour in, and weapons shipments continued to arrive from France, Egypt and South Africa.47 In 1990, the RPF launched an invasion of Rwanda from Uganda, occupying the northeast portion of Rwanda.48 Hutu Power responded by carrying out

---

35. RONAYNE, supra note 31, at 154; TEMPLE-RASTON, supra note 22, at 19-21.
36. RONAYNE, supra note 31, at 154.
37. Id.
38. MELVERN, supra note 26, at 8-10.
39. Id. at 8-12; POWER, supra note 21, at 337.
40. MELVERN, supra note 26, at 12.
41. GOUREVITCH, WE WISH TO INFORM YOU, supra note 25, at 61; RONAYNE, supra note 31, at 154.
42. AFRICAN RIGHTS, RWANDA, NOT SO INNOCENT 19-20 (African Rights 1995) [hereinafter AFRICAN RIGHTS, NOT SO INNOCENT].
43. MELVERN, supra note 26, at 13.
45. MELVERN, supra note 26, at 24-27.
46. During the genocide, Interahamwe became synonymous with all militias. See MAMDANI, supra note 44, at 204; MELVERN, supra note 26, at 25.
48. MAMDANI, supra note 44, at 186; MELVERN, supra note 26, at 316-17.
“dress rehearsals” for the genocide that would later overtake the entire country. For example, in response to the RPF invasion, the state-owned Rwanda Radio falsely announced a “Tutsi plan” to massacre the Hutus. This state-sponsored misinformation was used to encourage members of the militia in the Bugesera region to attack and kill Tutsi citizens. Militia members and villagers reacted by killing over three hundred Tutsis in the region in three days.

Fearing the outbreak of a devastating civil war, the international community brokered a peace agreement between President Habyarimana’s government and the RPF. The Arusha Accords, signed on August 4, 1993, gave the RPF a share of political power in the government and the military.

The Arusha Accords may have soothed international concern and placated the RPF, but the concessions made by Habyarimana to the RPF only fueled the Hutu extremists, inciting them to action. Plans for a complete annihilation of the Tutsis began as early as 1992: the Hutu Power had prepared for it, the Interahamwe had trained for it, the arms had been gathered for it. All were simply waiting for a spark that would ignite the killing. That spark was ignited on April 6, 1994, when the plane carrying President Habyarimana was shot down while on approach to Kigali, Rwanda. Almost immediately, state-controlled media blamed the RPF for downing the plane. And almost immediately the Interahamwe set up road blocks around Kigali. By midnight that same evening, the Interahamwe began killing Tutsis at the roadblocks and began to hunt down Tutsis and moderate Hutus throughout the neighborhoods of Kigali based

49. Temple-Raston, supra note 22, at 28, 35.
51. Id.; Temple-Raston, supra note 22, at 27-29.
52. Melvern, supra note 26, at 25-26, 317-18; Gourevitch, Genocide in Rwanda, supra note 47.
53. Melvern, supra note 26, at 36-38.
55. Mamani, supra note 44, at 210-11; Power, supra note 21, at 336.
56. Id. at 211.
57. Id. at 216-17; Gourevitch, Genocide in Rwanda, supra note 47.
58. Mamani, supra note 44, at 216.
60. Gourevitch, We Wish to Inform You, supra note 25, at 114; Mamani, supra note 44, at 216.
on lists that had been prepared in advance.\textsuperscript{61}

A mere two weeks later, approximately two hundred and fifty thousand Tutsis and moderate Hutus had been murdered.\textsuperscript{62} The genocide’s massive scale necessitated participation by the masses.\textsuperscript{63} In this, one of the poorest countries in the world, the masses resorted to hacking their victims to death with machetes.\textsuperscript{64} Where plentiful supplies of machetes were unavailable, the attackers used knives, spears and \textit{masu}, bulky clubs with nails affixed to the ends.\textsuperscript{65}

Knowing they were not safe in their homes—after all, the lists of Tutsi addresses had been disseminated to the Interahamwe in advance—Tutsis fled to places where they thought they would be protected: churches, government buildings, hospitals and schools.\textsuperscript{66} Tutsis were told that if they took refuge in these places they would be protected.\textsuperscript{67} They were, however, merely lured into Hutu traps and slaughtered.\textsuperscript{68} Hundreds of sites across Rwanda still contain evidence of these mass slaughterhouses—the remains of thousands of Tutsis decomposing under the shelter of church steeples and school classrooms.\textsuperscript{69}

Eventually, the RPF’s advance to Kigali halted the genocide and drove the genocidaires out of the country in July 1994.\textsuperscript{70} Those responsible for the planning and implementation of the genocide quickly fled the country.\textsuperscript{71} Among those fleeing to Zaire were Pauline Nyiramasuhuko and her son, Arsene Shalom Ntahobali.\textsuperscript{72}

\begin{thebibliography}{99}


\bibitem{62} \textsc{Human Rights Watch}, \textit{Leave None to Tell the Story}, \textit{supra} note 20.

\bibitem{63} \textsc{Mamdani}, \textit{supra} note 44, at 5-7.

\bibitem{64} \textit{Id}.

\bibitem{65} \textit{Id}.

\bibitem{66} \textsc{Power}, \textit{supra} note 21, at 334.

\bibitem{67} Prosecutor v. Nyiramasuhuko, Case No. ICTR 97-21-I, Amended Indictment, ¶ 5.17 (Jan. 3, 2001); \textsc{Gourevitch}, \textit{We Wish to Inform You, supra} note 25, at 26; \textsc{Ronayne}, \textit{supra} note 31, at 158.

\bibitem{68} Prosecutor v. Nyiramasuhuko, Case No. ICTR 97-21-I, Amended Indictment, ¶ 5.17 (Jan. 3, 2001); \textsc{Gourevitch}, \textit{We Wish to Inform You, supra} note 25, at 26-27; \textsc{Ronayne}, \textit{supra} note 31, at 158.

\bibitem{69} \textsc{Gourevitch}, \textit{We Wish to Inform You, supra} note 25, at 26-27; \textsc{Mamdani}, \textit{supra} note 46, at 3; \textsc{Ronayne}, \textit{supra} note 31, at 158.

