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Rape as a “Tool of War”: A Critical Study

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This work has not been previously submitted in whole, or in part, for the award of any degree. It is my own work. Each significant contribution to, and quotation in, this dissertation from the work, or works, of other people has been attributed, and has been cited and referenced.

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Abstract

Rape in war, and rape as a “tool of war,” are not unique phenomena; rather, they occur frequently during armed conflict across cultures and modes of conflict. However, there is lack of consensus as to why rape occurs so frequently during armed conflict and at such elevated levels over peacetime rates. This study will erase this ambiguity, by using two criteria to examine conceptualisations of rape as a “tool of war”: clarity and utility.

This study analyses current conceptualisations of rape as a “tool of war” in various academic disciplines and approaches including Anthropological Studies, Feminist Studies and Historical Studies. The analysis also includes Political Studies and its various sub-disciplines, case studies of African conflicts and more specifically studies of the Rwandan conflict, together with the civil war of 1990 and the genocide of 1994. The analysis will highlight the strengths and weaknesses in our current understanding of rape as a “tool of war,” in order to develop a clarified framework for future analysis.

The Rwandan case study is the central feature of the analysis. It is through this case study that the utility of current conceptualisations may be investigated, after which rape as a “tool of war” will be a less ambiguous concept.

LIST OF ACRONYMS

AFL	Armed Forces of Liberia
AI	Amnesty International
ANC	African National Congress
AFRC	Armed Forces Revolutionary Council
CNI	National Centre for Information
COW	Correlates of War
DINA	National Intelligence Directorate
DRC	Democratic Republic of Congo
FARDC	Armed Forces of the Democratic Republic of Congo
GDP	Gross Domestic Product
GIA	Groupe Islamique Armé
HIV	Human immunodeficiency virus
HRW	Human Rights Watch
ICTR	International Criminal Tribunal for Rwanda
IDP	Internally displaced person
IFP	Inkatha Freedom Party
JEM	Justice and Equality Movement
MDC	Movement for Democratic Change
MRND	National Revolutionary Movement for Development
PHR	Physicians for Human Rights

RPA	Rwandan Patriotic Army
RPF	Rwandan Patriotic Front
RUF	Revolutionary United Front
SLA	Sudan Liberation Army
TRC	Truth and Reconciliation Commission
UNAMIR	United Nations Assistance Mission for Rwanda
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UCDP	Uppsala Conflict Data Program
WSB	West Side Boys
ZANU-PF	Zimbabwe African National Union Patriotic Front

CHAPTER ONE: INTRODUCTION

This introductory chapter provides some background for this study and tells how it is to be conducted. The problem to be discussed, methods, and limitations are set forth, and important terms are defined. It concludes with a chapter outline, after which the study can commence.

1.1. Problem Statement

This thesis analyses current conceptualisations of rape as a “tool of war” across various academic disciplines and approaches, including Political Studies and its various sub-disciplines, studies of conflict in Africa, and a thorough study of conflict in Rwanda, together with the civil war of 1990 and the genocide of 1994. The intent of this critical analysis is to improve our conceptual understanding of rape during armed conflict. By “improving” ‘conceptual understanding’, I mean that I will seek to create clear and useful images that can become the cornerstones of analysis.

Why subject this conceptualisation – of rape as a “tool of war” – to critical analysis? In the existing literature, rape as a “tool of war” appears as a deliberate strategy, in other words, a planned event, (a) during armed conflict, and (b) during genocide. For example, the United Nations High Commissioner for Human Rights (UNHCHR) defines rape as a “tool of war” as follows:

[Rape is] 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. (Report E/CN.4/Sub.2/1998/13)

Although rape undoubtedly occurs during armed conflict, the conceptualisation of it as a planned event or deliberate strategy warrants critical analysis. If it is planned, then who orders it? Is it ordered at a local or a national level? Is there evidence of such planning? Even if it is planned, is it done for political reasons or for reasons related to the winning of a war? The conceptualisation

of rape as part of genocide raises similar questions. If genocide involves killing as efficiently as possible, as was the case in Rwanda, then why pause to engage in rape?

While many studies exist which conceptualise rape in war and rape as a “tool of war”, there is a lack of consensus both between and within disciplines which results in a lack of conceptual clarity. Specifically, the Political Studies discipline has some very useful theories regarding rape in armed conflict and rape as a “tool of war” (see Humphreys & Weinstein, 2006; Kalyvas, 2006; Wood, 2006), but there is a lack of consensus as to what causes the rapes. The purpose of this analysis is to erase this ambiguity and clearly lay out and define how various studies, including Political Studies, define and thus understand rape in armed conflict and rape as a “tool of war”.

Why focus on the conceptualisation of rape in African conflicts? The reasons for this centre on two fundamental aspects of many African¹ conflicts:

First, contemporary African conflicts, so called “new wars” are characterised by exceedingly barbaric behaviour, including rape. John Mueller writes that these wars are “more nearly opportunistic predation waged by bands – often remarkably small ones – of criminals, bandits, and thugs, sometimes of children” (2002: 2). The “war” that occurs as a result can scarcely be distinguished from crime (ibid).

Second, many African cultures believe that men are superior to women and are therefore entitled to control them, which puts women in subordinate positions. In Rwanda, women and men have profoundly different lives and experiences. Rwandan social relations have long been described as constituting a traditional patriarchal society. Women are valued for their virginity more than for any other trait (Maquet, 1961). Violence against women, including wife beating, has historically been very widespread and is not illegal. Rather, it is considered a family matter (U.S. Department of State, 1994).

Women’s rights are restricted by their inability to: (a) choose a marriage partner; (b) earn their own wages (see Jefremovas, 1991: 382); (c) use birth control or abstain from sex with their

¹ By ‘African’, I mean sub-Saharan Africa, which is the focus of this study.

husband (see Allen et al., 1998). The state is responsible for some of these restrictions, including outlawing birth control (Verwimp & Bavel, 2005: 276; Hintjens, 1999).²

Why focus only on women in this study?

It may be implicit that women and girls are targeted specifically for violence in times of armed conflict *because* they are females. This may be related to the following.

As stated, most African cultures have long been considered patriarchal, that is, women are subordinate to men. The societal position of women as related to their male counterparts may leave them more susceptible to rape during armed conflict situations. This is because in these cultures women are seen as men's "property" and therefore attacked by soldiers as a means of waging war against the enemy. More specifically, in the case of Rwanda which is the focus of this study, Tutsi women were treated as third class citizens after Hutu (both men and women) and then Tutsi men. This led to propaganda against them which may help explain the quality of extreme violence against them during the genocide (Banes, 2003; Taylor, 1999). Because women and men are treated differently in peacetime, it is reasonable to assume that they would be treated differently during times of conflict.

Furthermore, though rape occurs during peacetime, the opportunity to rape women is elevated during armed conflict. This is due to the chaos and insecurity inherent in armed conflict where there are large numbers of men and boys with weapons and little to no impunity for abusing civilian populations.

While it is not to say males are never victims of rape during armed conflict, women are the primary targets for this violence. Thus, they are the focus of this study.

² Furthermore, because of women's inability to negotiate condom use or even negotiate sex in general, historically there have been high rates of HIV and genital infection (Allen et al., 1998).

Women are raped during armed conflict by both soldiers and civilians. Many African nations are understood to be militarised, where both trained soldiers and untrained civilians are armed by an organized political group. For the purpose of this study, fighters who are members of an armed and organized political group (even if there is in fact very little organization) will be termed soldiers. These perpetrators are the focus of this analysis.

Why focus on conceptualisations of rape in the 1994 civil war in Rwanda? Since Rwandan women experienced rapes both prior to and during the genocide, the analysis may highlight how rape in war differs from rape during genocide or as genocidal rape. Furthermore, the Hutu and Tutsi have a history of ethnic conflict characterised by high levels of barbaric violence and cruelty. Hutu and Tutsi have fought since the transition from colonialism to independence (1959-1961), as well as more recently in the civil war (1990-1993) and finally in the genocide of 1994. From a Political Science perspective, Rwanda's history of conflict poses a very interesting question: Did rape occur throughout Rwanda's political history and at the same level or intensity, and did rape accompany other forms of violence? It is extremely common among scholars to label rape as a form of genocide in 1994 Rwanda (see des Forges, 1999; Sharlach, 1999; Russell-Brown, 2003). This thesis will subject the notion of rape as genocide to careful analysis using Rwanda's history of political conflict as well as the makeup of Rwandan soldiers as the cornerstone of analysis.

The critical analysis includes:

- A study of the various conceptualisations of rape during armed conflict, as proposed by various academic disciplines, such as Anthropological Studies, Feminist Studies and Historical Studies.
- A study of the various political conceptualisations of rape during armed conflict, as proposed by Political Studies such as: weak, failing and collapsed states, civilian victimisation, ethnic warfare: ethnic cleansing, genocide studies and state terror.

- Case studies of various African conflicts, including South Africa during apartheid, Zimbabwe, Sierra Leone, Liberia, the Democratic Republic of Congo, and Southern Sudan.
- A study of the use of rape in Rwanda during the civil war (1990-1993) and the subsequent genocide (April-July 1994).

1.2. Methodology

This is a critical study of conceptualisations of rape. Once the conceptualisations of the various disciplines have been identified, and case studies in the literature have been examined, they will be subjected to critical analysis based on two criteria: clarity and utility.

Conceptual clarity refers to the unambiguous core elements of a concept. In other words, how do we interpret commonly used definitions or meanings of rape as a “tool of war?”³ Conceptual clarity is important for it ensures terms are defined and thus understood concisely. Currently, there is lack of conceptual clarity on rape in war and rape “as a tool” of war. In other words, this thesis will attempt to make order out of disorder in the literature.

The utility of a concept refers to whether the concept is helpful in explaining or understanding events. In this case, what is the use of conceptualising rape as a “tool of war” in explaining its occurrence? Is it a useful contribution to current analytical literature? Do such conceptualisations change the way we think about rape as a “tool of war” or our responses to it? This analysis aims to concisely arrange the literature in both how these terms are defined and how they shape what we understand about rape in war and rape “as a tool” of war.

Certain literature has been deliberately excluded from this analysis. For the purposes of this study, the focus is on studies that strive to be reliable, in other words, academic or scholarly writing that is subject to peer review.

³ See Du Toit and Seegers, 1997: 8.

1.3. Limitations

The study is limited to female rape victims. Male victims are thus excluded from the analysis.

Furthermore, only academic writing in English (or academic writing that has been translated into English) is analysed herein. French and Kinyarwanda literature that has not been translated is thus excluded from the analysis.

1.4. Definitions

Rape

Rape is here defined as

the insertion, under conditions of force, coercion, or duress, of any object, including but not limited to a penis, into a victim's vagina or anus; or the insertion, under conditions of force, coercion, or duress, of a penis into the mouth of the victim. (UNHCHR 1998a)

Consent

Rape is a unique crime in that the sexual act alone may not be criminal. What is deemed criminal is if the perpetrator(s) have knowledge of the victim's unwillingness to engage in the act.

Therefore, determining consent is the key to uncovering instances of rape. According to the United Nations High Commissioner for Refugees (UNHCR), "Consent is when a person makes an informed choice to agree freely and voluntarily to do something" (UNHCR, 1998a: 12). There is absence of consent when "agreement is obtained through the use of threats, force or other forms of coercion, abduction, fraud, deception, or misrepresentation" (ibid.). Additionally, consent can be absent when the victim is *unable* to resist (they are unconscious or debilitated). However, women in Africa typically do not have the right of refusal that would normally signal lack of consent. Pettifor, et. al (2004) for example, found that South African men

and women have profoundly different sexual experiences and that refusal to have sex with a male partner can lead to violent outcomes for women. They found, “In the context of masculine norms defined by male control over sexual decision-making and prevalent forced and coercive sex, many women do not have the right of refusal” (2004: 2001). Thus, in much of Africa, consent is not so clearly defined.

Armed Conflict/War

In classifying armed conflict/war, definitions focus on organised violence characterised by the number of battle deaths and the number of combatants. Interstate conflict (conflict between states) is subsequently defined as sustained combat involving 1,000 battle deaths per annum involving regular forces on both sides (Small & Singer, 1979). Intrastate conflict (conflict within states), by contrast, must involve an average of 100 battle deaths per annum (or 1,000 deaths over its course) and a minimum of 1,000 active participants in the fighting (ibid).

There are also other distinctions to be made between inter-state conflict (conflict between states), and intra-state conflict (conflict within states).

Inter-state conflict is defined as a sustained military conflict with at least one sovereign member of the state system against another member or independent unit (Small & Singer, 1979).

Intra-state conflict, or civil war, is defined as: “Armed combat within the boundaries of a recognised sovereign entity between parties subject to a common authority at the outset of the hostilities” (Kalyvas, 2006: 17).

For my purposes, the terms ‘armed conflict’ and ‘war’ will be used interchangeably, as the distinctions are not particularly relevant in this study.

Ethnic War

Rwanda's barbaric wars are often categorised as "ethnic" wars, characterised by excessive violence against civilians. Ethnic wars are sometimes categorised as "Hobbesian," that is, a "war of all against all." Ethnic war is herein defined as:

Generally speaking, a violent attack might be described as "ethnic" if either (a) it is motivated by animosity towards ethnic others; (b) the victims are chosen by ethnic criteria; or (c) the attack is made in the name of an ethnic group. (Fearon, 2004: 5)

A different concept, ethnic cleansing, found to have occurred in the former Yugoslavia, is defined as:

Rendering an area ethnically homogenous by using force or intimidation to remove from a given area persons of another ethnic or religious group. (United Nations Security Council: 1992)

Newbury further suggests, "Ethnic conflict served to illustrate state power in action; in Rwanda, the 'ethnic conflict' of 1994 was simply state-sponsored terrorism against its own citizens" (1995: 13).

Genocide

The 1994 civil war in Rwanda is understood to have been genocide, contrary to a mass killing. Mass killing involves killing a large number of people, typically in a short period of time. Genocide is more specific.

Article II of the United Nations Convention on the Prevention and Punishment of Genocide defines genocide as:

In the present Convention, 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. (1948)

1.5. Outline of the Dissertation

The dissertation proceeds as follows: Chapter Two investigates the conceptualisations of rape in armed conflict according to the disciplines of Anthropological Studies, Feminist Studies, and Historical Studies. Conclusions will be drawn in respect of the clarity and utility of the conceptualisations.

Chapter Three researches the conceptualisations of rape in armed conflict according to various political disciplines, including weak, failing and collapsed states, civilian victimisation, ethnic warfare: ethnic cleansing, genocide studies, and state terror in Chile. Conclusions will again be drawn as to the clarity and utility of the conceptualisations presented.

