

Women's participation in the Rwandan genocide: mothers or monsters?

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Abstract

The participation of women in the 1994 Rwandan genocide should be considered in the context of gender relations in pre-genocide Rwandan society. Many 'ordinary' women were involved in the genocide but, overall, committed significantly fewer acts of overt violence than men. Owing to the indirect nature of women's crimes, combined with male 'chivalry', women may be under-represented among those pursued for genocide-related crimes, despite the broad conception of complicity in Rwanda's Gacaca Law. Women in leadership positions played a particularly important role in the genocide, and gendered imagery, including of the 'evil woman' or 'monster', is often at play in their encounters with the law.



'No women were involved in the killings ... They were mad people; no women were involved. All women were in their homes.'

Female genocide suspect, Miyove prison¹

'I believe that women are just as guilty of this genocide as men.'

Female genocide suspect, Kigali Central Prison²

Women's participation in the 1994 Rwandan genocide has been brought to light by several high profile trials of Rwandan women in international jurisdictions, notably before the International Criminal Tribunal for Rwanda. Almost 2000 women remain in Rwandan prisons, convicted of genocide-related offences.³ Ranging from illiterate farmers to former political, religious and military leaders, judges, journalists and teachers, their stories attest to the fact that women were not only victims of atrocities, but also committed them. While representing a relatively low proportion of genocide-related detainees compared with men (less than 6%),⁴ it is impossible to understand women's diverse experiences of the genocide without exploring their participation in the violence.

This article takes a small step in this direction. Based primarily on research conducted in Rwanda in 2001, including interviews with 71 detained female genocide suspects, it considers four central questions. First, what was the extent and nature of women's participation in the genocide? Second, if the forms of women's participation differed from men's, what are the legal consequences of this distinction? Third, what may have motivated 'ordinary' women to participate in the violence? Fourth, what roles did women in leadership positions play during the genocide, and how much actual power did they wield? A fifth question permeates the text: how did gender influence women's participation in the genocide, as well as their subsequent encounters with the law?

This article notes that women participated in the genocide in a variety of ways but were rarely directly engaged in the killings. It contends that where women conformed to gender expectations and participated 'indirectly' in the genocide (in particular, by denouncing Tutsis to the killers), less moral blame is attributed to them, both by the women themselves and by those responsible for bringing them to justice. One possible effect is the differential treatment of women in the Rwandan courts,⁵ despite the formal requirements in Rwandan law. On the other hand, where women challenged gender and cultural stereotypes and played a more

1 Interview, respondent #29, 10 July 2001. As the author's interviews with female genocide suspects were conducted under condition of confidentiality, their names are not cited in this paper (with the exception of Euphrasie Kamatamu, see below note 152). Rather, a number has been given to each interview respondent, from 1 to 71, reflecting the order in which interviews were held.

2 Interview, respondent #13, 3 July 2001.

3 Ligue Rwandaise Pour la Promotion et la Défense des Droits de l'Homme (LIPRODHOR), *Rapport de Monitoring des Prisons au Rwanda. Période: 1er Trimestre 2008*, p. 17 (showing 1738 women convicted of genocide-related offences and a further 395 still awaiting trial). Note that in addition to this number, many more would have been convicted of property offences – subject only to a penalty of civil damages or restitution and not a sentence of imprisonment.

4 As at February 2008, females represented 5.7% of people detained in relation to the genocide (2133 from a total of 37,213). *Ibid.*

5 This article focuses on trials of female genocide suspects through the national courts, and not through the complementary 'traditional' justice system called *gacaca*, whereby suspects are tried in the community before their peers, in thousands of local tribunals across the country. *Gacaca* trials commenced on 15 July 2006, after a 15-month pilot period, and are due to be wound up at the end of 2010. LIPRODHOR, *Rwanda/génocide: La clôture des Juridictions Gacaca imminente*, 27 July 2009, available at <http://www.liprodhor.org.rw/Cloture%20Gacaca.html> (last visited 15 October 2009). Hearings before the *gacaca* tribunals warrant a separate analysis, which is outside the scope of this paper.

‘direct’ role in the violence, they have often been regarded as ‘evil’ or ‘non-women’ and treated with the full force of the law.