\bibitem{70} For a powerful description of the remains of such a place, see \textsc{Gourevitch}, \textit{We Wish to Inform You, supra} note 25, at 15-20.

\bibitem{71} \textit{Id}.

\bibitem{72} Landesman, \textit{supra} note 1, at 85. Zaire is now known as the Democratic Republic of Congo. \textit{Id}.
\end{thebibliography}
II. THE SYSTEMATIC ATTACK ON RWANDA’S WOMEN AND GIRLS

The genocide was not simply a campaign to kill all Tutsis, it was a campaign initially designed to kill Tutsi men and rape Tutsi women. 73  The rape was as important as the killing, 74 and during the genocide, “rape was the rule and its absence the exception.” 75  So horrific were the rapes and sexual torture that many women paid to be killed instead. 76

The women of Rwanda experienced a full range of sexual violence that was “once considered a by-product of war.” 77  For example, military and militia terrorized women through rape and gang rape as a method of destroying and demoralizing the Tutsi people as a whole. 78  A familiar account from the genocide included young sons who were forced to rape their own mothers in front of their families. 79  The militia “seemed particularly obsessed with what they did to women’s bodies.” 80  Victims of rape were often sexually mutilated including the pouring of boiling water or acid into women’s vaginas; 81 mutilating their vaginas with machetes, spears, and sharp banana leaves; 82 cutting off women’s breasts; 83 and cutting open pregnant women’s wombs and killing the fetus before killing the mother. 84  After raping and killing women, the militia would often leave a woman’s corpse naked with her legs spread apart. 85  One woman suffered a violent rape only to have her rapist cut out the inside of her vagina, put it on the top of a stick, and plant it outside her door shouting,

---

73. Gendercide Watch, supra note 61 (citing Judy El-Bushra, Transformed Conflict: Some Thoughts on a Gendered Understanding of Conflict Processes, in STATES OF CONFLICT: GENDER, VIOLENCE AND RESISTANCE 73 (Susie Jacobs et al. eds., 2000)).
74. Although Tutsi women were the main targets of the sexual violence, some Hutu women were singled out as well: moderate Hutus, Hutus who hid Tutsis from their attackers, and Hutu women married to Tutsi men. HUMAN RIGHTS WATCH/AFRICA, SHATTERED LIVES, supra note 59.
75. Id. (citing 1996 Report of the UN Special Rapporteur on Rwanda [Rene Degni-Segui]).
76. Id.
78. HUMAN RIGHTS WATCH/AFRICA, SHATTERED LIVES, supra note 60; HUMAN RIGHTS WATCH, STRUGGLING TO SURVIVE: BARRIERS TO JUSTICE FOR RAPE VICTIMS IN RWANDA 8 (2004) [hereinafter HUMAN RIGHTS WATCH, STRUGGLING TO SURVIVE].
79. HUMAN RIGHTS WATCH/AFRICA, SHATTERED LIVES, supra note 59.
80. Landesman, supra note 1, at 84.
81. HUMAN RIGHTS WATCH/AFRICA, SHATTERED LIVES, supra note 59.
82. Id.
83. Landesman, supra note 1, at 84.
84. Id.
85. HUMAN RIGHTS WATCH/AFRICA, SHATTERED LIVES, supra note 59.
“Everyone who comes past here will see how Tutsikazi [Tutsis] look.”

Tutsi women and girls in Rwanda were often captured and forced into sexual slavery. They were collected together in locations convenient for “servicing” military and militia members. Women faced multiple daily rapes and suffered from serious untreated injuries and lack of food. Other Tutsi women and girls were victims of “forced marriages,” singled out by Hutu men and held captive in the man’s home, in some instances for the duration of the genocide.

Finally, Tutsi women and girls were the targets of a unique genocidal tactic—to infect them with HIV/AIDS, leaving them to die a slow and painful death. According to Rwanda’s former president, Paul Kagame, hundreds of AIDS patients were released from hospitals during the genocide and became an instrument of war, targeted at women, to cause slow, agonizing, painful deaths. Estimates project that two-thirds of the genocide survivors are HIV-positive as a result of the calculated sexual attacks they were subjected to, leaving approximately seventy thousand women suffering from AIDS.

The survivors of the massive rape campaigns carry the imprint of those crimes with them—infestation with HIV/AIDS and the responsibility for raising the children conceived through rape. But the dead also contain the evidence of the brutality targeted specifically at Tutsi women and girls. Lieutenant-General Romeo Dallaire commanded the UN peacekeeping troops sent to Rwanda to enforce the cease-fire agreement negotiated in the Arusha Accords. He later reflected on the evidence of the crimes he witnessed there:

I don’t know when I began to clearly see the evidence of another crime besides murder among the bodies in the ditches and the mass graves.

But if you looked, you could see the evidence, even in the whitened
III. PAULINE’S ROLE IN THE GENOCIDE

Pauline is accused of playing a leading role in the planning and implementation of the genocide.\(^9\)\(^7\) In fact, a woman who knew Pauline through her work in the family planning department of the University Center for Public Health ranked Pauline alongside the President and Hutu Prime Minister Jean Kambanda as the person most responsible for the genocide in Rwanda.\(^9\)\(^8\) And in a remarkable confession, admitting to the commission of genocide and crimes against humanity, Prime Minister Kambanda named Pauline as one of the five members of his inner circle, responsible for drawing the plans of the genocide.\(^9\)\(^9\)

Currently, Pauline sits on trial before the ICTR,\(^1\)\(^0\) a tribunal created by the United Nations to prosecute the atrocities that occurred in Rwanda in 1994.\(^1\)\(^\)\(^0\)\(^1\) Pauline and her son, Arsené Shalom Ntahobali, are accused of genocide,\(^1\)\(^0\)\(^2\) crimes against humanity,\(^1\)\(^0\)\(^3\) and violations of the Geneva