Chapter Four researches the conceptualisations according to African case studies of rape in armed conflict. These include the following: South Africa; Zimbabwe; Sierra Leone; Liberia; Southern Sudan; and Democratic Republic of Congo (DRC).

Chapter Five contains the case study of the rape of women in Rwanda during the civil war (1990-1993) and the genocide (April-July 1994).

Lastly, Chapter Six summarises the conclusions of this critical analysis.

CHAPTER TWO: RAPE OF WOMEN DURING ARMED CONFLICT: ACADEMIC PERSPECTIVES

This chapter identifies and analyses the current conceptualisations of various academic disciplines concerning rape in war including: Anthropological Studies, Feminist Studies and Historical Studies.

One problem of surveying a particular discipline in order to find such conceptualisations is that any discipline inevitably lacks consensus, in other words, the concepts are contested. For the purpose of this analysis, I thus selected conceptualisations of rape during armed conflict or closely linked to rape in armed conflict.

2.1. Anthropological Studies

Anthropology focuses on the importance of culture in understanding a phenomenon. Culture is understood to be a set of beliefs, attitudes, or habits of a group (Taylor, 1871; Brown, 2004). Within Anthropological Studies, rape is understood as a sexual expression of cultural, mainly patriarchal, forces. In other words, rape is part of a cultural configuration which includes both interpersonal violence and patriarchy (Sanday, 1981).

Here, rape in war is studied according to how particular cultures view and respond to the act; these views and responses in turn explain the motivations for rape:

First, rape serves to attack communities by upsetting cultural norms. This can be based on the assumption either (a) that women have an exalted and central position in the culture, or (b) that they do not have a high position, but rather are regarded as the property of men. In these two scenarios, when women are raped, the following happens. In (a) the most precious thing (women) is destroyed both literally and symbolically. In (b) the most powerful group in society (men) are emasculated, because their “property” is damaged or destroyed.

Second, rape in war destroys families and communities:

In war, rape is both an assault on the individual and her family and community. As well as an attempt to dominate, humiliate, and control behaviour, rape in war can also be intended to disable an enemy by destroying the bonds of family and society. (Swiss & Giller, 1993: 612-613)

Rape in war is thus a complex phenomenon that can be understood as, first, an attack on the individual and, second, (in patriarchal societies) as an attack on wider familial and cultural groupings.

Third, rape in war can impair the ability of a culture to continue via sexual reproduction. The aftermath of such rape (the rejection of women and their unborn children, the pregnancy that results from rape, or the contraction of the human immunodeficiency virus [HIV]), rather than the act of rape itself, destroys communities. The death of the community takes place over time: what is thus “created” by the rape are the conditions that will later result in the discontinuity of that culture or group (Baines, 2003; Russel-Brown, 2003).

Fourth, rape may occur in contexts where cultural or community values, especially values relating to gender relations, are being contested. Some anthropologists (similar to feminist theorists) therefore portray rape as an act of power, not sex. For example, Sanday writes, “During a rape, the sexual act is not concerned with sexual gratification but with the deployment of the penis as a concrete symbol of masculine social power” (2007: 10). Here, rape becomes an expression of power that allows men to keep women subservient. Accordingly, anthropologists argue that the higher the level of patriarchy within a social system, the higher will be the occurrence of rape (Sanday, 1981). According to this view, cultures in which women have fewer rights see a higher rate of rape. Olujic thus proposes:

War rapes in the former Yugoslavia would not be such an effective weapon of torture and terror if it were not for concepts of honour, shame, and sexuality that are attached to women's bodies in peacetime. War rape would not work as well as

a policy of terror, were it not for the cultural salience within the honour/shame complex generalised in the south-eastern European cultural area. (1998: 31-32)

Finally, some authors suggest that women become the targets of sexual violence because they are the carriers of a nation's or a group's culture, by virtue of their ability to give birth to the nation's citizens.

Women's bodies and women as a group have in the process been constructed as the locus or carriers of culture. It is this, coupled with misogyny, which marks them as targets in military conflicts. Women's bodies are constructed as both territory to be conquered and vehicles through which the nation/group can be reproduced. (Kelly, 2000: 50)

According to Anthropological Studies, rapes are largely seen through a patriarchal prism; women are assumed to have a different role than men in the community (either elevated or repressed). Therefore, according to this way of conceptualising rape, women are targeted because of their specific position in society and their contribution to continuing the cultural group. However, this does not explain why patriarchal cultures have different levels of rape during outbreaks of armed conflict.

Clarity: Rape is employed as a means to control, which is sometimes a means of patriarchal control. In such contexts, rape is not about sex, but power, that is, the presence of violence and the absence of consent. This clarification says little about the quality of the violence (apart from arguing that the violence is not frequent and only occurs when patriarchal power structures are challenged). Additionally, since women in many African cultures do not have the right of refusal, defining rape as the absence of consent becomes somewhat difficult.

Utility: This conceptualisation illustrates the effects that rape can have on patriarchal communities, and suggests that other groups may deliberately use their knowledge of such effects to subjugate their opponents during wartime. According to this discipline, patriarchal power structures are connected to both the causes and consequences of rape.

2.2. Feminist Studies

There is a diversity of thought among feminist scholars as to the definitions and meanings ascribed to rape. Feminist Studies are predominantly intertwined with other academic disciplines, such as anthropology and sociology, and thus these theories are somewhat varied. Nevertheless, a few central themes are shared among feminist scholars:

In general, nonfeminist theorists have emphasized the goal of sex in rape, and feminist theorists have emphasized the goals of dominating and controlling rape victims or even women in general. Among feminist theorists, there is a dominant focus on male-female power relations in the context of wartime rape. The predominant focus for analysis is on the wider societal conditions that are present instead of the actions of individuals.

Feminist scholars argue that men and women throughout the world do not share equal status. These unequal structures are maintained through gender norms and stereotypes. Feminists argue the following about rape:

First, rape and other sexual acts are the means through which males assert their power and dominance over females. Rape is not motivated by sex; rather, it is a means of asserting and maintaining power. One of the bases of their argument is that even men who have sexual partners rape. Rape is a way of keeping women subordinate by men who are threatened by females (Thornhill & Palmer, 2000). In this case, when a woman is raped, it puts all women in a state of fear because the rape serves as a warning to all women that they could be raped too. This allows even men who don't rape to put women in a subordinate position. In other words, rape preserves patriarchy.

Second, for some more broad thinking feminist scholars, rape in armed conflict is a continuation of the hostility of men against women and is a means of torturing and degrading women. These feminist scholars focus on the way most women are subordinated in peacetime, as well as on the fact that women's sexuality makes them vulnerable during war. Catherine MacKinnon thus

believes that rape during war is a prolongation of the violence that occurs every day against women during peacetime. She writes:

When the women survive, the rapes tend to be regarded as an inevitability of armed conflict, part of the war of all against all, or as a continuation of the hostilities of civil life, of all men against all women. Rape does occur in war among and between all sides; rape is a daily act by men against women and is always an act of domination by men over women. (2006: 114)

Susan Brownmiller, a pioneer in feminist rape studies, argues similarly that rape during war “is nothing more or less than a conscious process of intimidation by which all men keep all women in a state of fear” (Brownmiller, 1975: 181). However, Brownmiller believes that wartime conditions both encourage and disguise the rape of women. For example, she explains the rape of German women by Russian soldiers in World War II as follows:

I rather suspect that Allied rape, for the rapists, was often joyous – a sporadic, hearty spilling over and acting out of anti-female sentiment disguised with the glorious, vengeful struggle, an exuberant manifestation of the heroic fighting man who is fighting the good fight. (Brownmiller, 1975: 65)

She argues further that if men were given the opportunity, the same criminal behaviour would occur in peacetime too. Brownmiller thus refers to the atrocities committed against German women as an “extracurricular battlefield” for the soldiers to vent their hatred toward the enemy (Brownmiller, 1975).

Criticisms of the feminist approach are that they “convict” all men, even though most men never commit a sexually violent act against a woman. Additionally, feminists assert that rape is a domineering act against all women, which also does not hold up under careful study. Thornhill and Palmer, for example, find that “although any female *might* become a victim of rape, some women are far more likely to become victims of rape than others” (Thornhill & Palmer, 2000: 139). Furthermore, they state that “data on female rape victims ages during wars (across societies

and over considerable time spans) also show that most were young” (Thornhill & Palmer, 2000: 73). Rape as a non-sexual tool of aggression is thus questionable, since young women and girls (rather than the sick or elderly) are the most common victims of rape.

Additionally, for the perpetrator, the absence of sexual desire as a motivation for rape seems unlikely, considering that numerous “studies have found that rapists often cite sexual desire as a cause of their actions” (Thornhill & Palmer, 2000: 135). Although some feminists assert that rapists have trouble performing sexually or fail to ejaculate, this also does not hold up empirically. For example, thousands of rape pregnancies occurred in WWII and in the wars in Pakistan/Bangladesh, Bosnia-Herzegovina, and Rwanda (Grossmann, 1995; Brownmiller, 1971; Human Rights Watch [HRW], 1996).

Two conclusions can be drawn from the feminist analysis:

(1) Gender relations are the main focus when conceptualising about rape. This, however, fails to explain the higher instances of rape accompanied by direct violence that occur during armed conflict.

(2) Women are always victims of this violence without agency. That is, they lack choice and do not get anything in return.

Clarity: Rape in war, like rape in peacetime, is a way for men to exert dominance over women. There is very little emphasis on the qualities of the violence. The view that rape serves to preserve male-female power relations is a very comprehensive notion, leaving little room for manoeuvrability. Therefore, it is possible that clarity is somewhat spoiled.

Utility: Similar to Anthropological Studies, the feminist view is that rape occurs when patriarchy is challenged or to keep women in subordinate positions. The threat of rape restricts women’s freedom (how they dress, their mobility) and thus is used as a means of continuing male patriarchy. Rape in war thus serves as a means to control women and make them

subservient. Accordingly, this discipline is unable to explain the variety and prevalence (or lack thereof) of rape in armed conflicts around the world.

2.3. Historical Studies

History is the study of the past, using narratives to establish the causes and effects that determine events. Military History, with which I am concerned here, is the study of the history of warfare, battles, and military strategy.

In a major study, *Berlin: The Downfall 1945*, Antony Beevor depicts the collapse of Soviet military discipline and the various ways in which this was acted out on the civilian population of Germany. The vast Russian army weary after a long war campaign and burdened with a collective sense of guilt for having allowed the Germans to invade the Soviet Union, moved into Berlin, intent on taking and doing whatever they desired. This included the rape of women. The two main Berlin hospitals at the time report an estimated 95,000 – 130,000 rape victims, though many (an estimated 10,000) committed suicide after they had been raped and are thus excluded from this estimate (Grossmann, 1995; Beevor, 2007: 410). However, this rape took various forms at various times, and Beevor thus disputes the claims: (a) that rapes were an expression of revenge on the German population for the German rape of women in the Soviet Union; and (b) that rape was a war strategy. Instead, Beevor proposed four types (or “waves”) of rape in Berlin. These are: (a) rape as conquest; (b) rape due to soldier indiscipline; (c) women as agency; and (d) the taking of so-called “occupation wives”. These will be explored below.

In the first type of rape, as the Red Army marched into Berlin, a number of conquest-motivated rapes occurred. Beevor writes: “Soldiers tended to regard German women more as a casual right of conquest than a target of hate” (Beevor, 2007: 32). While he notes that this rape was in part due to the hardship the Soviets had endured throughout the war campaign, he also proposes another factor to explain why so many rapes occurred – namely, the complete sexual suppression of Soviet society by communist leaders (Beevor, 2007: 32). As a result, the Soviets not only dehumanised the Germans because of the war and the war propaganda, but also by fostering ignorance and by violent depictions of women in general. This resulted in an eruption of sexual

violence against women in the Soviet-occupied territories. Not only did they feel justified in taking German women, but they were able to do so beyond the reach of the watchful eyes of the Soviet Union, where such behaviour would not be allowed.

In the second type, women were raped because of the increase of soldier indiscipline among the Soviet conquerors. Along with this came looting and theft. Women were not indiscriminately raped, but chosen by soldiers. Beevor writes:

The pattern, with soldiers flashing torches in the faces of women huddled in the bunkers to select their victims, appears to have been common to all the Soviet armies involved in the Berlin operation. This process of selection, as opposed to the immediate violence shown in East Prussia, indicates a definite change. By this stage, Soviet soldiers treated German women much more as sexual spoils of war than as substitutes for the *Wehrmacht* on which to vent their rage. (2007: 326)

In the third type, women bartered sex for food, other necessities, or protection from gang rape. Because life in Berlin had become so violent, and starvation was common – even likely – soldiers no longer had to resort to violence to fulfil their urges. Instead, some women “conceded” to their sexual advances. Beevor accordingly writes: “Standards of morality had indeed taken a battering, but in the circumstances there was little option” (Beevor, 2007: 414). Furthermore, “a gun or physical violence became unnecessary when women faced starvation” (Beevor, 2007: 414). However, because the women were unable to freely consent, this is still considered rape.

In the fourth type, some German women became “occupation wives” to Soviet soldiers. This occurred when a number of German women married their Soviet rapists, often abandoning previous spouses in the process. This was less common and was usually characterised less by a desire for marriage than by fear of ostracism or the inability to face a husband after rape (Beevor, 2007).

Clarity: Beevor’s analysis resulted in the construction of a conceptual classification of rapes in Berlin at the end of the war. Four types (or “waves”) of rape were identified:

(1) Rape was condoned as an intentional part of conquest by the Soviet military, which was highly disciplined at the time.

(2) In the aftermath of conquest, rape was a form of looting or theft against the German population. These soldiers were less disciplined than before.

(3) Rape was part of the “sex industry,” bred out of the extreme deprivation and inequality of the German people. Here, the women who “gave” themselves may appear to have had agency (they traded sex for food, etc.) but in reality they did not (they needed to eat and knew that sex with soldiers was the only way to do this). Thus, this is rape.

(4) Rape resulted from severe and widespread material deprivation. Here, the deprivation was suffered by all women. They did not become sex workers but led ordinary lives, even marrying a soldier to retain a false sense of normalcy. Again, this was a form of non-consensual sex, and thus rape.

Utility: The value of Beevor’s analysis is that he does not redefine rape; instead, he deconstructs the terms “armed conflict” and “war.” Beevor recognises that these terms figure in different contexts and situations, and that the motivations for rape will vary accordingly. As such, he offers different analyses for war rape, rape in armed conflict, and post-war rape. Using Beevor’s analysis, we can thus assume that hypotheses will vary according to the context. i.e., the more undisciplined the soldiers, the more rape is expected.