This article is divided into three parts. The first part is a brief background chapter, which considers women’s status in pre-genocide Rwanda, within the family and in political life. This part focuses on questions of gender that provide some context to women’s subsequent participation in the genocide. The second and third parts adopt a division frequently used in Rwanda, and represented in Rwandan law, between the wider civilian population and the leaders deemed responsible for planning and inciting the genocide. The second part, drawing primarily on the author’s interviews with female genocide suspects, focuses on the participation of ‘ordinary’ women in the genocide. It suggests that the indirect participation of women in the genocide was more widespread than detention statistics indicate, thanks at least partly to the ‘chivalry’ of men.⁶ The third part discusses the roles of women in leadership positions during the genocide, drawing examples from the political realm, the military and the Catholic Church. It asserts that these ‘powerful women’ were particularly influenced by the genocidal ideology and explores the dichotomy between their depiction by others and how they present themselves before the law.

Women’s status in pre-genocide Rwandan society

‘Only by starting from the outside, with the social construction of gender, or with women’s experiences of their total lives, or with the structure of the domestic space, can we begin to make sense of what is going on.’⁷

Just as the Rwandan genocide cannot be explained in isolation from the political environment in which it took place,⁸ understanding women’s participation in the genocide requires an appreciation of gender relations in pre-genocide Rwandan society. This section briefly explores two aspects of those relations: women’s roles within the family and in political life.

Women’s traditional roles within the family

Popular Rwandan dictums, such as ‘the hen does not crow with the cocks’,⁹ ‘in a home where a woman speaks, there is discord’¹⁰ and ‘a woman’s only wealth is

6 For an explanation of this concept, see below note 75 and accompanying text.

7 Maureen Cain, ‘Towards Transgression: New directions in Feminist Criminology’, in *International Journal of the Sociology of Law* 18, 1990, pp. 1–18, see p. 10.

8 See, for example, Gerard Prunier, *The Rwanda Crisis: History of a Genocide*, Columbia University Press, New York, 1995.

9 Bernardin Muzungu, o.p. ‘L’Héroïsme au Féminin’, in *Cahiers Lumière et Société*, Histoire IV, No. 8, p. 43, December 1997, Butare, Rwanda. NB: Translation from Kinyarwanda (*Inkokokazi ntibika mu masake*) provided by Léo Kalinda, Montreal, 26 November 2001.

10 Avega ‘Agahozo’, ‘Survey on Violence Against Women in Rwanda’, Kigali, 1999, p. 32.

a man¹¹ vividly describe the patriarchal structure of traditional Rwandan society and women's consequent inequality within the family. Many Rwandan and international organizations have detailed women's subordination to men in this society, in which the Rwandan woman is a symbol of 'fertility and weakness',¹² while the man is a symbol of strength and protection,¹³ who 'makes all major decisions'.¹⁴

In traditional Rwandan society, women's responsibilities included educating the children, welcoming visitors, managing the household, advising their husbands and maintaining traditions.¹⁵ A gender-based division of labour was instilled at an early age. Among other skills, '[b]oys were taught to defend the interests of the family and the nation [and] were initiated in combat techniques ... Girls, on the other hand, were groomed to help their mothers in the household chores. They learned obedience, respect, politeness, submission and resignation ...' Thus to '[b]uild a house or animal pen, go to the battlefield, milk the cows, ensure the family income and defend and protect the family were tasks assigned to men, while doing the housework, educating the children [and] pounding grain were tasks specific to women in rural areas.'¹⁶

Often illiterate,¹⁷ women in pre-genocide Rwanda were poorer than men.¹⁸ They conducted 65–70% of agricultural work across the country, including heavy work such as carrying water and firewood. Yet they did 'not possess and [did] not have the capacity to control natural, economic and social resources. They [we]re working on family farms in the service of household food production.'¹⁹ Physical and sexual violence against women, a topic that received much publicity in the

11 Government of Rwanda, Ministry of Gender and Promotion of the Family, *Projet 'Enquête Socioculturelle sur les Attitudes, les Pratiques, les Croyances en Rapport avec le Genre'*, in *Grandes Tendances Socio-Culturelles: Résultats de la Recherche Documentaire et des Interviews*, Centre Gasabo, November 1999, p. 13.

12 United Nations Food and Agriculture Organisation, *La Place de la Femme Dans Les Projets de Développement Rural: Le Projet d'Intensification agricole de Gikongoro au Rwanda, Etude de Cas*, F.A.O., Rome, 1991, p. 7.