---

\(^{98}\) AFRICAN RIGHTS, NOT SO INNOCENT, supra note 42, at 92.
\(^{99}\) Landesman, supra note 1, at 88.
\(^{100}\) Pauline’s trial began on June 12, 2001. The trial has been delayed numerous times and has now exceeded 300 days in length. See Status of Cases, www.ictr.org.
\(^{101}\) See supra note 4.
\(^{102}\) Prosecutor v. Nyiramasuhuko, Case No. ICTR 97-21-I, Amended Indictment (Jan. 3, 2001). “Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group.” ICTR Statute, supra note 4.
\(^{103}\) Prosecutor v. Nyiramasuhuko, Case No. ICTR 97-21-I, Amended Indictment (Jan. 3, 2001). Crimes against humanity include: “the following crimes when committed as part of a widespread or systematic attack against any civilian population on national, political, ethnic, racial, or religious grounds: (a) Murder; (b) Extermination; (c) Enslavement; (d) Deportation; (e) Imprisonment; (f) Torture; (g) Rape; (h) Persecutions on political, racial and religious grounds; (i) Other inhumane acts.” ICTR Statute, supra note 4.
2006] MOTHER OF ATROCITIES

Conventions. They are part of a six defendant trial, accused of orchestrating or overseeing genocide in the Butare region. Pauline, however, is the first woman to be tried by the ICTR.

Pauline, born and raised in Ndora, Butare, began life as the daughter of a subsistence farmer. When Pauline was twenty-two, her influential friend, Agathe, wife of Juvenal Habyarimana, helped her climb the bureaucratic ladder to become national inspector of the ministry. Eventually, President Habyarimana appointed her to the position of Minister of Family and Women’s Development. Along with her ministerial duties, Pauline also became part the president’s inner circle of radical political allies, and a loyal member of Habyarimana’s party, the MRND.

When President Habyarimana’s plane went down on April 6, 1994, Pauline was tapped to serve in the interim government. Pauline was dispatched to her home prefecture of Butare to oversee the genocide in this particularly resistant prefecture.

The Tutsi population in Butare was much larger than in other prefectures. Butare boasted a large university and an educated population where Tutsis and Hutus successfully co-existed for years without the kind of violence and ethnic conflict that persisted in other

104. Prosecutor v. Nyiramasuhuko, Case No. ICTR 97-21-I, Amended Indictment (Jan. 3, 2001). “[V]iolations [of the Geneva Conventions] shall include, but shall not be limited to: (a) Violence to life, health and physical or mental well-being of persons, in particular murder as well as cruel treatment such as torture, mutilation or any form of corporal punishment; (b) Collective punishments; (c) Taking of hostages; (d) Acts of terrorism; (e) Outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault; (f) Pillage; (g) The passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples; (h) Threats to commit any of the foregoing acts.” ICTR Statute, supra note 4.


106. Id.


108. Landesman, supra note 1, at 87.


110. Landesman, supra note 1, at 87.

111. Id.


113. Id. at ¶6.14.

114. Id. at ¶6.19.
prefectures. Pauline allegedly became the main instigator of genocide in Butare, publicly inciting Hutus to exterminate the Tutsi population and its Hutu accomplices and providing weapons to the militia and certain civilians.

On her first trip to Butare, Pauline ousted the Prefet of Butare, Jean Baptiste Habyalimana, who refused to participate in the genocide. Habyalimana was replaced with a Hutu loyalist, Sylvain Nsabimana, who carried out the genocidal directives of the interim government. After Nsabimana assumed his position as the executive authority in Butare, he made a public inflammatory speech denouncing those who did not feel concerned about the Tutsi problem and demanding that they “get out of the way” and “let us work.” Present for Nsabimana’s speech were Pauline, the Prime Minister of the interim government, Jean Kambanda, and other prominent politicians. Shortly after the speech, planes carrying government soldiers landed in Butare and the massacre of Tutsis began in earnest.

Pauline almost immediately requested military assistance from Nsabimana to assist in massacres of Tutsis in her home commune of Ngoma. Dressed in military fatigues, she and her son, Shalom, a prominent member of the Interhamwe, set up a roadblock near her residence in Butare. They allegedly used the roadblock to identify and kill Tutsis.

Because Butare had been a relatively safe area for Tutsis, many Tutsis fled to Butare when the genocide began. They took refuge in churches and in prefecture offices. Pauline, one of the most recognizable figures in Rwanda, routinely traveled throughout Butare in a Peugot van, using her son as her driver. From a loud speaker, she incited the killing of Tutsi...
men and the rape and murder of Tutsi women. She showed up at prefecture offices, urging soldiers and militia to exterminate all Tutsis seeking shelter in the prefecture offices. She made numerous trips to the prefecture offices to abduct refugees, take them elsewhere, and have them killed. She gave the militia instructions “not to spare any[one], not even the [fetus] or the old.”

Pauline’s militia members gave Tutsi refugees still seeking sanctuary false hope. Driving about town, they announced over loudspeakers that the Red Cross had arrived at a local stadium and would provide food and security to the Tutsis. On April 25, as thousands of Tutsis sought refuge in the stadium, members of the militia surrounded them. Tutsi women were first removed from the crowd. They were taken to a forested area just outside of town to be raped. The militia then massacred the remaining Tutsis with machine guns, grenades, and machetes. Pauline allegedly directed much of this killing from the sidelines.

Shortly after the stadium massacre, Pauline drove to a compound where the militia was keeping about seventy women. Pauline allegedly ordered the militia to burn the women and directed the men to her car to get the gasoline necessary to complete the task. She allegedly directed the men to rape the women before killing them. Pauline repeatedly required women to lift their shirts to separate mothers from virgins. The virgins could then be taken by militia members and raped. Pauline advised the militia to take the young Tutsi women for sex and to kill the older women. Pauline is also accused of keeping Tutsi women in her home and encouraging her son, Shalom, to rape them.