2.4. Conclusion: Conceptualisations

Conceptualisations of both rape and armed conflict/war differ. Deconstructing these concepts, differences in clarity and utility emerge:

Clarity: (1) Rape is conceptualised as either sexual penetration with the presence of violence; without consent; or both. When rape is conceptualised as the presence of violence, the qualities of the violence are often crucial, in the sense that the rape includes excessive and/or unnecessary

violence (for example, cruelty and public display) and sexual deviance (for example, when unnatural objects are inserted).

(2) When rape is conceptualised as non-consensual sexual penetration, the question immediately arises as to whether the consent needs to be active. In many contexts, such as patriarchal cultures, women lack the structural power to say no openly. Silence, then, does not necessarily imply consent.

(3) War is also conceptualised in different ways. The term “war” may refer to a set of events marked by direct violence (literally causing death and injury). However, some scholars, the more radical feminists, for example, think of war as a permanent condition characterised by structural violence (marked by the destruction of humans’ capacity to choose, live a full life, etc.).

Anthropological Studies lack the ability to explain rape of different kinds (rape followed by murder, the taking of “wives”, etc.) and its variance. Feminists Studies are unable to explain why some women are targeted for rape while others are not. Instead, they claim that men use rape against all women subjectively, to leave them in a position of subservience.

Utility: If rape in armed conflict/war is conceptualised as a “tool of war,” it often means rape is a condoned, intentional, or ordered act. However, Beevor’s analysis allows for many possible explanations for the occurrence of rape. When it is an intentional and explicit part of conquest “conquest rape,” it is often committed by soldiers who are highly disciplined. On the other hand, when rape occurs in the aftermath of conflict, it is usually committed by less disciplined soldiers who are looting. Furthermore, prostitution was necessitated by widespread structural deprivation, where women were obliged to trade sex in order to alleviate their material deprivation. This also led to extreme ostracism, and in some cases, marriage.

Numerous hypotheses flow from Beevor’s analysis, including: the more indiscipline, the greater the likelihood of rape; the indiscriminate rape of women suggests the motivation of conquest; and, selecting women for rape suggests looting as a motivation.

CHAPTER THREE: RAPE OF WOMEN DURING ARMED CONFLICT: POLITICAL STUDIES

Politics is herein defined as the study of power and the efforts to preserve or attain it. Among the issues debated by political scientists and included in this chapter are the issues of weak, failing and collapsed states, civilian victimisation, ethnic warfare: ethnic cleansing, genocide studies, and state terror.

Political scientists' conceptualisations are influenced by their methods. Scholars who regard only quantitative explanations as valid, for example, define armed conflict in a way that is not necessarily shared by scholars who use qualitative methods. The quantitative Correlates of War (COW) methodology defines armed conflict using as a dataset 1,000 battle deaths per year due to organised political violence. However, the validity of this way of conceptualising conflicts has been disputed. For instance, while it is generally accepted that civil wars cause the most deaths, there are different ways of measuring war fatalities, namely, through the use of COW data, which result in inconsistencies in the way conflict is studied (Lacina & Gleditsch, 2005).

Major issues that involve wartime rape are highlighted below:

3.1. Weak, Failing, and Collapsed States

Political disorder, instability, and institutional breakdown, including the unlikelihood of prosecution during armed conflict, leave women particularly vulnerable to violence. This is because both crime and violence, including sexual violence, become more prevalent. Robinson's index is particularly useful for defining what is meant by "weak," "failing," and "collapsed" states. States are defined as "weak" along a continuum ranging from failing states to collapsed states. Defining whether the state *system* is failing or the *state itself* is collapsing is important, because this distinction is often used to justify intervention. According to Robinson, "the state is collapsed or collapsing if at least three of the following symptoms are present or developing" (2001: 124): (a) the civil instruments of the state have no real impact on a large portion of the population; (b) the urban infrastructure of the state is hosting a greater proportion of the

population that it is able to support; (c) a significant proportion of the population is internally displaced or living as refugees on the state's borders; (d) the state cannot support the interest owed on international debt; (e) the national military is no longer loyal to the civil population; and (f) elections have been subverted (Robinson: 2001: 124-125).

A far greater than normal number of people may become victims of violence because they have been displaced from their homes. Internally displaced people and refugees are highly vulnerable to attack. Women and girls, when confined to refugee camps, are especially susceptible to sexual violence by both soldiers and civilians (Mogire, 2009). Single women who have lost their partners or male familial ties are at increased risk of this violence (Berman & Muggah, 2001).

Third, Berman and Muggah evoke a connection between small arms and criminality that can also lead to violence against women. The possession of a weapon “constitutes a social value in itself – endowing the actor with various capabilities, including capital accumulation, prestige, and the (unlawful) ability to satisfy basic needs through the informal and formal markets” (Berman & Muggah, 2001: 30).

Fourth, there are dangers posed by the behaviour of young men during wartime. Elizabeth Jean Wood notes: “Wars tend to be fought by armed young men in groups far from the normal social controls of their village or neighbourhood. In these circumstances, sexual aggression is less regulated” (2006: 321).

Collier et al. (2007), propose that the existence of young men and boys (who in many cases are child soldiers) makes rebellion possible in the first place, which in turn leads to a naturally higher rate of criminality. They argue that a population with a high percentage of young men (15-29 years old) is more likely to be predisposed to violence and therefore more likely to become part of a rebellion. In other words, civil war is more likely to occur when there are large numbers of young, sometimes criminal (or criminally disposed) boys living in poverty. Collier et al. write:

As with criminality, rebellion relies almost exclusively upon this particular segment of the population. A likely explanation for this extreme selectivity is that some young men have both an absolute advantage and a taste for violence. (2007: 19)

Recruitment can be voluntary or forced; an example of the latter are the thousands of children kidnapped and forced to commit atrocities in Uganda, Liberia, and Sierra Leone.

Clarity: Conceptualisations of rape in armed conflict/war tend to stress the brutality of war in which rape occurs. Due to the brutal nature of war, excessive violence is likely to increase. This includes rape.

Utility: Single women who are displaced or are refugees are most vulnerable to violent rape by young men. This conceptualisation links the rape of women to chaos. When lawlessness abounds, women are particularly at risk. Rape as a war strategy is thus underplayed.

3.2. Civilian Victimization

Alexander Downes defines “civilian victimisation” as a “wartime strategy that targets and kills (or attempts to kill) non-combatants” (Downes, 2007: 2). Kalyvas (2006) and Humphreys and Weinstein (2006) include a range of abuses, including theft, amputations, and rape. Here, civilian victimisation is understood as the deliberate targeting of civilians (non-combatants) in times of armed conflict/war.

Downes (2008) argues that attacks on civilians in inter-state wars can be a rational strategy of warring factions when conflict becomes deadlocked and the costs of fighting are increasing.

He focuses on two types of civilian victimisation. The first arises out of desperation to win by waging smaller wars against “enemy” civilians. The second involves the victimisation of civilians in a territory the military wishes to inhabit or annex (Downes, 2008: 154). In the first type, targeting civilians is meant to force the enemy to surrender by instilling fear in the population. This may be most useful when the line between enemies and civilians is blurred. In

such a situation, killing civilians reduces possible losses among the combatants. In the second type, targeting civilians in territory occupied by the enemy is a military strategy to victimise civilians in order to coerce the population to leave the territory, thereby ensuring military occupation of the desired space, regardless of the cost. This was thought to be the case in the Balkan war, where Serbs and Bosnians claimed the right to occupy the same territory. Serbs committed mass atrocities against the civilian Muslim population in an effort to force them out of the area. However, when used on mass scales, violence of this kind may be counterproductive to achieving military goals. Downes writes:

Civilian victimisation was counterproductive in this case because it led to intervention and loss of Serbian control (and now sovereignty) over Kosovo, although violence against civilians—if carried out on a smaller scale—might have avoided such intervention and succeeded in weakening the Kosovo rebels. (2008: 21)

Additionally, Downes argues that civilian victimisation is more likely in wars of attrition or annexation where there is desperation to win. In other words:

As the prospects of victory declines, and defeat looms “black and imminent” on the horizon, states hope that using force against the enemy’s non-combatant population will cause it to demand an end to the fighting. (Downes, 2007: 10)

Downes (2007) argues that indiscriminate violence – in which all civilians are targeted – is counterproductive because there is no connection between the action of civilians and their punishment. Instead, security may be afforded to civilians if they collaborate with a fighting faction. If a rebel group killed civilians indiscriminately, why would civilian non-combatants ally themselves with them? Fear of victimisation is thus the incentive for collaboration.

Stathis Kalyvas (2006) argues that individuals or groups are targeted for violence to change their loyalty or to reallocate resources. Defeating the opponent requires access to civilians in order to widen alliances and prevent defection. Controlling the civilian population can take place in two

diametrically opposed ways: (a) by allocating benefits (such as granting access to land or resources), or (b) by imposing sanctions (such as making defection punishable by death). In war, sanctions are often less costly than benefits (Kalyvas, 1999).

In a study of the war in Algeria (data collected from 1996 to 1999), Kalyvas shows how strategic violence was used by the Islamist guerrillas of the Groupe Islamique Armé (GIA). Kalyvas found that massacres in Algeria were part of a deliberate strategy to punish and deter civilian defection under certain constraints. The GIA (thought to be responsible for the majority of the massacres) used extreme brutality as the primary instrument to deter defection (Kalyvas, 1999). These massacres were not random; they targeted specific communities, families, or individuals thought to be either loyal to the incumbents, to other guerrilla organizations, or to individuals who were about to defect (Kalyvas, 1999). According to this logic, guerrillas who are losing a war but who want to regain control of the population will increasingly engage in massacres of civilians (Kalyvas, 1999).

Humphreys and Weinstein (2006) ask the following pertinent question: What causes some groups to commit atrocities against civilians and other groups to refrain from doing so? They find three factors that are most likely to result in such self-restraint: (a) incentives to exercise restraint, (b) territorial control, and (c) group cohesion. If none of these three factors is present, the likelihood of violence against civilians will increase exponentially.

A survey conducted by Humphreys and Weinstein (2006) identified different factors that explain the prevalence of civilian abuse. Civilian abuse, according to these authors, can involve a range of activities including, but not limited to, theft, amputation, rape, and death. They find that abuse is most clearly a result of factors internal to fighting factions.⁴ The factors most likely to lead a group to higher levels of abuse against civilians are: (a) a focus on private (individual) gain from civilians, (b) the use of units that are ethnically homogeneous, and (c) a lack of internal discipline within the unit (Humphreys & Weinstein, 2006).

⁴The study conducted in this research focused on the internal characteristics of five fighting factions in the war in Sierra Leone. This study will be discussed in further detail in Chapter 4, Section 4.3.

According to this research, abuse against civilians is not planned; it is rather a result of disorganization and indiscipline. Furthermore, if personal gain is the only factor involved in the abuse of civilians, the abuse will increase. This disorganization and lack of internal discipline can be explained by the type of conflict that is being waged; if there is pressure to win and a lack of resources to train soldiers properly (or a lack of means to keep soldiers fighting), then incentives to fight sometimes come in the form of a promise of material gain. This material (personal) gain inevitably comes from civilian non-combatants (Humphreys & Weinstein, 2006). When this happens, rape becomes another form of personal gain and naturally increases.

Downes, Kalyvas, and Humphreys and Weinstein provide different frameworks for analysis:

Alexander Downes:

Clarity: Downes points out that the rape of civilians or other forms of victimisation consist of strategies and tactics that instil fear. The frequency of violence is less important than the qualities of the violence – excessive, unnecessary, and sadistic. This creates a more or less permanent condition of anxiety and fear. Rape can thus be an instrument of terror, defined by Martha Crenshaw as a method of warfare that consists of using small, targeted acts of violence to send significant messages to the populace and/or government (1972: 1981). The political end is to create a relationship of subordination.

Utility: Downes conceptualises rape in a way that shows that even democratic regimes can attack civilians in an intentional and planned way. If death can be planned at the highest level of the state, then so can rape. If this occurs, rape can be used as a wartime strategy: to conquer territory by causing populations to flee out of the fear of being raped; to intimidate a just-conquered people; or when a soldier is facing mounting costs or losses in a situation of military stalemate.

Stathis Kalyvas:

Clarity: Kalyvas agrees with Downes that violence against civilians, including rape, is regarded as a form of terror, which is planned and systematic.

Utility: These concepts (rape as a form of terror that is planned) can be applied to a variety of actors, both insurgents and incumbents. Soldiers who engage in violence against civilians do so because it is a rational strategy of waging war. Furthermore, such conceptualisations are consistent with theories of terror as an asymmetrical form of warfare.

Humphreys and Weinstein:

Clarity: Rape is a violent criminal act that occurs in civil wars where chaos abounds. Women and girls are subject to rape due to indiscipline and looting (taking the “spoils” of war, including material goods and in this case, women).

Utility: The rape of women is not a deliberate strategy of war or armed conflicts. Rather, it results from groups that are so undisciplined that they lack the ability for central planning.

3.3. Ethnic Warfare: Ethnic Cleansing

While ethnic cleansing is not confined to the Balkan war of 1992-1994, it does serve as the most appropriate case study because it is the best-known case and therefore has inspired the most sophisticated literature to date.

The concept of ethnic warfare is often entangled with concepts from Genocide Studies. It is therefore important to differentiate between genocide and ethnic cleansing. Naimark does this succinctly:

Genocide is the intentional killing off of part or all of an ethnic, religious, or national group; the murder of people or peoples is the objective. The intention of ethnic cleansing is to remove a people and often all traces of them from a concrete territory. The goal, in other words, is to get rid of the “alien” nationality, ethnic, or religious group, and to seize control of the territory they had formerly inhabited. At one extreme of its spectrum, ethnic cleansing is closer to forced deportation or what has been called “population transfer”; the idea is to get people to move, and the means are meant to be legal and semi-legal. At the other extreme, however, ethnic cleansing and genocide are distinguishable only by intent. (2002: 3)

Whereas genocide is the intentional destruction of a group, ethnic cleansing is as much about securing territory as it is attacking a group. Furthermore, the targets of genocide and ethnic cleansing are usually unarmed civilians (Mann, 2005).