13 *Ibid.*

14 Réseau Des Femmes Ouvrant Pour Le Développement Rural, *Étude sur l'implication des Femmes dans les Instances de Prise de Décision*, Réseau Des Femmes, Kigali, 1999, p. 34.

15 Government of Rwanda, above note 11, p. 12.

16 Ligue des Droits de la personne dans la région des Grands Lacs (LDGL), *Obstacles culturels à la Mise en œuvre de la Convention sur l'Élimination de Toutes les Formes de Discrimination à l'égard des Femmes au Burundi, en RD Congo et au Rwanda*, October 2007, pp. 12–13, <http://www.ldgl.org/spip.php?article1965> (last visited 23 September 2009).

17 Despite educational reforms during the 1980s which encouraged girls' participation in school, as at 1991, 70% of rural Rwandan women were still reported to be illiterate, as against 50% of rural men. United Nations Food and Agriculture Organisation, above note 12, p. 15.

18 'Rapport National du Rwanda aux Nations Unies pour la Quatrième Conférence Mondiale sur les Femmes, September 1995, Beijing (Chine)', Kigali, 1995 (hereinafter 'Report to Beijing'), p. 29.

19 United Nations Development Program (UNDP), *Common Country Assessment – Rwanda: Gender, 1999*, unpublished (on file with author), p. 8.

aftermath of the genocide,²⁰ was also reportedly common prior to it. It has, for example, been reported that in traditional Rwandan society:

‘From a young age, the [Rwandan] girl ... experiences different forms of violence that she does not discuss ... According to tradition, physical violence is perceived as a punishment. In most cases, women accept it as such ... The inferior status of the woman [and] her ignorance encourage her into submission and expose her to rape and sexual services ...

Women also suffer from psychological violence ... The woman is obsessed by the behaviour that is expected of her. She suffers from a total dependence on her husband.²¹

According to these reports, in pre-genocide Rwandan society, male domination within the family was the norm. Yet norms are always subject to exceptions, and the extent to which traditional gender roles had evolved by the time of the genocide is rarely specified.²² African Rights, for example, has noted that contrary to previously held notions of feminine behaviour, women were directly involved in state-sponsored violence that targeted Tutsis in educational establishments and the civil service in 1973.²³ The image of a woman who ‘suffers from the total dependence on her husband’ is also difficult to reconcile with the fact that prior to the genocide, 22% of rural households were headed by women.²⁴ Even the historical depiction of Rwandan women has been challenged to some extent by both the Rwandan government and some Rwandan women’s NGOs, which contend that gender relations within the ‘traditional’ Rwandan family were more equal than is often acknowledged.²⁵ For instance, they emphasize the role that women

20 See, for example, *Shattered Lives: Sexual Violence during the Rwandan Genocide and its Aftermath*, Human Rights Watch, New York, 1996; *Rwanda: Death, Despair and Defiance*, African Rights, London, 1995, chapter 10, pp. 748–797; and Avega ‘Agahozo’, above note 10. In a groundbreaking decision, on 2 September 1998, the ICTR found rape in the Rwandan conflict to be an act of genocide as well as a crime against humanity. It also found rape to constitute an act of torture, although, pursuant to the indictment, it did not convict on this ground. ICTR, *The Prosecutor v. Jean-Paul Akayesu*, Case No. ICTR-96-4-I, Judgement, 2 September 1998, in particular paras 692 (re: crimes of humanity of rape and other inhuman acts), 731 (re: genocide) and 687 (re: torture).

21 Government of Rwanda, above note 11, pp. 19–20.

22 Indeed, a recent (2007) report notes that ‘[i]n modern Rwandan society, significant developments have been observed ... 64.3% of survey respondents, men and women combined, consider that this division [the traditional division of labour] no longer has any merit’, LDGL, above note 16, p. 13.

23 African Rights, *Rwanda – Not So Innocent: When Women Become Killers*, African Rights, London, 1995, pp. 8–9.

24 Ministry of Agriculture (MINAGRI) report, as cited in Réseau des Femmes, *Profil Socio-Economique de la Femme Rwandaise*, Kigali, May 1991, p. 48. This statistic was broadly defined, to include women who were: widows; separated or divorced; in polygamous relationships (and who must effectively manage alone); young unmarried mothers; or women left alone following the absence of their menfolk, especially to the city.