128. Id. at 93, 97; Landesman, supra note 1, at 82.
129. AFRICAN RIGHTS, NOT SO INNOCENT, supra note 42, at 93-97, 101.
131. AFRICAN RIGHTS, NOT SO INNOCENT, supra note 42, at 91.
132. Id.
133. Landesman, supra note 1, at 82.
134. Id. at 84.
135. Id.
136. Id.
137. Id. at 82.
138. Id. at 84.
139. Id.
140. Id.
141. Id.
142. Id.
143. Id.
144. AFRICAN RIGHTS, NOT SO INNOCENT, supra note 42, at 92.
IV. RESPONSES TO THE ALLEGATIONS ABOUT PAULINE’S ROLE

Pauline pled not guilty to the charges of genocide and crimes against humanity leveled against her in the ICTR.145 However, her own response to the allegations exhibits precisely the kind of gender bias that portrays women as weak, subservient, or pure, incapable of committing the kinds of atrocities for which she stands accused. Pauline also claimed to be a victim of sexism, targeted for persecution precisely because she is an educated woman.146 Pauline either believes that by framing the issue around gender, she creates reasonable doubt about her capacity to commit the crimes for which she stands accused, or she shares the gender bias of her patriarchal culture, which incorrectly views women as incapable of heinous, violent acts.147

Pauline has denied all allegations that she participated in planning or implementing genocide.148 In fact, she denied that genocide took place in Rawanda. When asked by a BBC reporter what she did during the war, Pauline replied, “We moved around the region to pacify . . . . We wrote a pacification document saying people shouldn’t kill each other . . . . Saying it’s genocide, that’s not true . . . . It was the Tutsi who massacred the Hutus.”149 Pauline’s response to allegations that she committed rape and murder emphasize her gender as a defense. “I cannot even kill a chicken. If there is a person who says that a woman, a mother, killed, then I’ll confront that person . . . . The RPF have put on their list all intellectual Hutus. I’m amongst those Hutu who have been to university. I studied law. All women who went to university are seen as killers.”150 When asked if women were involved in the killing, Pauline responded, “I have no example [of that]. It’s not possible because [women] did not know [how] to massacre like that.”151

Pauline’s husband, Maurice Ntahobari, echoed Pauline’s gender-biased claims that women and mothers are incapable of committing murder. When probed by a New York Times reporter about the allegations against

146. See infra notes 150-51 and accompanying text.
147. As one commentator suggests, perhaps Pauline, like many other women, has “drunk deeply of patriarchy’s poisons and thoroughly digested them.” Michele Landsberg, Men Behind Most Atrocities, but Women are Singled Out, TORONTO STAR, Sept. 21, 2002, at K.01.
148. AFRICAN RIGHTS, NOT SO INNOCENT, supra note 42, at 106.
149. Id.
150. Id.
151. Id.
Pauline, Ntahobari referred to Pauline’s former role as a social worker.\footnote{Landesman, supra note 1, at 87.} He responded, “[s]he was committed to promoting equality between men and women. It is not culturally possible for a Rwandan woman to make her son rape other women. It just couldn’t have taken place.”\footnote{Id.} Pauline’s mother gave a similar response when asked about the allegations against her daughter. “It is unimaginable that she did these things. She wouldn’t order people to rape and kill. After all, Pauline is a mother.”\footnote{Id. at 123.}

The press seems more focused on Pauline’s womanly attributes than any other aspect of the case against her. Many reports comment on her appearance and the clothes she wears. Although the local Butare papers described Pauline as a “frenzied madwoman” during the genocide,\footnote{Id. at 87.} a reporter observed Pauline adjusting the shoulder pad of “her pretty dress” during her trial,\footnote{Harman, supra note 145.} and noted that her wardrobe included a “green flowery dress one day, a pressed cream-colored skirt and blouse set the next.”\footnote{Id.}

While some commented subtly on Pauline’s femininity, others overtly expressed shock that Pauline is a woman and noted the significance of her gender.\footnote{One writer observed the difficulties the ICTR may have finding Pauline guilty of rape precisely because she is a woman. Miller, supra note 4, at 372. Miller argues that [t]he idea of finding a woman . . . guilty of such atrocities performed on her own gender may prove to be too controversial for the Tribunal. Although the standard of finding guilt is beyond a reasonable doubt, that standard may be subconsciously raised in the proceedings involving Pauline. On the other hand, the outrage over discovering that a woman could commit such atrocities may provide Pauline with little defense. She could be found guilty because of her classification as a woman, rather than as a war criminal. Men may have found an ideal way to assuage their guilt over the rape of women: blame a woman instead. Id. at 372-73.} But the gendered view of Pauline’s case is not limited to the press or to Pauline’s family. A Tutsi survivor of the genocide argued the importance of focusing on Pauline, not only for her active participation in the genocide, but “above all because she is a mother, with all the social criteria and expectations that entails.”\footnote{Landsberg, supra note 147, at 05.} The survivor noted that although Pauline was a government minister and politician, “first of all she was the mother of a family.”\footnote{Id.} One writer used Pauline’s case to comment on the evils of feminism. He argued that feminism, which places women in roles
formerly held exclusively by men, causes women to devalue life.\textsuperscript{161} Making a comparison between abortion and genocide, he argued that “[t]he story of Pauline Nyrirmasuhuko is the biography of feminism and its profound contempt for life in the pursuit of power.”\textsuperscript{162}

In one of the most noteworthy stories written about Pauline, Peter Landesman wrote in the \textit{New York Times Magazine}:

> The case against Pauline further cements the precedent established in the Akayesu trial: namely, that inciting mass rape is a crime against humanity. But Pauline’s case transcends jurisprudence. She presents to the world a new kind of criminal. “There is a shared concept across cultures that women don’t do this kind of thing. . . . Society doesn’t yet have a way to talk about it, because it violates all our concepts of what women are.”\textsuperscript{163}

However titillating the aspect of Pauline’s gender is to the international community, she is not a “new kind of criminal.” She has female counterparts throughout history who ordered massive and brutal killings.\textsuperscript{164} Neither does she stand alone among her female contemporaries.\textsuperscript{165} Powerful women in Rwanda also assisted in the planning and incitement of the genocide, just as women were involved in carrying out the genocide in the former Yugoslavia.\textsuperscript{166} Further, Pauline was not the only Rwandan abusing her position as an advocate and protector of women and families.\textsuperscript{167} Many who were responsible for the spiritual and physical well being of others carried out atrocities against the Tutsis.\textsuperscript{168} And thousands of Rwandan women directly participated in the murder, torture and rape of their Tutsi neighbors.\textsuperscript{169}