The most infamous contemporary case of ethnic cleansing is regarded to be the former Yugoslavia, where rape was determined to be a form of ethnic cleansing. It is estimated that between 20,000 and 50,000 women were raped in the former Yugoslavia during the 1992 to 1994 war. Most of these attacks were gang rapes in camps or took place in private brothels set up by Serbian soldiers (Naimark, 2002; Mann, 2005). The perpetrators were mostly Bosnian Serbian soldiers, policemen, and paramilitary groups, while the overwhelming majority of rape victims were Bosnian Muslim women and girls (Iacobelli, 2009). It is widely asserted that rape was one of the ways in which Serbia was “cleansed” of Bosnian Muslims; hence this is regarded as a form of ethnic cleansing (Folnegovic-Smalc, 1994; Stiglmayer, 1994; Naimark, 2002; Fischer, 2009).

It is also commonly alleged that Serbian soldiers were ordered to rape. Naimark writes:

Serb soldiers reported having been ordered to rape. Even the victims felt certain about that.... Rape camps received logistical and financial support from branches

of the Bosnian Serb government. Rape was organised and directed from above.
(2002: 169-170)

According to one Muslim victim, quoted by Naimark: “These orders, they all came from Serbia; they were Serbian directives.... I know some who had to do it, who were forced to do it and weren’t doing it for their own enjoyment” (2002: 170).

Furthermore, Sharlach writes:

Most observers agree that at least some of the Bosnian–Serb rapists acted on official orders to rape women as part of the ethnic cleansing. Indicators of a systematic, planned basis of the rape include: (1) that rapes in non-contiguous parts of Bosnia–Herzegovina had similar characteristics, including raping educated or upper-class women first and forcing family members confined in the same camp to perform incest; (2) that the rapes happened in different sections of Bosnia–Herzegovina simultaneously and accompanied the fighting; and (3) that many rapes took place within official detention centres. (2000: 97)

If the soldiers were indeed ordered to rape, as has been suggested, then rape was a strategy alongside other political strategies namely, to gain territory from the Bosnian Muslim population.

Different motivations account for the rapes:

According to the Foca Indictment, among the purposes of the assaults were to extricate information from the women about the whereabouts of their men-folk and the existence of any armed resistance; to punish and intimidate them; and for reasons based upon discrimination. (Iacobelli, 2009: 267)

Other scholars propose that Serbian soldiers would rape in order to empty villages of their inhabitants, thereby gaining control of the territory (Nebesar, 1998). In addition to killing entire

groups of people, Serbian soldiers would use rape to create panic within families and villages, causing people to flee for fear that it would also happen to them (Nebesar, 1998).

It has also been suggested that, given the multitude of women who became pregnant, there must have been an intentional and organised policy of impregnation (Fischer, 1996). This remains unconfirmed. However, intentional impregnation need not be proven for rape to be seen as a war crime or a crime of ethnic cleansing. According to Carpenter:

The pregnancies that resulted from the mass rapes were seen as exacerbating the grievousness of rape and were thus capitalised upon in constructing rape as a war crime and crime against humanity. This was the case regardless of whether forced impregnation was seen as an intentional policy or a by-product of rape.
(Carpenter, 2000: 435)

The International Criminal Tribunal for the Former Yugoslavia (ICTY) was created in 1993 to prosecute crimes against humanity, which included rape during the conflict. In 2001, the Yugoslav tribunal became the first international court to convict for sexual enslavement and rape.⁵ This legislation was seen as a breakthrough, because it defined rape as something more than a by-product of war, which led to the development of more thorough studies of the uses of rape in war.

Bosnian Muslims live in a patriarchal society in which, due to social stigma, reports of rape are few. However, rape due to patriarchal societal patterns cannot alone account for the rapes. The fact that the overwhelming majority of women who were raped were Bosnian Muslims suggests

⁵“The tribunal judges found three Bosnian Serb men guilty of raping Bosnian Muslim women – some as young as 12 and 15. They were also accused of selling or renting women and girls for forced prostitution to other soldiers. All three, Zoran Vukovic, Radomir Kovac, and Dragoljub Kunarac, were convicted of crimes against humanity and violations of the laws or customs of war” (Institute for War and Peace Reporting, 2010).

that rape was not used as a strategy against *all* women, but against specific women. In this case, a policy of rape as ethnic cleansing would “make sense” as a war strategy. It broke families apart, as women fled the area. Men fled with their women when they realised they could not protect them. Lastly, raped women were shunned by the community, because of the stigma attached to rape victims in such patriarchal societies.

Clarity: As in the theories of Downes and Kalyvas, violence against civilians, including rape, is regarded as a form of terror; and it is planned and systematic. Rape in the Balkans also represents a campaign of rape that has genocidal elements, that is, elements seeking the death of a group. It can therefore become entangled with conceptualisations from genocide studies.

Utility: Rape can be seen either as a strategy of seeking the death of a group or as a form of terror. If it is terror, rape is meant to cause population flight, so that territory can then be occupied.

3.4. Genocide Studies

Dubin writes:

Under the ICTY and ICTR Statutes, genocide consists of acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group, including: (a) killing members of the group; (b) causing serious bodily or mental harm to members to the group; (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; and (d) imposing measures intended to prevent births within the group. (2003: 19)

While genocide studies are typically concerned with organised mass killing, it has also been suggested that rape is an element of genocide. Lisa Scharlach proposes:

East Pakistan’s secession, the wars in Bosnia–Herzegovina, Croatia and Kosovo against Serbia, and the 1994 civil war in Rwanda indicate that rape may be an

instrument of genocide. In all three regions, soldiers or militia used rape as a tactic to cause either death or psychological and physical harm to women and girls. (2000: 90)

Scharlach also suggests that genocidal rape is particularly effective when it victimises ethnic groups that stigmatise the rape survivors instead of the rapists:

When a woman's honour is tarnished through rape, the ethnic group is also dishonoured. To restore its honour, the ethnic group may ostracise or expel the raped girl or woman. The rape survivor's victimisation continues long after the initial sexual assault. Post-rape trauma is compounded by "the second rape" of becoming a pariah in one's own society and even one's own family. (Scharlach, 2000: 90)

In such a situation, genocide aims to kill over time, creating the conditions for a later death either culturally (by ostracising the victim) or biologically (through pregnancy or the transmission of HIV). It has been suggested that the intentional forced impregnation of a group of people is distinct from the crime of rape, and should in fact be understood as genocide (Fisher, 1996: 3). However, it is the problem of *intent* that makes genocide research complicated.

Individual intent is unimportant when it is determined that rape took place as a genocidal policy. What is important is that individuals knew or should have known that they were participating in a widespread or systematic policy of rape:

Specific intent, though a key aspect of legal proceedings in criminal law, is difficult to prove in most circumstances involving genocide, as perpetrators are often anxious to conceal their actions. Scholars have proposed, instead, that the destruction of a group by "purposive action" be sufficient to qualify an act as genocide. Neither is the complete destruction of a group required for violence to qualify as genocide, as this act would develop by degrees along a continuum. (Cigar, 1995: 8)

Clarity: Two concepts are particularly evident: (a) Rape is a form of terror that is planned. Here, threats of rape, the violent rape of some women, and rape *en masse*, cause anxiety and fear in the population. The population then flees, and territory that is emptied is then claimed. (b) Genocidal rape need not be particularly violent. Genocidal rape is a means of creating the conditions for death over time, in other words, rape is the means to the political end of death (either literally or symbolically). This conceptualisation shows one group's intent to cause the destruction of another group.

Utility: Utility lies in two directions: (a) The notion of genocidal rape can be used to theorise about creating the conditions for the slow death of a group. (b) The threat of rape, rape and mass rape can be used to terrorise a population into fleeing their home territory.

3.5. State Terror: The Case of Chile

Chile's use of state terror against its citizens has produced the most sophisticated literature to date on this subject. Therefore, it will be the focus of this section.

Augusto Pinochet's seventeen-year rule in Chile was marked by violence of all kinds by state apparatuses. The Chilean commission was set up to uncover the most serious human rights violations by government agents and private citizens between September 11, 1973 and March 11, 1990 (Chilean National Commission on Truth and Reconciliation, 1993: 48). The purpose of the Commission was also to establish state involvement on various levels. Thus torture, including rape, was discovered to be a method of interrogation used in detention centres (Kaplan, 1999). Sometimes rape was ordered, while at other times it was perpetrated by lower ranking soldiers acting without their superiors' permission.

The Chilean National Commission on Truth and Reconciliation determined that rape was used during the military rule of Augusto Pinochet as a method of torture or humiliation. It was perpetrated on both men and women, by military and state officials, mainly the regime's secret

police, called the National Intelligence Directorate (DINA) and later the National Centre for Information (CNI).⁶

The Chilean commission investigated only specific crimes. These included:

Disappearances after arrest, executions, and torture leading to death committed by government agents or people in their service, as well as kidnappings and attempts on the life of persons carried out by private citizens for political reasons. Its mandate excluded cases of torture that did not result in death. (Hayner, 2001: 36)

Therefore, from this definition, it is clear that rape was not at the forefront of the hearings (also see Kaplan, 1999). “The Commission's task was to draw up as complete a picture as possible of the most serious human rights violations that resulted in death and disappearances which were committed by government agents or by private citizens for political purposes” (Report of the Chilean National Commission on Truth and Reconciliation, 1993: 21). The report emphasised that the state made war on its own citizens by, among other things, raping women. The report set an example for the importance of understanding rape as a form of political torture. The commission found that the state used violence, including rape, against its own people in order to stay in power.

Clarity: Rape can be an intentional form of political torture used by the state against its citizens. Furthermore, rape can be used, along with other forms of victimisation, as a way of remaining in power. It can thus be concluded that rape was used as a form of torture and was intentional. Sadistic rapes are furthermore a form of torture used to intimidate, extract information or for terror as subordination.

Utility: These conceptualisations can be linked to theories of state repression. If the state is involved, rape is likely to be planned; in such a case, rape is a tool used by the state against its domestic political opponents.

⁶The DINA was dissolved in 1977 and replaced with the CNI. Disappearances ceased at the creation of the CNI but violations of other kinds including torture, under which rape was understood to fall, continued (Report of the Chilean National Commission on Truth and Reconciliation, 1993: 8).

3.6. Conclusion: Conceptualisations

Clarity: Conceptual emphasis's contain various explanations as to why rape occurs in armed conflict settings:

First, scholars emphasise the importance of the quality of the violence differently. Is it sheer brutality or inconspicuously sadistic? Need the rapes be particularly violent? Can they be located in situations where women are the most vulnerable to the act of rape (refugees or IDP's)? Second, are the rapes planned by disciplined armies, or are they the result of undisciplined armies also engaged in looting or theft? Third, do the rapes exemplify the form of violent criminality that increases when countries are weak, failing, or collapsed? Fifth, do the rapes have genocidal elements; that is, do the rapes seek the death of a group? Lastly, are the rapes that do contain sadistic violence (the insertion of objects, etc.) a form of torture?

Utility: In order to be useful, theorising has to recognise that, regardless of conceptualisation, single women who are displaced or become refugees are the most vulnerable to violent rape by young men.

Other points are also relevant:

Rape that contains genocidal elements, that is, the death of a group, is principally about causing the slow death of a group over time. The death does thus not have to be immediate.

If the rape is inherently sadistic, it is likely to be a form of terror. When this occurs, rapes are meant to cause population flight, subordination, or in order to extract information. Even talk of rapes *en masse* can cause this to happen. When a territory is emptied, it can then be claimed. If incumbents are committing the rapes, we can theorise on rape as a form of state repression.

CHAPTER FOUR: RAPE OF WOMEN DURING ARMED CONFLICT: AFRICAN CASE STUDIES

This chapter will cover some of the most widely reported cases of rape occurring in Africa. All of the instances of rape discussed below occurred during armed conflict. The sections include a look at rape in South Africa, Zimbabwe, Liberia, Sierra Leone, the Democratic Republic of Congo, and Southern Sudan. Following a brief description of the violence perpetrated against women in these countries, conceptualisations will be presented and analysed.

First, it is important to note that many African nations are militarised; that is, there is a large presence of armed men and boys that are members of organized political groups. This, coupled with indiscipline stemming from the inability for central planning in most of these groups, leaves females especially vulnerable to rape. As this chapter will show, many militarized groups include civilians which are given arms but no military training. Thus, civilians may use these weapons to assist in looting (including the rape of women), extracting revenge, or terrorizing neighbouring communities in search of profit.

4.1. Regime Change and Transitional Justice in Africa: The Case of South Africa

During the apartheid years, there were numerous accounts of killing, disappearances, and torture, including rape by South African state officials (military and police members) and ANC (African National Congress) members (TRC Report, 1998; Ellis, 1994; Amnesty International, 1992). Most of these violations occurred from 1990 to 1994, but also during the earlier days of apartheid, such as during the so-called “states of emergency” from 1983 to 1989 (Mamdani, 2002). The South African Truth and Reconciliation Commission (TRC) was established in 1996 to address human rights violations under apartheid. One of the commissions the African National Congress (ANC) established investigated crimes that the movement had committed against civilians, especially in the ANC detention camps.⁷ According to Desmond Tutu, without the TRC, “We would have been overwhelmed by the bloodbath that virtually everyone predicted as

⁷Namely in the Angolan “Quatro” camp, where suspected dissidents accused of being agents of the state or betrayers of the ANC were tortured. Women were also tortured and gang raped (Ellis, 1994; Ross, 2003).

the inevitable ending for South Africa” (TRC, 1998: 22). In other words, the TRC facilitated a process for peaceful regime change via publicly acknowledging human rights violations.

Abuses by the ANC occurred in refugee and other camps, perhaps most notoriously in the Quatro camp in Angola (Skweyiya Commission Report, 1992; Ellis, 1994). Abuses ranged from murder, to arbitrary detention, beatings, torture and rape (with the latter sometimes used as a form of torture). These occurred for different reasons: (a) as a result of real or fabricated accusations against ANC members, to the effect that they were spies or traitors, or because they had voiced complaints about superiors or conditions; (b) as a result of indiscipline and frustration among ANC members; and (c) in order to extract information or confessions from refugees or incumbents (Ellis, 1994).

Though the TRC heard testimonies from victims of a range of crimes, rape was absent from all but one day of the hearings. Goldblatt and Meintjes found that, “Of the nearly 8,000 statements received on rights violations, only 300 deal with sexual assault and of these, only 80 relate to sexual assault on women. Only 17 of the 80 deal with rape and these mostly occurred in Kwazulu-Natal” (1997: 10). Similarly, Rattazzi writes that during the actual hearings, “Only twenty-six women spoke directly about their own experiences of gross human rights violations and of these twenty six, seven related experiences of rape” (2005: 7). The reason why rapes and other acts of abuse and violence got less attention was that the TRC chose to focus on “gross human rights violations,” i.e., death and torture. However, the TRC recognised rape as a form of torture and found that some women had been raped for political reasons (Ross, 2003).