25 Government of Rwanda, *National Gender Policy: A Revised Final Draft Submitted by E.C.A./E.A.-S.R.D.C.*, Kigali, March 2001, p. 10.

have traditionally played as adviser to their husbands, even if this role had to remain discrete and was not publicly acknowledged.²⁶

Gender relations in pre-genocide Rwanda were therefore undoubtedly more complex than often depicted. Nonetheless, as Adler, Loyle and Globerman state, 'the majority of Rwandan women in 1994 adhered to the traditional expectations of homemaking, childrearing, and creating community between households,' while men were responsible, among other things, for 'protecting their families and defending their communities'.²⁷ Given the impact of gender on social behaviour prior to the genocide, it is not surprising it also influenced subsequent events, as discussed later in this paper.

Participation in political life

'The Rwandan woman is absent from political life, where social and political decisions are made. She stays inside the home and therefore cannot participate in public debates ... She ... cannot make any decision for herself.'²⁸

This characterization of Rwandan women, while overly simplistic, does hold some truth. In particular, in the period before the genocide, while women were not completely 'absent from political life', they were certainly under-represented in Rwandan politics. Three female government ministers were appointed in 1992, by which time there were 12 female members of parliament, of a total of 70.²⁹ Yet there remained very few women in local leadership positions. Until and during the genocide in 1994, there were also still no female *prefects* or *bourgmestres* (mayors)³⁰ and as at 1990, women represented only 1% of *conseillers* (leaders at the sector level).³¹

Despite this reality, there have been some powerful women throughout Rwandan history who challenge the notion that the Rwandan woman 'cannot make any decision for herself'. In particular, the Queen Mothers in pre-colonial Rwandan society held substantial influence as adviser to the King, to the point that some early European explorers spoke of Rwanda as a territory ruled by a Queen.³² One notable example is that of Kanjogera, who in the late 19th century, together

26 SERUKA (Association pour la Promotion de la Contribution Active de la Femme Rwandaise au Développement), *Travail de Recherche Sur le Rôle de la Femme Rwandaise Dans les Mécanismes Traditionnels de Résolution des Conflits Initié par le Collectif Pro-Femmes/Twese Hamwe et Réalisé par l'Association Seruka*, Kigali, 1999, p. 14.

27 Reva Adler, Cyanne Loyle and Judith Globerman, 'A Calamity in the Neighborhood: Women's Participation in the Rwandan Genocide', in *Genocide Studies and Prevention*, Vol. 2, No. 3, November 2007, p. 216.

28 Réseau Des Femmes, above note 14, pp. 35–36, citing Rutazana (1997).

29 Report to Beijing, above note 18, p. 14.

30 Réseau Des Femmes, above note 14, p. 38 (citing statistics as at 1992).

31 Report to Beijing, above note 18, p. 15. Rwanda is divided into 12 *préfectures* (now called provinces), each headed by a *préfet* (prefect). Within each *préfecture*, there are *communes* (now called districts), headed by a *bourgmestre* (mayor). Communes are in turn divided into *secteurs*, headed by a *conseiller*. Within each *secteur* are numerous cells, the responsibility for which lies with leaders called *responsables*.

32 Christopher C. Taylor, *Sacrifice as Terror: The Rwandan Genocide of 1994*, New York, Berg, 1999, p. 179, note 8. For a discussion of some famous Queen Mothers in Rwandan history, see G. Prunier, above

with her brother, organized a coup d'état and killed the King and many of his supporters. They then proclaimed Kanjogera's own son as King and pitilessly hunted down their enemies. According to an expert on Rwanda, after installing her son to power, '[a]s Queen Mother, Kanjogera became the most important person in the Kingdom.'³³

A century later (albeit with few women in leadership roles in between),³⁴ Agathe Uwilingiyimana became Prime Minister of Rwanda. Nicknamed 'the rebel',³⁵ Uwilingiyimana was consistently at odds with the President's extremist clique.³⁶ Now regarded as a national hero, Uwilingiyimana is particularly renowned for her promotion of the rights of women and the girl-child and her fight against ethnic and sexual discrimination.³⁷ She became one of the first victims of the genocide, sexually assaulted and killed by the Presidential Guard on 7 April 1994 at the age of 40.³⁸