\section*{V. WOMEN AS PERPETRATORS OF ATROCITIES}

In Western culture, prominent tales warn us that women, just like their male counterparts, have the capacity to kill. Since the seventeenth century, Lady Macbeth has served as a reminder that women can become as

\begin{itemize}
\item \textsuperscript{162} \textit{Id}.
\item \textsuperscript{163} Landesman, \textit{supra} note 1, at 123 (quoting Carolyn Nordstrom, an anthropologist from the University of Notre Dame).
\item \textsuperscript{164} See infra Part V.
\item \textsuperscript{165} See infra notes 190-218 and accompanying text.
\item \textsuperscript{166} See infra notes 190-214 and accompanying text.
\item \textsuperscript{167} See infra notes 207-08, 215-18 and accompanying text.
\item \textsuperscript{168} See infra notes 207-08, 215-18 and accompanying text.
\item \textsuperscript{169} See infra notes 209-14 and accompanying text.
\end{itemize}
engulfed in power, perhaps even more so than the men surrounding them.\footnote{170} And when entranced by that power, women have the capacity to brutally torture, terrorize, and take innocent life.

Throughout history women have wielded their powers for evil as well as for good. In Western culture we can look to Mary I, Queen of England, who in her zeal to restore Catholicism to England burned at least three hundred high-profile Protestants at the stake.\footnote{171} For her attempts to cleanse England of heresy, she became known as “Bloody Mary.”\footnote{172} Other notorious female killers include Catherine de Medici and Isabella I of Spain. History credits Catherine de Medici, widow of Henry II, with orchestrating the massacre of between two thousand and one hundred thousand Protestants on St. Bartholomew’s Day in 1572.\footnote{173} She reportedly participated in the plot with the dual goals of securing her son’s ascension to the French throne and advancing the Catholic cause against the Hugenot “swine [who] must be drowned into their own excrement.”\footnote{174} With similar religious zeal, Isabella I of Spain was dedicated to the cause of exposing false converts to the Catholic faith, or conversos, among Spain’s Jewish and Protestant populations.\footnote{175} To that end, and in hopes of inspiring authentic conversions, Isabella was the driving force behind the Inquisition—the means by which thousands of Jews and Protestants were tortured, killed, expelled, and financially ruined.\footnote{176} In Eastern culture, Wu Zetian, the only female Chinese Emperor, is described as a “malicious and cunning woman,” who “killed, exiled, or forced suicide on anyone who opposed or insulted her,” including her own daughter.\footnote{177}

\begin{flushright}
171. \textsc{John Wagner, Bosworth Field to Bloody Mary: An Encyclopedia of the Early Tudors} 289-92 (2003). Mary I was the daughter of King Henry VIII and Catherine of Aragon and the older half-sister of Elizabeth I. \textit{Id.} She ascended to the throne in 1553. \textit{Id.}
172. \textit{Id.}
174. \textit{Id.}
In more recent history, the Third Reich produced examples of brutal female perpetrators of atrocity. Maria Mandel, for example, was the chief guard of the Birkenau women’s camp who not only tortured prisoners, but also selected those who would be subjected to medical experiments and the gas chamber. Mandel’s sadistic tendencies were evident in her penchant for forcing prisoners to play orchestra music while their fellow prisoners were dying in the gas chambers. Likewise, Herta Oberhauser was a physician at Auschwitz who conducted “some of the most gruesome and painful medical experiments of World War II,” including killing children by painful means and then removing their limbs and organs. Other female concentration camp guards are reported to have taken sadistic pleasure in torturing and murdering prisoners.

Women in the modern era are no different from their predecessors. Despite the fact that Pauline is the first woman to be tried by an international criminal tribunal, she is neither the only woman to face punishment in one of the UN tribunals nor the only woman to face charges that include responsibility for rape. Biljana Plavsic, a former acting President of the Serbian Republic of Bosnia and Herzegovina was indicted by the International Tribunal for the former Yugoslavia (“ICTY”) on charges of genocide, crimes against humanity, and war crimes. The charges stemmed from her responsibility for acts committed by the Serbian military and other governmental agents under her control. She eventually pled guilty to one count of persecution as a crime against humanity and the prosecutor dropped all other charges against her. The persecution count, however, included crimes of sexual violence.

179. Id.
182. Askin, supra note 77, at n.29.
183. Id.
186. Id.
now serving out her sentence in Sweden.¹⁸⁷

These women’s stories serve as examples of the extreme depravity that people—both men and women—are capable of. But the proportionally fewer examples of women who carry out atrocities against other humans, as opposed to the high number of their male counterparts, is more the result of a lack of opportunity than a lack of natural ability.¹⁸⁸ Pauline Nyiramasuhuko, unlike most women in Rwanda, was given the opportunity to participate in the planning and implementation of the genocide that swept the country in 1994.¹⁸⁹ Although thousands of women in Rwanda played a part in furthering the genocide, Pauline was one of only a few women in a position to develop and implement the genocidal plan. Like some of her historical female predecessors, Pauline seized the opportunity and ordered thousands of Tutsis raped and killed.