Clarity: Rape can be a form of torture that is used alongside other methods of state repression. It can be used to extract information or as a method of subordination. Rape by “comrades” or by individuals affiliated with insurgents, however, is a more ambiguous category.

Utility: This conceptualisation can be linked to theories about state repression. However, the ambiguity of rape by insurgents hinders the utility of these concepts. The South African case highlights rape as serving different purposes: to extract confessions or to enforce discipline.

4.2. Zimbabwe

Political repression in Zimbabwe to silence opponents and punish defectors has varied in intensity throughout President Robert Mugabe's reign. It has been widely asserted that violence increases as threats (or perceived threats) are made to Mugabe's presidency and his ruling party, the Zimbabwe African National Union-Patriotic Front (ZANU-PF),⁸ and that these threats have mainly occurred during the time leading up to and following elections (Laakso, 2007; Krieger, 2005). The main targets of violence are opponents of the Mugabe regime, namely, the Movement for Democratic Change (MDC).⁹ Recently contested elections (in 2000, 2005, and 2008) have resulted in increased violence (Rotberg, 2007). Persons who are critical of the regime are also harassed and intimidated (Rotberg, 2007). Women and youth represent a large number of defectors to the MDC and are especially critical of the regime, making them the targets of a large part of the violence (Makumbe, 2002; Makumbe, 2006). Methods of violence and intimidation have included killing, forced displacement, beatings, arbitrary arrest, and rape.

In the Zimbabwean case study, rapes thus appear to have strategic elements. For example, rape victims have reported the existence of lists naming women to be raped. One rape victim reported that after her gang rape by soldiers in a police station, she had to crawl to "a bored-looking bureaucrat" and have her name ticked off a list, to indicate that she had received her punishment (Nolen, 2008). In another example, a woman who was raped by a ZANU-PF leader was told by him, "You deserve this. This is your punishment for daring to support the MDC. We have a list and everyone on it like you will get a punishment" (Nolen, 2008). Furthermore, state-sponsored violence is confirmed by the use of state vehicles to transport the war veterans and youth militia as they attack civilians. The state also provides the militia with uniforms, food, and housing (Makumbe, 2002: 59).

⁸Supporters of Mugabe and the ZANU-PF, such as war veterans and the police, have also been known to engage in violence and intimidation of opponents. It is also reported that youth and war veterans enlisted to fight along with the ZANU-PF have been trained in militaristic control and torture tactics (see Makumbe, 2006).

⁹The opposition is divided into two factions: the MDC-T (Morgan Tsvangirai's faction), and the MDC-M (Arthur Mutambara's faction). See U.S. Department of State (2010).

The violence of the Mugabe regime has been successful from a strategic point. Not only has Mugabe managed to remain in power (although the elections are contested), but the regional results show that, the greater the intimidation, the better the ZANU-PF fares at election time (Laakso, 2007).

Violence against MDC supporters increased after the contested 2008 election to a level that caused opposition leader Morgan Tsvangirai to withdraw in order to end the violence against his supporters.

Clarity: In Zimbabwe, there is a strategy of state repression whenever power is contested. Rapes with sadistic violence are features of both state terror and torture.

Utility: This conceptualisation is useful for understanding the strategic use of violence in state repression. It can be compared with the use of state repression in Chile; in both cases, the state made war on the opposition in order to stay in power.

4.3. Sierra Leone

Physicians for Human Rights (PHR) estimated that anywhere from 50,000 to 64,000 women and girls have been raped in the conflict in Sierra Leone (PHR, 2002). It was found that the overwhelming majority of rapes were committed by the rebel group the Revolutionary United Front (RUF) between 1997 and 1999 (PHR, 2002). The RUF gained notoriety for its brutality towards civilians, most notably, its practice of amputating hands, ears, and other body parts (Drumtra, 2003; PHR, 2002).¹⁰ Young and undisciplined, the RUF is composed of “disaffected youth from the criminal cultures spawned in the urban ghettos of Freetown and the mining

¹⁰PHR found, “The RUF particularly employed the amputation of hands or arms as a method of attempting to discourage others from voting in the elections” (2002: 18).

regions” (PHR, 2002: 16). A large majority of victims report that the rebels committed crimes while under the influence of alcohol or drugs (PHR, 2002). A nine-year old soldier, when asked what drugs he had been given by the rebels, replied, “It’s a medicine they give us which makes us to have no respect for anybody; whatever we think to do, we just do it. Another rebel added, “It gives us power and makes us fear nobody” (PHR, 2002). The issue of whether violence against civilians in this conflict was strategic or indiscriminate is still unresolved.

Humphrey and Weinstein (2006), in their study of violence in Sierra Leone, found that there were variations in civilian victimisation throughout the country. They found that, out of the five factions, many sub-factions, and external actors involved in the conflict,

the Revolutionary United Front or RUF (the main insurgent group), the Armed Forces Revolutionary Council (AFRC), a military junta, and the smaller West Side Boys (WSB) group, have been associated with the highest levels of abuse. (Humphreys & Weinstein, 2006: 434)

They found that the internal characteristics of a fighting faction were the most significant factor determining whether or not abuses against civilians would be high; i.e., the greater the indiscipline inside a fighting faction, the greater the number of abuses will be outside of the fighting faction (on civilians) (Humphreys & Weinstein, 2006). This implies that rape in Sierra Leone was not strategic, but rather the result of indiscipline, in which disorganised and marginalised groups were allowed to assault the population at will. This implies that, if the militarised groups had been better able to police their members, civilian victimisation would have decreased exponentially. As stated above, it is also assumed that the widespread presence of drugs within the factions contributed to a lack of discipline and civilian victimisation.

Clarity: In this conceptualisation, rape is not strategic; it is rather the result of various forms of indiscipline.

Utility: Indiscipline can be caused by a multitude of factors, including allowing soldiers to forage, and the high number of child soldiers in this war incapable of disciplining themselves. State failure as a determinate for an increase in rapes thus is only part of these theories.

4.4. Liberia

Between 1989 and 1997, anywhere from 60,000 to 200,000 Liberians are said to have died as a result of the civil war (Hoffman, 2004). Amnesty International (2004) reported that Liberia's civil war resulted in widespread and systematic rape with an estimated 60-70% of the population being affected. In a medical survey on sexual violence during the Liberian civil war, Swiss et al. found, "Women and girls who were accused of belonging to a particular ethnic group or fighting faction were at greater risk for physical and sexual violence than those who were not accused" (1998: 627). This study also found that women under the age of 26 were more likely to be victims of sexual violence than older women were, and that women who were forced to cook for a soldier were at heightened risk of rape (Swiss et al., 1998).

Armed groups in Liberia rarely fought other armed groups; instead they more commonly targeted civilians (Ellis, 1999; Cain, 1999). It has been suggested that this method of waging war was used to scare away would-be defectors or to frighten civilians into obedience, in order to gain territory for one's own faction (Ellis, 1999). This suggests terror was employed as a tactic by armed groups. Ideology had little or no influence on whether individuals joined a faction or stayed in one (Reno, 2007). Economic reasons (looting or the promise of rewards) were far more important in determining who joined and who fought (Bøås, 2007; Ellis, 1995).

According to a commander from Sierra Leone:

That [targeting civilians] is one of the major tools in guerrilla warfare. Because when the guerrilla is fighting, he is less equipped, he has less manpower. He's going to use tactics to put fear into the civilian populace and send the signal to the government that it can't protect its people. . . . It is one of the tools the guerrilla uses. Fear and intimidation. (quoted in Hoffman, 2004: 222)

Theories of rape can thus be connected to asymmetrical warfare; that is, extreme inequality of resources and capabilities between fighting factions. Terror (in the form of rape) is one way to balance power relations by causing the population to be fearful, ultimately creating a relationship of subordination.

Ellis (1995) describes the makeup of soldiers in Liberia as follows:

The United Nations estimated in 1994 that there were some 60,000 Liberians under arms, of whom few had received any formal military training and none of whom (with the partial exception of the AFL) was paid. The fighters were mostly not soldiers at all, but armed civilians, sometimes very young, who lived by the gun, stealing what they needed or wanted. (1995: 184)

Ellis adds: “The aim is control of people and acquisition of booty more than it is to control territory in the conventional military manner” (1995: 185). Furthermore,

To judge from the frequency with which male fighters committed rape or abducted women as concubines and servants, women were also included in the category of consumer items ripe for plunder. (Ellis, 1999: 125)

Clarity: Conceptualisations of rape focus on sadistic violence and terror with conceptual emphasis on youth/child soldiers, small groups, and indiscipline. Rape can be attributed to both a mix of planned (a feature of small groups) and unplanned (resulting from indiscipline) occurrences.

Utility: Indiscipline can be linked to both child soldiers and to allowing soldiers to forage and loot from the population. However, sadistic forms of rape suggest it was used as a way to terrorise populations into subservience and/or flight.

4.5. Southern Sudan

Armed conflict in Darfur has been on-going since the 1987-1989 civil war between local militias (Mamdani, 2009: 259). Since then, violence decreased somewhat, but when the conflict was renewed in 2003, violence rose to new and unprecedented levels (Mamdani, 2009). Since 2003, insurgency campaigns have been waged by the Sudan Liberation Army (SLA) and the Justice and Equality Movement (JEM). Counterinsurgency campaigns have been led by the government of Sudan and their “bandit” militia, the Janjaweed (Mamdani, 2009), who have committed the majority of civilian atrocities.

One possible reason for this may be that, unlike other fighting units, the Janjaweed had to rely on looting and robbery for a living, as they received no pay from the government (Mamdani, 2009). Another reason is that, even according to pro-government Sudanese, the Janjaweed are little more than teen and pre-teen criminal gangs, incapable of being controlled by anyone (Mamdani, 2009). Because of this, and the fact the Janjaweed are a heavily armed group, civilians bear the brunt of their excessive violence.

In the Darfur region of the Sudan, hundreds of thousands have been killed, and more than two million have been displaced (PHR, 2006). As is well known, women’s vulnerabilities are severe when becoming an internally displaced person (IDP) or refugee. According to Mamdani, “Rape occurred in all camps, those controlled by the government and by the rebels” (2009: 271-272). Furthermore, many women were reportedly raped by men of their own tribe (Mamdani, 2009: 272). This suggests women are just as likely to be raped by their own people as they are by militias like the Janjaweed.

After years of violence, Sudan has ceased to function as a state. Society has broken down as a result and communities have been torn apart. Killings and rapes have become indiscriminate at times, with the same tribes attacking one another (Mamdani, 2009). Furthermore, as one observer noted, “The Janjaweed had been delinquents and socially marginal people from the start, but the guerrillas were now increasingly losing control of themselves and bandit groups were springing up” (Prunier, 2009: 122). IDPs and refugees were just as much at risk of violence

as anyone else. Militias surrounded the camps, waiting for inhabitants to emerge only to be beaten, raped, or killed (Prunier, 2009: 133).

Though contrary to popular public opinion, it is generally contested among academics that government and militia groups are engaging in ethnically motivated atrocities against civilians (Mamdani 2004; Prunier, 2009; Straus, 2006). Rather, according to Julie Flint, criminality is motivated by the lust for war booty, land, revenge, and to obtain “payment.” The undisciplined nature of the Janjaweed is encouraged in order to obtain loot (Flint, 2009).

Clarity: Rape is a result of the desire to gain war “booty,” or a policy of allowing militants to take what they want from the population as a form of payment. “Foraging” quickly leads to increased indiscipline.

Utility: Women are also raped in refugee camps, which suggest that they are at risk by more than just militias; they are even raped by men of their own tribes. This can be connected to theories of state failure: as the state collapsed, the strong preyed on the weak.

4.6. The Democratic Republic of Congo (DRC)

In 1996, Laurent Kabila campaigned to rid Zaire (hereafter the DRC) of Mobutu Sese Seko. While fighting largely ceased in 2002, human rights abuses, including mass rape, have continued (ICTJ, 2010). The conflict in the DRC has claimed an estimated 5.4 million lives (Harvard Humanitarian Initiative, 2009). Rape in the DRC is known to be widespread. According to the World Health Organization, “At least 40,000 women have experienced some type of sexual violence since the war began in 1998. However, organizations working in the area claim that for every case reported, 30 go unreported” (Kemp, 2006:3-4). Members of all the known armed groups, as well as policemen in the eastern DRC, have been identified as perpetrators of rape (Pratt & Werchick, 2004). Over twenty armed groups are currently operating in the DRC, and all have been accused of human rights abuses (Kelly, 2010). Indeed, rape in the DRC has become so common that John Holmes, U.N. Undersecretary-General for Humanitarian Affairs, has called rape in the DRC “the worst in the world” (in Kelly, 2010: 2).

A recent medical report found that most rapes occurred at night in women's homes. The predominant type of rape was gang rape, and reportedly, was committed by men in military uniform (Bartels et al., 2010; Harvard Humanitarian Initiative, 2009).

For reasons of livelihood and survival, women are very susceptible to sexual violence by rebel groups. Young girls and women are raped as they search for firewood or as their village is attacked. Women are sometimes abducted to provide sexual services to soldiers.

According to one official,

“Warring groups use rape as a weapon because it destroys communities totally,” says Major-General Patrick Cammaert, former commander of UN peacekeeping forces in the eastern Congo. “You destroy communities. You punish the men, and you punish the women, doing it in front of the men.” Adds Cammaert: “It has probably become more dangerous to be a woman than a soldier in armed conflict.” (UNHCR, 1998a)

The many armed groups and sub-factions operating in the DRC coupled with the widespread availability of guns explain why rape in the DRC has become so widespread. For example, a member of the Armed Forces of the DRC (FARDC), a group responsible for a great many human rights abuses, stated, “We soldiers commit rape. Why do we commit rapes? Poverty/suffering [*pasi*]. When we are not paid, or not paid at all. We are hungry. And I have a gun” (Baaz & Stern, 2008: 77). These soldiers thus attribute rapes to anger, frustration at their position in society (no pay, instability), the widespread use of drugs, and disrespect for superiors. All of these motives, coupled with the availability of weapons, allow them to take anything they want from the civilian population, including women (Baaz & Stern, 2008: 77).

Clarity: Conceptual themes are similar to Southern Sudan: the strong prey on the weak, highlighting a Hobbesian “war of all against all.” It is unplanned and thus not a strategy.

Because there are sadistic rapes, conceptual themes are also similar to rape as a form of terror. This is intentional and used to control populations.

The DRC shows also rape in post-war situations. The presence of weapons produces an instant inequality between soldiers and civilians, which allows rape to occur frequently. In addition, as soldiers leave the fighting, they are suddenly unemployed, unattached, and have military skills. This causes an escalation in violence, including rape.

Utility: All known groups have engaged in rape. This case study is useful in showing that the role of weapons among marginalised groups living in poverty leads to great insecurity for women in all conflict settings. Yet, the case of the DRC also allows us to see different reasons for rape by various groups, highlighting the importance of Beevor's analysis of rape and its potential variances in armed conflict/war.

4.7. Conclusion: Conceptualisations

Clarity: Many African states are considered to be failing. It is thus not surprising that there are many theories pointing to state failure as the cause of rapes across Africa. When states fail, the strong prey on the weak, in a manner reminiscent of Hobbes' "war of all against all." Women who are refugees or internally displaced bear the brunt of this violence by both soldiers and civilians.

However, there have been intentional campaigns of rape used as a method of terror to control populations. The mere suggestion that this will happen causes populations to flee *en masse*.

In post-war contexts, for example, in the DRC, the presence of weapons produces an instant inequality between soldier and civilian, causing the number of rapes to increase. As they disperse, ex-soldiers are armed, unemployed, and have military skills. This proves dire to the female population.

Utility: The role of weapons in war is crucial to understanding the violence. Much of Africa is militarised and men with arms thus have the power to get what they want from women. This leaves women and girls in an especially vulnerable position in conflict settings. Rape can thus be linked to theorizing about militarisation and the spread of small arms.

All of the known groups fighting in the DRC have engaged in rape. Thus, there are various reasons for rape according to the group engaging in rapes and the methods and accompaniments to the rapes (brutal violence, etc.). This case highlights the utility of Beevor's analysis in understanding rape in the DRC.

In post-war contexts, widespread rape can be included in theories of peace operations, reconstruction, and transitional justice. This is because many of the rapes occur after peace accords are signed. Men disperse with their weapons into the population. They are unemployed, undisciplined, and armed, creating insecurity for the population. This is a continuation of the effects of weak, failing, and collapsed states. The aftermath of a failed state creates conditions in which violence against populations, including rape, continues to be elevated above peacetime rates.

Furthermore, when asymmetrical power relations are inherent, rape can be used as a form of terror in order to subordinate and cause populations to flee.

CHAPTER FIVE: RAPE OF WOMEN DURING ARMED CONFLICT IN AFRICA: THE CASE OF RWANDA (1990-1994)

This chapter covers the rape of women during the Rwandan civil war (1990-1993) and genocide (1994). Section 5.2 will examine the prevalence and use of rape during the civil war, and section 5.3 will investigate rape during the genocide. First, it is necessary for a very brief discussion of the Rwandan political climate leading up to the outbreak of civil war.

5.1. Introduction

Firstly, Rwanda is a small nation geographically and there has historically been no specific region identified with an ethnic group, no “Hutuland” or “Tutsiland”, and both Hutu and Tutsi share the same language and culture (Umutesi, 2004). However, even before the arrival of colonists in Rwanda, Hutu and Tutsi were distinct political categories and social inequality was present (Newbury, 1998; Lemarchand, 1977), though upward and downward mobility and movement between groups was possible. Nevertheless, social status derived from a person’s relationship to political power. The Belgian colonists put an end to this fluidity. They gave preferential treatment to the Tutsi because their features more closely resembled Europeans, and it was therefore assumed that they would be better able to govern (Jolobe, 2003; Mamdani, 2000). At this time, even though the Tutsi were the minority in Rwanda, they ruled over the Hutu who were the majority population. By the end of the 1950s, Rwanda was thus characterised by widespread inequality; an obedient population was ruled by a handful of Belgians allied to the Tutsi elite.

It is thus not surprising that the revolution of 1959, which gave Rwanda its independence from Belgium, was not anti-colonial; rather, it was anti-Tutsi (Mamdani, 2000; Taylor, 2002). The Hutu revolution, led by Hutu elites, and backed by Belgian authorities, ousted the Tutsi monarchy and replaced it with a Hutu form of government (Jolobe, 2003; Newbury, 1993). About half of the Tutsi population of Rwanda at this time fled to neighbouring states (Kuperman, 2000).

After the revolution of 1959, the state (now Hutu-controlled) continued to use violence to re-order society (Des Forges, 1999). State violence was used at specific periods to control and intimidate the population and occasionally to deter guerrilla attacks. The predominant form of government-sponsored violence at this time was the massacre of Tutsi civilians inside Rwanda, justified by claiming that all Tutsi were “enemies of the state” (Melvern, 2000; Scherrer, 2002). Massacres in 1963 and 1972, in which hundreds of thousands of Tutsi were killed (known as Rwanda’s “first genocide”) made violence an established part of Rwandan society. Scholars explain the Rwandans acceptance of this state-sponsored violence in terms of their political culture of obedience (Newbury & Newbury, 1999; Umutesi, 2000).

On October 1, 1990, armed guerrillas – Uganda-based Tutsi refugees known as the Rwandan Patriotic Front (RPF), together with its military wing, the Rwandan Patriotic Army (RPA) – entered northern Rwanda from Uganda and opened fire. The goals of the RPF were, “not just the return of the refugees, but also the ouster of Habyarimana [the president of Rwanda at the time] and the establishment of a more democratic government” (Des Forges, 1999: 48). Newbury and Newbury write:

The extremist (and exclusionist) factions within the government, including elements in the military, seized on the invasion to promote two goals: to argue for a significant expansion of the security forces, and to brand all Tutsi as internal supporters of the RPF. Ethnicity thus became a pretext for the militarization of the regime. (1999: 304)

The attack by these roughly 7,000 RPF soldiers was the beginning of both small-and large-scale attacks that started Rwanda’s civil war (see Africa Watch, 1992; Prunier, 1995; Scherrer, 2002).

On 4 August 1993, under international pressure, President Habyarimana signed a peace agreement with the RPF in Arusha, Tanzania (Gourevitch, 1998). The Arusha peace accords promised power sharing with the RPF, integration of the RPF with President Habyarimana’s troops, and permission for Rwanda’s refugees to return home. Nevertheless, the fighting continued and many Hutus labelled President Habyarimana a traitor (Gourevitch, 1998). It is

estimated that, during the civil war conflict, 4,500 people were killed as a result of the fighting, while a further 2,000 were killed due to human rights violations (HRW, 1994). Over one million people became displaced (HRW, 1994).

5.2. Rape in War (1990-1993)

The invasion, for President Habyarimana, marked a rupture in his security as president. In order to hold on to power, civilian victimisation, including the use of massacres, was increasingly employed as a tactic to deter the advancing RPF (Newbury & Newbury, 1999; Kuperman, 2000; Melvern, 2000).

At the end of 1991, President Habyarimana's ruling party, the National Revolutionary Movement for Development (MRND), formed a youth group called the *Interahamwe*, which translates as "those who help one another" (Hintjens, 1999: 268). This group was composed of mainly unemployed, undereducated civilian men and boys who were given military training to kill. This group committed most of the atrocities during the 1994 genocide. The consequences of having young, unemployed men as the military apparatus of the country proved dire for Rwandan citizens. These men became even more dangerous against the backdrop of Rwanda's financial crisis.¹¹ This, coupled with a large mass of young men who had been given arms and free rein to use violence against their fellow citizens, resulted in an upsurge of crime, including looting, murder, and rape throughout the country. So called "youth bulge" theories predict that large numbers of male youth will become violent, usually due to constricted or limited opportunities. Sommers writes:

From the outside, the tens of thousands of young men who were forced or recruited into the notorious *Interahamwe* certainly embodied much of what proponents of the super-predator and youth bulge theories had warned. The Rwandan male youth seemed out of

¹¹ After the dramatic fall in the worldwide price of coffee, which is the country's main export, Rwanda, already a poor country, became the poorest country in the world, with 86% of the total population living below the poverty line and half of its people characterized as "extremely poor" (Uvin, 1998).

their minds, were unspeakably vicious, killed thousands upon thousands of innocent civilians, and did so in awful ways. (2006: 7)¹²

5.2.1. Growth of Hate Propaganda

President Habyarimana's civilian targets were the educated and wealthy Tutsi elite, who were seen as a threat to Hutu power interests. Propaganda stated that the Tutsis planned to oust the Hutus and to make them their "slaves," thus fuelling the war against the Tutsi. This type of propaganda also led to further polarization of the two ethnic groups (Kabanda, 2007). Kabanda writes:

From 1990 to 1994 – but particularly during 1991 – *Kangura* [magazine] contained a number of articles that repeatedly agitated against the Tutsi scapegoat. The Tutsi became "those who took everything," "who are everywhere," who control the business sector, who govern despite appearances, who constitute the majority in the school system, both in terms of teachers and students, in the church and within all spheres that symbolise progress (Kabanda, 2007: 63).

Furthermore, in 1990, a document aimed at arousing anti-Tutsi sentiment among the Hutu population was published in *Kangura* magazine. It was called the "Hutu Ten Commandments" and the first three commandments specifically targeted Tutsi women:

1. Every Muhutu (Hutu male) should know that wherever he finds Umututsikazi (a female Tutsi), she is working for her Tutsi ethnic group. As a result, every Muhutu who marries a Mututsikazi, or who takes a Mututsikazi for a mistress, or employs her as a secretary or protégée is a traitor.
2. Every Muhutu should know that our Bahutukazi (female Hutu) are more worthy of, and conscious of, their roles as woman, spouse, and mother. Are they not pretty, good secretaries, and more honest!

¹² For more information on the so-called youth bulge theory, see Sommers, 2006.

3. Bahutukazi (Hutu women), be vigilant and bring your husbands, brothers, and sons back to the path of reason.¹³

Such propaganda is a significant point of departure in understanding women's victimisation at this time. During the civil war, hate propaganda depicted Tutsi women as unattainable, "arrogant," and "snobbish." Such propaganda has been cited as a factor in the increase in the number of rapes against Tutsi women. Additionally, the exponential rise in the number of military personnel, accompanied by civilians given weapons to use against the "enemy" population, can also account for the rapes. Weapons were widely and easily attainable, and indiscipline among both soldiers and civilians was high.

The propaganda produced during these years is sometimes connected to rape during the genocide; in other words, rape was not an accompaniment to genocide, rather, it was a strategic method to destroy the Tutsi as a group (Green, 2001). Tutsi women were presented as sexual objects in hate propaganda, which fuelled ethnic hatred. These women were demonised, which some authors suggest partly account for the mass rapes during the genocide (Baines, 2003; Green, 2001). This point about propaganda is very important in the analysis of rape in Rwanda during the civil war and genocide. The propaganda "justified" violence against Tutsi women, and specifically targeted them even over Tutsi men for violence. In light of the widespread rape of women following this, this propaganda should not be underplayed.

Tutsi women were accused in propaganda of using their sexuality to gain support for the RPF from the U.N. Assistance Mission to Rwanda (UNAMIR) and foreign governments.

In extremist literature, Hutu cartoonists depicted Tutsi women as prostitutes capable of enlisting Western support for the RPF cause through the use of their sexual charms. One cartoon shows General Romeo Dallaire, the head of the United Nations peacekeeping force in Rwanda before and during the genocide, in an amorous embrace with two Tutsi women. The caption on the cartoon reads:

¹³ Reproduced in Taylor, 1999: 174.

“General Dallaire and his army have fallen into the trap of fatal women.” (Taylor, 1999: 172-173)

Rwandan women who “abandoned” Rwandan men in favour of foreigners (who were viewed as sexually perverse) were subject to increased violence (Baines, 2003).

Thus, Tutsi women often became the objects of condemnation for “violating tradition.” In the early 1980s, there emerged a growing objection to the behaviour of Tutsi women who dressed “too stylishly” or who had European or American boyfriends; they were subjected to harassment, intimidation, or even incarceration by Rwandan police and military personnel. It was common for Hutu to speak of these Tutsi women as “prostitutes” who would use their sexual cunning to trick employers into giving them jobs. Christopher Taylor tells of such an incident:

When I arrived in Rwanda in the summer of 1983, women told me that some of them had literally had the clothes cut off their bodies with bayonets and then had been forced to stand in the street nearby naked until a truck would come and take them to a detention centre. Charged with “vagabondage” and prostitution, hundreds of Rwandan women were incarcerated in rural detention centres. These detention centres were intended to be “straightening out” centres for those whom the Rwandan government believed had a lack of morals. (Taylor, 1999: 161)¹⁴

Similarly, Prunier writes,

Administrative control was probably the tightest in the world among non-communist countries. In the early 1980s, this legislation was used to arrest “loose women” who were living in Kigali without proper authorization – most of them “happened” to be the Tutsi girlfriends of Europeans. (1995: 77)

¹⁴In authoritarian Rwanda, these women turned out almost unanimously to be Tutsi women as well as Hutu women opposed to extremist ideology.

Women in Rwanda during the civil war and leading up to the genocide were in a position of subservience to Rwandan men. However, though all Rwandan women were of lower status to men, only Tutsi women and politically moderate Hutu women were targeted for political violence. Thus, violence against Tutsi women was not a result of patriarchy; rather, the violence was political.

5.2.2. Evidence of Rape

During Rwanda's civil war, it was reported that soldiers leaving the front lines raped and pillaged communities (U.S. Dept. of State, 1993). Women and especially high school girls were the main victims of these attacks, which did not occur as a part of the fighting. They were perpetrated by soldiers who had free rein to abuse the Tutsi population (who were regarded as supporters of the RPF) (U.S. Department of State, 1993). Africa Watch (1993), in conjunction with human rights groups within Rwanda at the time, found that women and children were not spared from violence. Rather, women were frequently killed in massacres, beaten, raped, and arrested. Reports of the rapes of young, mainly teenage girls are common (Africa Watch, 1993).

A report by Africa Watch (1992) documents various human rights abuses during the civil war, including various accounts of rape by President Habyarimana's soldiers. One of these instances occurred in November 1991, when a group of armed Hutu soldiers invaded the Rwankuba sector of Murambi commune. The report states that while an 85-year-old woman was killed, the younger women (aged 18-21) were gang raped by soldiers (HRW/Africa, 1992). In another incident, fourteen women were raped by soldiers, all of them young. Since women were selected for rape, we can conceptualise that rape occurred as part of looting¹⁵, and not a systematic policy.

The reasons for the rapes are unknown; however, some of them accompanied looting by soldiers (HRW/Africa, 1992). Additionally, it is well documented that attacks against civilian Tutsi were increasing at this time, and that soldiers lacked discipline (Africa Watch, 1992; Uvin, 1999; Kuperman, 2000). In another incident, one victim was told by the soldier who had raped her that,

¹⁵ By "looting", I suggest that women were raped when the soldiers were allowed to take what they wanted from subjected communities. Just as material goods were taken, women were also "taken".