VI. WOMEN PERPETRATORS IN RWANDA

Although never indicted by the ICTR, many women have been tried or face trial for their roles in the Rwandan genocide. Two women receiving international attention for their roles in the genocide are Sister Gertrude Mukangango and Sister Maria Kisito.¹⁹⁰ The two Benedictine nuns stood trial in Belgium for their role in the murders of thousands of Tutsis who took refuge at their convent in Sovu, Rwanda.¹⁹¹ Over seven thousand Tutsis who sought refuge in and around the convent were killed.¹⁹² Although they never wielded any weapons, the nuns collaborated with the militia, sending the Tutsis seeking refuge to their deaths.¹⁹³ After assisting in cornering between five hundred to seven hundred Tutsis in a garage near the convent’s health center, the nuns provided the militia with gasoline to burn the Tutsis alive.¹⁹⁴ Sister Gertrude ordered the Tutsi nuns who were

¹⁸⁸. STEANS, supra note 8, at 63.
¹⁸⁹. See supra notes 108-117, and accompanying text.
¹⁹¹. Obstruction of Justice, supra note 190.
¹⁹². AFRICAN RIGHTS, NOT SO INNOCENT, supra note 42, at 164; Simons, supra note 190.
¹⁹³. AFRICAN RIGHTS, NOT SO INNOCENT, supra note 42, at 180-85; Obstruction of Justice, supra note 190.
¹⁹⁴. Obstruction of Justice, supra note 190.
hiding family members in the convent to expel them. When they did not comply, Sister Gertrude summoned the local mayor and then drove the families of about twenty-two nuns out of the convent and immediately to their deaths at the hands of the mayor’s troops. Exercising universal jurisdiction, the Belgian government tried the two nuns before a twelve-person jury in Brussels. The jury found the nuns guilty and sentenced Sister Gertrude to a fifteen year sentence and Sister Kisito to a twelve year sentence.

Thousands more women are imprisoned in Rwanda, either serving sentences related to the genocide or awaiting trial for genocide-related offenses. At least fifty women are accused of Category I offenses, a category reserved for the primary planners, instigators, and most notorious killers of the genocide. And several women have received the death penalty for their roles in the genocide. Scores of other women, both those charged with crimes and those currently free from prosecution, participated in the genocide in some way.

The woman with perhaps the most direct and influential role in the planning of the genocide remains at large, seemingly immune from prosecution. Agathe Habyarimana, Pauline’s close childhood friend and the former president’s wife, is widely accepted as one of the people with direct responsibility for the planning of the genocide. With her power, influence, and money, Agathe helped establish the media in Rwanda that became an essential propaganda tool, urging the masses to kill the Tutsis. Claiming that Agathe was a key mastermind in the genocide, the Rwandan government has been seeking her arrest to bring her to trial.

195. Id.
196. Id.
197. See generally Henry J. Steiner, Three Cheers for Universal Jurisdiction—Or Is It Only Two?, 5 THEORETICAL INQUIRIES L. 199 (2004) (explaining the usefulness of universal jurisdiction and the diplomatic problems that arise when states exercise this jurisdictional mechanism to prosecute citizens from other states).
198. Simons, supra note 190.
199. Id.
201. Id.
202. Id.
203. For a detailed account of the role Rwandan women played in the genocide, see generally AFRICAN RIGHTS, NOT SO INNOCENT, supra note 42.
204. Gourevitch, We Wish to Inform You, supra note 25, at 77, 95.
205. Id. at 85-88.
before the ICTR or a court in Rwanda.206

Rwandan Minister of Justice, Agnes Ntamabyariro, told a crowd of Hutus in Kibuye, “When you begin extermination, no one, nothing, must be forgiven. But here, you have merely contented yourselves with killing a few old women.”207 Although nearly a quarter of a million Tutsis had been murdered in Kibuye when Ntamabyariro addressed the crowd, she chastised the Hutus present for failing to carry out the genocide to its fullest extent.208

In addition to participating in the genocide at the highest levels of government, women widely participated in the genocide in varied capacities. Some women actually led the killings in their communities.209 Often women killed other women and the younger children by hacking them to death with machetes or masus.210 More prevalent are examples of women turning on their neighbors, outing them to Hutu killers.211 Women also followed mobs of killers, singing in praise of the genocide, and providing strength to the ones doing the work of the killing.212 Women were usually the ones who followed behind the killers and looted the dead of their clothes and valuables.213 Women also sang out encouragement to their men to rape the Tutsi “cockroaches.”214

Furthermore, Pauline is not unusual in betraying her role as the person responsible for working toward the betterment of women and families. Many of those whose position in society was to care for the health and spiritual well-being of Rwanda’s people betrayed their positions in a reign of terror against a large number of those same women and families. Doctors and nurses murdered their patients.215 Ministers and priests were responsible for the massacre of many who sought sanctuary in their churches.216 Teachers and school administrators led many of their students to their deaths.217 And government officials, both on the local and national
levels, turned their backs on their citizens and assisted in orchestrating their deaths.\footnote{218}

In light of all the evidence that women, directly and indirectly, participated in the Rwandan genocide, the focus on Pauline’s gender is misplaced. Instead, the gender-based fascination with Pauline’s role in the genocide underscores a myth—a sexist myth that women, by their very nature, are incapable of such atrocities. Despite historical evidence of woman as aggressor, killer, rapist, and torturer, society remains skeptical that women have the capacity to commit atrocities. But this arbitrary role of women as “the other,” “the pure,” and “the innocent” permits, if not perpetuates, the brutal and degrading treatment specifically forced on women in times of conflict.\footnote{219} Women are specifically targeted because of their purportedly inferior status,\footnote{220} and the perpetrators of sexual violence often commit their crimes against women with impunity precisely because their victims hold a particular disempowered and devalued status in society, one that is inseparable from their gender.\footnote{221} Systematic Hutu propaganda targeting Tutsi women generated the fear, violence, and aggression that made their decimation possible. Societal and cultural preconceptions that dehumanize women make it possible in times of armed conflict to target women as victims of brutal rape campaigns.