“because she was a ‘snobbish, stupid Tutsi bitch’, she would get either ‘a Hutu bastard or AIDS or both’ if she was lucky” (HRW/Africa, 1992: 16). According to a later report, “Rwandan soldiers frequently rape women, but because they are never punished for the crime, victims rarely report the attacks. Women know that to accuse soldiers is futile and may well lead to further harassment or even death” (Africa Watch, 1993: 11-12). This certainly caused a severe under-reporting of rapes at this time.

Human Rights Watch documented attacks on Tutsi civilians that appear to have been ordered. One study found:

Authorities at the highest level, including the President of Rwanda, were responsible for these abuses, which were carried out by civilians, soldiers from the Rwandan army, and by the militias attached to the MRND and the CDR. Local administrative officials had coordinated the attacks in many cases. The report pointed out that the president and government of Rwanda tolerated the activities of armed militias attached to political parties, a clear violation of Rwandan law, and that these militias were playing an increasingly important role in violence against Tutsi and members of the political opposition. (HRW, 1996)

Furthermore, victims also reported that soldiers were accompanied by civilians who were participants in the fighting and looting (Africa Watch, 1992). One report finds: “These were not simply rogue incidents of populist militance; an international commission of inquiry that visited Rwanda in January 1993 found evidence that these attacks were directed from the security services in the office of the President” (cited in Newbury & Newbury, 1999: 305). While these attacks appear to have been ordered, it is uncertain whether the violence occurring within the attacks (such as rape) had in fact been ordered. However, it is clear from these reports that abuses against “enemies of the state” were allowed and even encouraged.

During the civil war, violence against Tutsi women increased, as did violence in general (Mann, 2005; Newbury & Newbury, 1999; Uvin, 1999). This can be attributed to the ready availability of weapons and the exponential rise in enlisted soldiers – composed mainly of young, unruly,

and in general poorly trained men. After the RPF invasion, President Habyarimana increased the military from 5,000 to 35,000-50,000 men (Africa Rights, 1995; Mamdani, 2000; Prunier, 1995).

It was never a problem for President Habyarimana to find men to fill his ranks. Prunier writes, “If some idealists enlisted to ‘fight the feudalists’, most of those who joined did so in order to have an opportunity to eat, drink and loot since pay was minimal and irregular” (1995: 113). It is perhaps because of this small salary that the men were given free rein to loot “enemy” belongings. Looting quickly came to include rape.

There is consensus that there was a general breakdown in soldier discipline following the cease-fire in mid-1992, which led to rumours of demobilization (Prunier, 1995). In addition, as a result of continued RPF attacks and the subsequent rise of internally displaced citizens, many of these now homeless and extremely poor men were drafted into the *Interahamwe*. Lemarchand suggests that many came to hate the Tutsi because of “an enduring sense of ethnic hatred born of the sufferings and hardships they experienced at the hands of the RPF” (2008: 126).

5.2.3. Rape by RPF Soldiers

When the RPF invaded Rwanda and began the civil war, they were not generally seen as “liberators” by the masses. In reality, they often created panic within Rwanda and caused tens of thousands of Rwandans to flee. It is estimated that by 1992, over 300,000 Rwandans had become internally displaced as a result of the RPF invasion (Prunier: 1995). Rapes against women during and after the RPF’s advance were reported (HRW, 1993).

One source reports that women were kept in RPF hideouts in the forest to serve the soldiers. These women were abducted and forced to wash clothes, cook food, and sleep with the soldiers from the time of the invasion in 1990 (Twagiramariya & Turshen, 1998).

There are also reports of the RPF attacking civilians, engaging in massacres, and looting property (Africa Watch, 1993; Kuperman, 2004). Furthermore, many Tutsis within Rwanda at the time

felt the RPF were doing them more harm than good. This is because the RPF were seen as provoking violence against Tutsi citizens as a result of the fighting (Kuperman, 2004).

The RPF, by African standards at this time, was a very well trained and highly disciplined army. However, they still committed abuses against civilians. These abuses, though, were on a different level of frequency and intensity than the abuses committed by Rwandan soldiers, which were much more frequent and severe. This can in part be explained by the different makeup of the two armies: one was poorly trained and undisciplined; the other (the RPF) was well trained with more discipline and organization. Military tactics also played a role in whether civilians were victimised. As long as the *Interahamwes*' targets were political adversaries, violence against them was acceptable. The RPF, however, was fighting to takeover Rwanda. This could not include committing limitless atrocities against the very people they hoped to rule. When incidents did occur, they were not a result of structural planning, but rather of individuals or small groups breaking the rules.

5.2.4. Conclusion: Conceptualisation

In summary, during this period, President Habyarimana's propaganda incited among the population the fear of a Tutsi attack on Hutus' livelihood and freedom. Tutsi women were also attacked, albeit in a different manner. Their sexuality became a public and political concern. It therefore became increasingly difficult for intermarriage or relationships between Hutu and Tutsi to take place. It was soon alleged that virtually all Tutsis were supporters of the RPF and were thus enemies of the state. Tutsi women were thought to be using their sexuality to further the goals of the RPF, which meant they could no longer be trusted. Because of the cultural notion of Tutsi women as more beautiful and also more unattainable, undisciplined and unruly soldiers raped women along with murdering civilians and looting homes. These soldiers received virtually no reprimand for their criminal actions. Rwanda was becoming more dangerous and the young men who composed the *Interahamwe* erupted in a frenzied assault on women's bodies when the genocide began.

The key features of rape during this period are as follows:

First, the creation of the *Interhamwe* in 1991 allowed for the arming and military training of thousands of young men. These men proved to be detrimental to women's safety. Tutsi women (as perceived supporters of the RPF) were especially at risk from this group. Civilians were also increasingly becoming armed due to the low cost and easy availability of weapons.

Second, increasingly common hate propaganda in Rwanda at times specifically targeted Tutsi women. This propaganda accused Tutsi females of using their sexuality to gain support for the RPF. Hutu women were spared this propaganda.

Third, after the RPF invasion in October 1990, there was an increase in the number of crimes of all kinds in Rwanda. This was also due to the arming of civilians. Attacks against Tutsi women (and men) became more frequent.

Lastly, not only Hutu men but RPF soldiers as well attacked civilians. Abductions and rapes were reported by RPF soldiers, though it is unclear which group the victims came from (Hutu or Tutsi).

Clarity: Rape occurred in Rwanda prior to the genocide of 1994, as did other forms of violence against Tutsis. These rapes were brutal in nature, but there were also some sadistic forms of violence that suggest rape as torture. The rapes were not ordered, but they were allowed. Hutu women were largely spared this violence, suggesting ethnicity as a pretext to violence.

Utility: Tutsi women were featured in propaganda during this period which targeted them on a political and sexual basis. This has the potential to explain why Tutsi women were raped during the civil war and the genocide, and may help explain the rape of women in other ethnic wars.

5.3. Rape in Genocide (April – July 1994)

Currently, information on rape within the genocide and information on the genocide is difficult to separate. While the context of the genocide is extremely important in understanding the

outbreak of mass rape that occurred at its start, it is difficult to propose theories when scholars are unable to isolate rape from the goal of the genocide – namely, to destroy the Tutsi. In order to understand the reasons behind the multitude of rapes, then, other factors must be considered. I will present many theories of rape and propose that, while some are more relevant than others, rape in this particular genocide was a result of a multitude of factors.

5.3.1. Background to Genocide

The genocide began on 6 April 1994, after it was announced that President Habyarimana's plane, also carrying Burundian president Cyprien Ntaryamirama, had been shot down over Kigali, after returning from negotiations in Arusha.¹⁶ The origins of the genocide continue to be debated, but the consensus is that the genocide was a final effort of a dying regime to remain in power (Des Forges, 1999; Hintjens, 1999). Or, as Lemarchand suggests:

The decision to apply the full force of genocidal violence against all Tutsi, as well as every Hutu suspected of Tutsi sympathies, stemmed from a straightforward, rational choice proposition: either we kill them first, or else we'll be killed. Thus framed, the logic of the "security dilemma" left no alternative but to annihilate the enemies of the nation. (2008: 124)¹⁷

The shooting down of President Habyarimana's plane was explained as yet another attempt by the Tutsi to annihilate the Hutu.

Ethnic status as a Tutsi was tantamount to a death sentence. We can see the political nature of the genocide because the first killings were of "opposition" Hutu, like Prime Minister Agathe

¹⁶Though a full investigation has never been carried out, it is known that the plane was shot down by two surface-to-air missiles, presumably (but this remains unknown) by Habyarimana's own party in order to 'justify' the genocide against the Tutsi (Scherrer, 2002).

¹⁷ Similarly, according to Barry Posen's "ethnic security dilemma," there can be "logic" to mass violence, including genocide. Posen writes, "A group suddenly compelled to provide its own protection must ask the following questions about any neighboring group: is it a threat? How much of a threat? Will the threat grow or diminish over time? Is there anything that must be done immediately? The answers to these questions strongly influence the chances for war" (1993: 27).

Uwilingiyimana, who were seen as supporters of the Arusha process. The killings then moved on to the general Tutsi population. They were carried out by the *Interahamwe* youth group, Rwandan military, and Hutu civilians. It is now accepted that because of the swiftness and character of the assassinations and the swift killing of civilians, the genocide had been planned far in advance (Verwimp, 2006; Straus, 2008).

The Rwandan government puts the number killed at over one million (Government of Rwanda, 2008). Des Forges found that “a U.N. expert evaluating population loss in Rwanda estimated that 800,000 Rwandans had died between April and July 1994, but this figure included those who had died from causes other than the genocide” (Des Forges, 1999:17). Based on these estimates, she proposed that at least 500,000 were killed (Des Forges, 1999: 18). Gérard Prunier’s estimate of the numbers killed during the 100 days of the genocide is widely considered accurate:

The approximate number of deaths in the genocide could be placed at between 800,000 and 850,000, a loss of about 11% of the population – probably one of the highest casualty rates of any population from non-natural causes. This figure should be taken not as a factual body count but as the least bad possible [*sic*] in late 1994. (Prunier, 1995: 265)

Based on this estimate, Prunier estimates the number of killers at 80,000-100,000 (1995: 342). Research conducted by Scott Straus estimates the number of active participants in the genocide at 175,000-210,000 or 7-8% of the active adult Hutu population (Straus, 2004). The genocide is notorious both for its speed (more people were killed between 7 April and 21 April than the remainder of the genocide), and its excessive brutality, with machetes being a common instrument in the killings (Prunier, 1995).

During these 100 days of violence, rape was perpetrated on a mass scale against Tutsi women. Estimates of rapes vary: 15,700 rapes are cited by the Rwandan Ministry for the Family and the Promotion of Women (cited in UN Report: E/CN.4/1998/68), while 200,000 is cited by Newbury & Baldwin (2001) and 250,000 estimated rapes occurred according to Human Rights Watch (1996). Des Forges suggests the number of rape victims was in the “tens of thousands” (1999:

163). The number of 200,000 to 500,000 rapes is generally reached due to the estimate that out of every 100 rapes there is one pregnancy, and 2,000 to 5,000 babies were born because of the rapes (HRW, 1996). These children, far from being welcomed in the community, are often called “children of bad memories,” “devil’s children,” or “little *Interahamwe*.”

The first major post-war attempt to prosecute participants in the genocide, the ICTR, has been unable to deal with the load of cases before them in an efficient manner. With an estimated 6, 808 alleged rapists to be tried (Rwanda Development Gateway, 2008), rape crimes were moved to the local *gacaca* courts (Kinyarwanda for “justice on the grass”) which meant that perpetrators had to plead guilty but would face a lesser sentence than through the ICTR (Graybill & Lanegran, 2004).

It is particularly difficult to know the number of rape victims, because many were killed after the rapes. Evidence of this is found through testimonies. Witnesses have reported finding corpses that appear to have been sexually assaulted or raped before being killed. For example, one witness told the International Criminal Tribunal for Rwanda (ICTR) court that a woman was taken behind a school by a soldier at a roadblock and only the soldier returned. The witness stated, “That evening, we saw the dead girl with braids lying sprawled on her back. Her clothes were torn and she had wounds all over her lower abdomen and thighs, and there was a lot of blood coming from her private parts” (ICTR, 2003). In another example, Major Brent Beardsley, assistant to General Dallaire, testified to the ICTR:

There was a great deal of what we came to believe was rape, where the women's bodies or clothes would be ripped off their bodies, they would be lying back in a back position, their legs spread, especially in the case of very young girls. I'm talking girls as young as six, seven years of age, their vaginas would be split and swollen from obviously multiple gang rape, and then they would have been killed in that position. So they were lying in a position they had been raped; that's the position they were in. (quoted in Askin, 2005: 1008)

Rape victims were mostly Tutsi, but included Hutu women who were seen as collaborating with the RPF in some form, usually through marriage or relations with Tutsi. The majority of rapes were of Tutsi women and girls. Young and old alike were not spared; victims ranged in age from 5 to 71 (African Rights, 2004).

Rape during the genocide took many forms. Sexual mutilation, gang rape, and rape with foreign objects occurred. Women were reportedly most at risk at roadblocks. Some women were raped as they tried to pass, while others were captured in their homes or in the bush and brought to roadblocks to be either raped or killed (often both) (African Rights, 2005). Three explanations are commonly applied to discussions of rape in the Rwandan genocide that will be investigated in this section. These are: (a) rape as looting, (b) the military culture of indiscipline and (c) rape as genocide.

5.3.2. Rape as Looting

The genocide relied upon the extensive participation of civilians. At the time of the genocide, Rwanda was extremely poor and unemployment was widespread. As a reward or payment for participating in the genocide, civilians were allowed to loot or claim land that had belonged to those who had been killed. People agreed to participate out of fear as well as out of a sense of obedience, which was historically very strong (Newbury & Newbury, 1999; Umutesi, 2000).

The rapes may very well have been a form of looting; that is, soldiers who fought were given the “spoils” of war: property, material goods, and women. This was tolerated even by the wives of the men who raped. An account in Hatzfeld confirms this: “I did not hear many women protesting against Tutsis being raped. They knew this work of killing fiercely heated up the men in the marshes. They agreed on this except, of course, if the men did their dirty sex work near the houses” (2005: 103). Another perpetrator revealed, “Some killers claimed girls in the marshes; that satisfied them and made them neglect the looting. They figured they’d catch up the next day” (Hatzfeld, 2005: 80). Yet another perpetrator reported, “The rule was, to kill there, to loot on the way back” (Hatzfeld, 2005: 104).

Often rape victims were traded among the *Interahamwe* (Lemarchand, 2004; Nduwimana, 2004; Des Forges, 1999), suggesting that women were regarded as the property of their rapists. Some perpetrators went so far as to disobey clear orders in order to keep Tutsi women as “wives” during the genocide. Colonel Alphonse Nteziryayo, standing trial for genocide and crimes against humanity, allegedly threatened men who were hiding Tutsi women they had raped. A witness told the ICTR court that Nteziryayo ordered these men to comply and “hand them over to be killed or die with them,” after which these Tutsi women were reportedly rounded up and killed (ICTR, 2004).

Women were gang raped, kept as “wives,” or traded as sexual slaves among the *Interahamwe* (African Rights, 1995b; Des Forges, 1999). Some Hutu men even obtained Hutu identity cards for women they raped, to save them from being killed (African Rights, 1995b). Contrary to the taking of “occupation wives” which Antony Beevor discusses, the taking of “wives” during the genocide was reportedly a result of indiscipline and looting. Women became property in which to be looted along with other items. With the taking of houses, property, and other items, Tutsi women became a commodity. It is not exceptional, in this type of environment, that women were bought and sold among soldiers, especially since Tutsi women had historically been viewed as desirable, but unattainable too.¹⁸

5.3.3. *Military Culture of Indiscipline*

The *Interahamwe* was the military group mainly responsible for carrying out the genocide. They did this through conducting killings and recruiting civilians to kill. As was done during the civil war, the *Interahamwe* recruited poor males with a bleak future. Prunier writes:

¹⁸The genocide officially ended when the RPF took Kigali. A new government was sworn in on 19 July 1994 (Prunier, 1995). Those responsible for the genocide were captured, or fled Rwanda to become refugees in neighbouring states. While some are still being held in Rwanda’s extremely overcrowded prisons, and a few have been tried, most, due to the sheer number of perpetrators, are still unaccounted for.

As soon as they went into action, they drew around them a cloud of even poorer people, a *lumpen-proletariat* of street boys, rag-pickers, car washers, and homeless unemployed. For these people the genocide was the best thing that could ever happen to them. They had the blessings of a form of authority to take revenge on socially powerful people as long as these were on the wrong side of the political fence. They could steal, they could kill with minimum justification, they could rape, and they could get drunk for free. This was wonderful. The political aims pursued by the masters of this dark carnival were quite beyond their scope. They just went along, knowing it would not last. (1995: 231-232)

It was these recruits, rather than the trained military, that committed most of the rapes (African Rights, 1995b).

Alcohol was also widely available and abused. This certainly increased the incidence of crime of all kinds, including rape. One witness who was locked up at the home of an *Interahamwe* and repeatedly raped testified that, often, when the soldier came to rape her “he had been smoking herbs or drinking alcohol” (ICTR, 1998).

5.3.4. Rape as Genocide

It has been suggested that the mass rapes were a means to destroy the Tutsi as a group alongside genocidal killings, either directly or through breaking apart communities and relationships (HRW, 1996; Mullins, 2009; Twagiramariya & Turshen, 1998).

Some scholars argue that rape furthered the destruction of the Tutsi because death was expected later on. One victim told the ICTR court that soldiers told her they would kill her whole family and kill her “by raping her” (ICTR, 2001).

It has been suggested, in order to complement the notion that the rape was ordered by the organisers of the genocide, that the transmission of HIV/AIDS through rape was an additional genocidal means of destroying the Tutsi over time. One example is as follows:

I was raped by two gendarmes.... One of the gendarmes was seriously ill, you could see that he had AIDS, his face was covered with spots, his lips were red, almost burned, he had abscesses on his neck. Then he told me, "Take a good look at me and remember what I look like. I could kill you right now but I don't feel like wasting my bullet. I want you to die slowly like me." (cited in Nduwimana, 2004: 19)

However, of the interviews conducted with genocide rape victims, very few suggest that the rapist intended to kill his victim slowly by infecting her with HIV/AIDS. Though it has been estimated that 67% of genocide rape survivors are HIV-positive, there is no way to know whether they had contracted the virus before, during, or after the rapes (Hentz, 2005). We cannot deduce from HIV prevalence alone that rape was a means of deliberately destroying the Tutsi.

Though the genocide had been organised by an elite group of individuals (extremists in President Habyarimana's party), there is no empirical evidence to support the charge that the government or the organisers of the genocide had ordered or authorised the use of rape. An African Rights report states:

Unlike in the case of the killings, there is no evidence that the architects of the genocide had prepared lists of women they wanted to see raped, nor indeed that specific instructions went out to the *Interahamwe* that they should rape women. (1995a: 44)

5.3.5. Conclusion: Conceptualisations

It is reasonable to state that rape wasted the time and energy of the soldiers committed to the destruction of the Tutsi – unless, of course, rape was a means to destroy the Tutsi group. As posed in the introduction, if genocide involves killing as efficiently as possible, as was the case in Rwanda, then why pause to engage in rape? Scholars currently agree that rape during the genocide aided the destruction of the Tutsi, but there is a lack of consensus as to exactly how this

was achieved and whether it was intended. What is agreed upon is that rape was widespread, that it aided in the Tutsi's destruction, and that it was condoned by the organisers of the genocide. There is at the present time no solid empirical evidence to support the theory that rape was intended to destroy the Tutsi as a group. It is therefore reasonable to conclude the rapes, for the purposes of carrying out a genocide, did not further the soldiers end goal of destroying the Tutsi as a group.

Rape was perpetrated by the military, by paramilitary forces, and by civilians (though the majority of rapes were perpetrated by armed groups, such as the *Interahamwe*). Rape victims were primarily Tutsi, but included Hutu women who were seen as sympathetic to the RPF. However, scholars agree that rape was not ordered the way the killings had been – there were no lists of women to be raped (whereas lists of people to be killed did exist).

Tutsi women throughout the years had been regarded as more beautiful than Hutu women, and therefore as more unattainable. Because of this, some suggest they were quickly “claimed” when the genocide began. But all Tutsi, including Tutsi women, were also seen as supporters of the RPF. They were therefore “deserving” of their punishments, unlike Hutu women who, unless they were elitist, were seen as innocent bystanders. For years, Hutu men had been told that Tutsi women were snobbish, arrogant, and inaccessible. For some men, the realisation that they were able to take whatever Tutsi women they wanted must have been irresistible. Hutu women were reportedly raped in greater numbers toward the end of the war, when there were less Tutsi women to rape, or when women could not prove their Hutu identity (Des Forges, 1998).

Rapes in Rwanda continued even after the end of the genocide. Amnesty International and human rights groups in Rwanda reported that the advancing RPF (which became known as the Rwandan Patriotic Army (RPA) after July 1994), committed violence against Rwandan civilians. This included the rape of Hutu and Tutsi women – many of them genocide rape survivors (Amnesty International, 1994; Twagiramariya & Turshen, 1998).

The key features of rape during this period are as follows:

First, the perpetrators of the genocide (both those doing the killing and the raping) were extremely undisciplined. Many of the rapes were committed by armed civilians instead of the trained Rwandan army.

Second, rape took many forms: some women were raped, some were raped then killed, some were gang raped, some were kept as “wives,” or traded among the *Interahamwe*. This suggests that different motivations must account for the rapes.

Third, three key types of rape have been identified during the genocide: rape as a result of indiscipline, rape as looting and rape as genocide. As shown, there is too little evidence to support the notion of rape as a form of genocide during the Rwandan genocide. However, it is well known that rape accompanied looting, and as stated above, that rape was perpetrated by extremely undisciplined men.

Clarity: Rape was widespread during the genocide period. Victims were specific: Tutsi women or Hutu women allied with the RPF, which indicates that the rapes were political.

Utility: Conceptualisations show that rapes accompanied the fighting – the more intense the fighting, the greater the number of rapes. When Rwanda became a failed state after the death of Habyarimana, rape against Tutsi women was extremely widespread, but still only targeted Tutsi women, not all women. Even though all women in Rwanda lived in a patriarchal culture, Hutu women were largely safe from sexual violence. This indicates that the rapes had an ethnic component, though ethnicity was politicised.

CHAPTER SIX: CONCLUSION

This thesis analysed current conceptualisations of rape as a “tool of war” across various academic disciplines: Anthropological Studies; Feminist Studies; Historical Studies; Political Studies; studies of conflict in Africa; and more specifically studies of conflict in Rwanda. The intent was to strengthen our conceptual understanding of rape during armed conflict.

Rape was here defined as

the insertion, under conditions of force, coercion, or duress, of any object, including but not limited to a penis, into a victim’s vagina or anus; or the insertion, under conditions of force, coercion, or duress, of a penis into the mouth of the victim. (UNHCHR: Report E/CN.4/Sub.2/1998/13)

Armed conflict/war was defined as organised violence, resulting in a certain number of deaths per annum. Inter-state conflict is organised political violence with 1,000 deaths per annum. Intrastate conflict is organised political violence that kills at least 1,000 persons, with a yearly average of at least 100 (Small & Singer, 1982).

The methodology used was a critical analysis of concepts. In this dissertation, rape as a “tool of war” was critically analysed using two criteria: clarity and utility.

Conceptual clarity herein means revealing the clear and concise meanings of rape as a “tool of war.” In other words, does a particular conceptualisation enable the same ideas or understandings to be shared among scholars? Precise and clearly defined points are the most beneficial. Typically, ambitious and overly comprehensive definitions spoil clarity.

Once the image is clear, the utility is examined; in other words, is the image useful for our understanding of the concept? Generalisations and theories are developed from the hypothesis, which enable us to refer to a concept’s utility. For example, if the concept of rape is the presence of violence, we can hypothesise that (violent) rape will increase when more men have arms and military experience.

Clarity: Rape in war is understood as the sexual penetration of women, but there are vast differences in the understandings of the violence and the reasons for it:

The first issue to be settled is whether the rape in question took place in the midst of violence, without consent, or both. Definitions differ amongst scholars. If rape is defined as necessarily involving violence, the qualities of the violence are critical to our understanding. For example, is unnecessary and excessive violence included, such as the insertion of objects other than the penis? Some scholars stress the brutality of sadistic violence that can accompany rapes.

However, if rape is defined as the absence of consent, our understanding of the concept changes. When these definitions are used, we must go on to ask whether the consent needs to be active or not. In many African societies, women lack the structural power to say no to sex. This suggests that silence does not necessarily mean consent. Here, the qualities of the violence are less crucial.

Second, our understanding of rape as a “tool of war” changes according to our definition of “armed conflict/war.” For example, while some scholars define war as a set of events marked by violence, which must cause death or injury, some (more radical) feminists define war as a permanent setting whereby women are structurally subordinated by men. According to this view, women are kept in a constant condition marked by violence and the inability to make their own life choices.

Third, the violence in armed conflict/war is understood differently amongst scholars. Some stress excessive violence (Hobbes’ “war of all against all”), while others stress sadistic violence. When sadistic violence is stressed, rape as terror and torture are conceptualised.

While some war campaigns are planned, ordered, and systematic, other campaigns have a complete lack of central planning. Thus, the violence (rape) within war campaigns differs. Conceptualisations of rape due to indiscipline are commonly associated with the lack of a central plan in a war campaign. This occurs when the goal is personal gain and looting, or when large numbers of child soldiers are involved. It also occurs when soldiers are not paid, but instead are allowed to forage. When these factors are present, the number of rapes will increase, since rape

can sometimes be viewed as a method of foraging and theft. In other words, soldiers who fight are given the “spoils” of war: property, material goods, and women.

When women are raped in war campaigns that are planned, it matters which women are targeted. In ethnic wars or genocide, for example, only specific women are targeted for rape, while others are left alone. During genocide, there are two distinctions to be made: rape during genocide and genocidal rape. Rape during genocide occurs due to mass participation in the genocide and the subsequent chaos that ensues. Rape in this instance is not necessarily as important as killing as many people as quickly as possible. However, this differs greatly from conceptualisations of genocidal rape. Here, rape is a systematic policy intended to cause the death of a group, however slowly. These rapes are especially brutal in nature.

Antony Beevor’s conceptual typology is a major contribution to our understanding of rape in war. He identified four “waves” of rape that occurred during WWII: (a) “conquest” rape; (b) rape due to indiscipline; (c) rape due to structural deprivation where women become prostitutes; and (d) rape due to severe and widespread material deprivation. Using his analysis, we can formulate numerous hypotheses. For example, the greater the indiscipline, the greater the likelihood of rape. In addition, targeting women for rape suggests looting as the motivation, while indiscriminate rape suggests “conquest” rape.

Utility: It is important to assess how useful these different conceptualisations are in our understanding of rape as a tool of war. First, the depiction of a permanent war against women by some feminists does not allow us to use Beevor’s analysis of the “waves” of rape, or the changing nature of rape according to changes in the conflict. Instead, women are portrayed as permanent victims of the structural patriarchy. This conceptual understanding is overly ambitious and thus less useful.

Other conceptualisations stress the brutality of the violence that occurs during rape. These conceptualisations lead us to theorise about state failure. When a country descends into chaos, the number of rapes, along with other forms of violence, will increase. This is not due to a

permanent structure of violence, rather a war of all against all. Rapes in this instance will occur indiscriminately and are not ordered.

When the sadism of violence is stressed, it is linked to theorising about rape as torture or a form of torture. This rape is planned and organised and can occur on both sides of the conflict. When rape is committed by the state, rape as a form of state repression is theorised. When terror is chosen as the method of waging war, it is usually done so as a result of asymmetrical power relations – that is, an extreme inequality between fighting factions. In this case, rape can be used to create fear and anxiety amongst populations. This causes the population to flee, allowing territory to be occupied. In other cases, a relationship of subordination is created.

The possession of weapons also has an effect on the safety of women during armed conflict. This, coupled with the patriarchal notion of male superiority, leaves women in a dangerous position, especially when they are internally displaced or flee as refugees. Such attitudes are present before the outbreak of conflict, highlighting why many women are raped by men on the same side of the conflict that they are on.

When rape is conceptualised as genocide, two conditions can be present: genocidal rape with the intent to cause the slow death of a group, and rape as a means of terror. When rape is used as terror, it is meant to cause population flight through fear and anxiety about rape. Territorial conquest is then the goal.

Rape in post-war contexts can also be connected to theories on peace operations, reconstruction, and transitional justice. As in the DRC, some of the worst rapes can happen after peace accords are signed and soldiers leave the war unemployed, armed, single, and with military training. Women's safety should thus still be a priority during peace operations.

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