\section*{VII. Rape and Sexual Violence as a Constant in Conflict}

Rape and military conflict have been inseparable throughout history.\footnote{222} Women are targeted as victims of sexual violence for varied reasons, one of which attempts to “insult or denigrate other men” because women are seen as merely the property or extension of the enemy’s men.\footnote{223} Often, rape serves as a physically violent conquest of an enemy’s women through sexual violence. Warring parties have long sought to sexually defile their enemy’s female population to signal the ultimate defeat of the enemy—the inability of the enemy to protect its own women.\footnote{224} When the rapist seeks to demonstrate the superiority of his team, he rapes the property of the

\begin{itemize}
\item Wish to Inform You, supra note 25, at 115.
\item \footnote{218} African Rights, Not So Innocent, supra note 42, at 109-46.
\item \footnote{219} Steans, supra note 8, at 100-01.
\item \footnote{220} Askin, supra note 77, at 512.
\item \footnote{221} Id. at 512-13; see also Catherine A. MacKinnon, Crimes of War, Crimes of Peace, 4 UCLA Women’s L. J. 59, 72-73 (1993).
\item \footnote{222} Id. at 509-10.
\item \footnote{223} Katherine K. Baker, Once a Rapist? Motivational Evidence and Relevancy in Rape Law, 110 Harv. L. Rev. 563, 607-08 (1997).
\item \footnote{224} Simon Chesterman, Never Again . . . And Again: Law, Order and the Gender of War Crimes in Bosnia and Beyond, 22 Yale J. Int’l L. 299, 325-28 (1997).
\end{itemize}
enemy. And rape often serves as an expression of the totality of the victory, a “sexual coup de grace.”

Rape is also used as an attack on the woman’s or the enemy’s honor or purity. “The humiliation . . . inflicted by the rapist is meant to degrade not just the individual woman but also to strip the humanity from the larger group of which she is part.” Because most cultures place utmost emphasis on a woman’s virtue, rape shames the woman and humiliates her family. Often women of wartime rape are ostracized from their families and communities, considered soiled, unable to find a husband.

Frequently women are used as objects to service the desires of the warriors or sometimes as a way for troops to bond. And finally, rape is used as an attack on the role of women in procreation. The women are raped to force impregnation with the enemy’s seed. In a patriarchal society, where ethnic lines pass through the father, forced impregnation dilutes the enemy’s population, forcing the defeated women to become complicit in the enemy’s domination of the ethnic minority.

VIII. THE UNDERPINNINGS OF THE SEXUAL VIOLENCE IN RWANDA

In Rwanda, the sexual violence against women followed this historical

---

225. Baker, supra note 223, at 607-08 (citing the example of the U.S. soldiers who left their military patches on the Vietnamese women they raped in the My Lai rapes).
226. Chesterman, supra note 224, at 325.
227. Askin, supra note 77, at 511-12.
228. HUMAN RIGHTS WATCH/AFRICA, SHATTERED LIVES, supra note 59.
229. Although the Fourth Geneva Convention of 1949 recognized rape as a war crime, it framed wartime rape as an attack on a woman’s honor. Therefore, any attempt to prosecute the crime would rely upon proof of the victim’s virginity or chastity. Stephanie K. Wood, A Woman Scorned for the “Least Condemned” War Crime: Precedent and Problems With Prosecuting Rape as a Serious War Crime in the International Criminal Tribunal for Rwanda, 13 COLUM. J. GENDER & L. 274, 282-83 (2004).
230. HUMAN RIGHTS WATCH/AFRICA, SHATTERED LIVES, supra note 59; DALLAIRE, supra note 96, at 512.
231. Perhaps the most infamous example of this is the story of the women held as sexual slaves by the Japanese during WWII. They were held captive in brothels, forced to service up to thirty soldiers a day. This was perhaps the most explicit example of the enemy’s view of women as property. The Japanese listed the “comfort women”, along with tanks, munitions and other supplies, in itemized supply lists. KELLY DAWN ASKIN, WAR CRIMES AGAINST WOMEN: PROSECUTION IN INTERNATIONAL WAR CRIMES TRIBUNALS 73-84 (1997) [hereinafter ASKIN, WAR CRIMES AGAINST WOMEN].
232. Id. at 273-76.
233. Perhaps the most remarkable examples of propaganda used as a tool in the sexual war against women were used by Serbian forces against the Muslim and Croatian women in the former Yugoslavia. See Catharine A. MacKinnon, Rape, Genocide, and Women’s Human Rights, 17 HARV. WOMEN’S L. J. 5, 5 (1994).
234. ASKIN, WAR CRIMES AGAINST WOMEN, supra note 231, at 273-76.
pattern. Because Rwandans see women as “the symbol of purity” at the center of the family, rape became the most shameful part of the genocide. In their attempts to humiliate the entire Tutsi population, Hutu militia often forced sons to rape their mothers and forced families to watch their mother’s rape, before the family’s murder. Hutus held women hostage as sex slaves to serve at the pleasure of those responsible for murdering their families. Finally, Hutus used rape as a form of delayed genocide—killing the few survivors through the intentional infection and spread of HIV/AIDS to the only remaining members of the enemy’s ethnic group.

Like other conflicts throughout history, the media fueled the violence against Tutsi women through carefully-placed propaganda. The media portrayed Tutsi women stereotypically as very sexual and, at the same time, arrogant—“looking down on Hutu men whom they considered ugly and inferior.” Rwandan newspapers printed graphic cartoons depicting Tutsi women using their sexuality to lure the hated UN peacekeepers and portrayed the moderate Prime Minister Agathe Uwilingiyimana in a variety of overtly sexual poses with other politicians. Perhaps the propaganda that sexualized the Prime Minister also contributed to her rape at the hands of the Presidential Guard, sent to assassinate her shortly after President Habyarimana’s plane was downed.

The victims of sexual violence in Rwanda faced sexual torture because of their perceived roles as symbols of purity, their perceived sexual status as unattainable to Hutu men, and their societal status as little more than property. These perceptions continue to persist, causing the revictimization of survivors of sexual violence. Their prospects of marriage are almost non-existent because they are seen as soiled or as certain carriers of HIV/AIDS. They are often left to raise the children of their rapists

235. Landesman, supra note 1, at 82.
236. Id. at 116.
237. Id. at 89.
238. Id. at 89, 116.
239. HUMAN RIGHTS WATCH/AFRICA, SHATTERED LIVES, supra note 59.
240. Id.
241. Id.
243. Landesman, supra note 1, at 125.
244. Id. at 89,116; DALLAIRE, supra note 96, at 512 (“[I]n this male-dominated culture [the rape victims] were considered to have been permanently sullied by the uses to which the soldiers put them.”).
alone. The stigma associated with rape has dissuaded many survivors from seeking medical treatment for their rape induced injuries. And in a country that continues to discriminate against women in the law of inheritance, the widows of genocide are often forced from their land because women are not entitled to inherit from their husbands or fathers.

Finally, like victims of sexual violence in conflict throughout history, the survivors in Rwanda live with the fact that most of the perpetrators of sexual violence have not been held legally accountable for their crimes. From the lack of reporting due to the persistent stigma caused by sexual violence, to the lack of efforts at investigating and prosecuting crimes of sexual violence, to the lack of resources to try the alleged rapists, the story of accountability for perpetrators of sexual violence in Rwanda sadly follows a familiar historical picture in which rape, the most damaging by-product of war, remains “tolerated, if not explicitly condoned.” The same sexist devaluation of women that leads to violence against them often provides impunity to the men who rape them.

IX. LACK OF ACCOUNTABILITY FOR CRIMES OF SEXUAL VIOLENCE

The omnipresence of sexual violence during armed conflict belies the fact that there have been clear and unequivocal proscriptions against the perpetration of these crimes for centuries. While biblical references suggest that women are the valid booty of the victors, legal codes have long prohibited sexual violence during warfare. Despite this, with no political will to enforce these prohibitions, very few individuals have been criminally prosecuted for their acts of sexual violence during armed conflict. And the lack of political will has stemmed from the fact that those responsible for investigating, prosecuting, and judging those accused

245. HUMAN RIGHTS WATCH/AFRICA, SHATTERED LIVES, supra note 59.
246. Id.
247. Id.
249. Wood, supra note 229, at 277 n.17.
250. MacKinnon, supra note 221, at 75 (“Women’s problem has been that society and law do not agree that nature made them human, so nothing that is done to them is a crime against humanity, because they have none.”).
251. PETER KARSTEN, LAW, SOLDIERS AND COMBAT 4-6 (1978).
252. Instructions for the Government of Armies of the United States Field by Order of the Secretary of War, General Order No. 100 (April 24, 1863), in THE LAWS OF ARMED CONFLICT: A COLLECTION OF CONVENTIONS, RESOLUTIONS AND OTHER DOCUMENTS 3 (Dietrich Schindler & Jeri Toman eds., 1981). The Lieber Code, as it became known, was authored by Professor Francis Lieber as a direct response to his observations of atrocities committed on and around the battlefield during the Civil War. Id.
of sexual violence against the enemy’s women adhere to the same patriarchal myths about women – that women are simply extensions of the enemy’s men, that they are simply victims of renegade soldiers’ urges, mere collateral damage, and that the crimes bring such shame on the victims that they truly are “unspeakable crimes.”

Only recently, with the UN’s establishment of the ICTY and ICTR, has the international community begun to hold the perpetrators of sexual violence accountable for their crimes. In fact, the ICTR, in the landmark decision of Prosecutor v. Akayesu, made history by finding Akayesu guilty of rape as a form of genocide and rape as a crime against humanity. However, the Akayesu decision came only after the female judge halted the proceedings, requesting that the prosecutors investigate and re-indict Akayesu for crimes of sexual violence evidenced in the testimony but not reflected in the prosecutor’s original indictment. Further, the investigation of crimes of sexual violence in the ICTR has been hampered by the lack of female investigators and interpreters. Because of the enormous shame imposed on the victims of rape in Rwanda, many victims do not feel comfortable telling their stories in the presence of an all male investigatory team. Amid pressure from international groups, the ICTR placed more women in important roles throughout the tribunal. The chief prosecutor is currently female, and there are more female investigators and interpreters, making it more likely that women will tell their stories of rape.

Internally, Rwanda is attempting to bring those responsible for crimes in the 1994 genocide to justice as well. Naturally, with the number of people involved in the mass killings and rapes, the Rwandan justice system

254. As to the unspeakable nature of the crimes, see DALLAIRE, supra note 96, at 430; TEMPLE-RASTON, supra note 22, at 95.
255. Askin, supra note 77, at 520.
257. HUMAN RIGHTS WATCH, STRUGGLING TO SURVIVE, supra note 78, at 9.
259. Id.
260. Id.
261. Id.
262. Id.
263. See generally HUMAN RIGHTS WATCH, STRUGGLING TO SURVIVE, supra note 78.
2006] MOTHER OF ATROCITIES

is overwhelmed.264 Often local authorities fail to act on women’s reports of sexual violence.265 Even when they do act, the cases often fail because of a lack of testimonial and forensic evidence supporting the rape victim’s claims.266 Further, there are no safeguards to ensure a victim’s safety once she testifies against perpetrators who, if released, will become her neighbors again.267 Although these tribunals have made enormous advances toward ending impunity for these “unspeakable crimes,” the myths that portray women as mere property of other men, or as pure and virginal, or as vestibules of procreation, also lead to their want of justice for the crimes uniquely inflicted upon them.

X. “IN THE END, HER CASE SAYS NOTHING ABOUT WOMEN’S NATURE, BUT OFFERS A SADLY FAMILIAR GLIMPSE INTO THE WORST OF HUMAN NATURE.”268

“She was a broad-hipped, middle-aged woman in a Virgin Mary blue dress”269 in the days following the genocide. However, she now stands trial in the ICTR for crimes committed not as a woman, but as a military-fatigue-clad270 perpetrator of genocide and crimes against humanity. Perhaps the greatest contribution Pauline will make to history is to shine the light on gender dichotomy and expose the way it plays out in times of conflict. Being the first woman to receive immense international attention for crimes of genocide and sexual violence, Pauline ruptures the myth that women are incapable of committing such atrocities. Hopefully, this myth will die along with the patriarchal preconceptions about women that leave them vulnerable to sexual violence. And hopefully with the death of that myth, perpetrators of widespread sexual torture will face an international community willing and able to hold them accountable for their crimes.

264. Id. at 13.
265. Id. at 34.
266. Id. at 30.
267. Id. at 4-5.
269. Hilsum, supra note 126, at 316.
270. AFRICAN RIGHTS, NOT SO INNOCENT, supra note 42, at 96.