Three other women held key political positions at the time of the Rwandan genocide, and all three are now accused of instigating and/or participating in the genocide. First Lady between 1973 (the beginning of the Second Republic when General Juvenal Habyarimana seized power) and 1994, Agathe Kanziga was nicknamed Kanjogera after the famous Queen Mother mentioned above and was, by most accounts, a 'very powerful woman'.³⁹ Pauline Nyiramasuhuko, former Minister of Family Affairs and Women's Development and reportedly one of Kanziga's protégés, is on trial before the International Criminal Tribunal for Rwanda,⁴⁰ while Agnes Ntamabyaliro, former Minister of Justice, is detained in Rwanda and has received a life sentence in isolation for her alleged role in the genocide.⁴¹ The allegations against Kanziga and Nyiramasuhuko are discussed in more detail in the section on 'Women in Leadership Positions' below.

note 8, pp. 23–25 and 86; Jean Rumiya, *Le Rwanda Sous le Régime Du Mandat Belge (1916–1931): Racines du Présent*, Harmattan, Paris, 1992, pp. 134 and 172; and SERUKA, above note 26, p. 16.

33 G. Prunier, above note 8, p. 24.

34 Women achieved no leadership positions under colonialism. (The special schools created for chief administrators were exclusively reserved for men, while women were trained in housekeeping.) Following independence, there was only one female government minister under the First Republic, see Avega 'Agahozo', above note 10, p. 33.

35 Agathe Uwilingiyimana was appointed Prime Minister of Rwanda in July 1993. See Forum for African Women Educationalists (FAWE – Rwanda Chapter), *Agathe Uwilingiyimana: The Rebel. A Biography of the Former Rwandese Prime Minister Assassinated on 7/4/1994*, First Draft, February 2000, Kigali.

36 *Ibid.*, p. 28.

37 *Ibid.*, p. 4. As Minister for Education, Uwilingiyimana abolished the ethnic quota system in schools, encouraged girls to pursue science subjects and to continue onto University and increased the representation of women in decision-making positions in her department. *Ibid.*, pp. 25–26 and 21, respectively.

38 *Ibid.*, pp. 36–39. *The Prosecutor Against Pauline Nyiramasuhuko and Shalom Ntahobali*, Case No. ICTR-97-21-I, Amended Indictment, 1 March 2001, para. 6.4 (hereinafter 'Nyiramasuhuko Amended Indictment').

39 Interview with Alice Karekezi, Director of Human Rights, Justice and Governance program, Centre for Conflict Management, National University of Butare, 4 June 2001.

40 Nyiramasuhuko Amended Indictment, above note 38.

41 LIPRODHOR, *Rwanda-Génocide: Réclusion criminelle à perpétuité pour Agnès Ntamabyaliro*, available at <http://www.liprodhor.org.rw/Ntamabyariro%20reclusion.html> (last visited 22 September 2009).

Acknowledging, however, that their cases are not representative of women's involvement in the genocide more generally, the following section considers the participation of 'ordinary' women in the violence.

'Ordinary women'

Just as many Rwandans, when attributing responsibility for the genocide, distinguish between the 'ordinary' people who carried out the violence and the 'intellectuals' (Rwanda's 'Fourth Ethnic Group')⁴² who are considered to be the masterminds behind it, this article differentiates between 'ordinary women' and women in leadership positions. Although such binary divisions are generally contrary to feminist methodology, the distinction is consistent with both popular notions of responsibility for the genocide and the categorization of genocide suspects within the Rwandan justice system.

People who held leadership positions in Rwanda at the time of the genocide, and are accused of committing genocide or crimes against humanity or encouraging others to do so, are classified as 'Category 1' defendants.⁴³ Penalties for this category of offender are especially harsh, and included the death penalty until 2007, when this penalty was converted to life imprisonment in isolation.⁴⁴ Among these defendants, the 'planners or organisers of the genocide', and those who were 'at a national leadership level' at the relevant time are tried in the national courts, rather than through the local system of justice called *gacaca*.⁴⁵

'Ordinary women' (which in this article encompasses all those who did not hold leadership positions or influential roles within the Rwandan media during the genocide) were rarely among the ringleaders of the genocide and so are much more likely to be accused of Category 2 or 3 offences. These offences relate respectively to those who carried out the genocide (and their accomplices), and

42 Claudine Vidal, *Sociologie des passions: Rwanda, Côte d'Ivoire*, Paris, Éditions Karthala, 1991, pp. 28–44. Vidal identifies three characteristics of this 'ethnic group' (the 'elite') as follows: (1) adoption of a European lifestyle, (2) practice of the Christian religion, and (3) a total acceptance of the written version of history provided by European colonisers. *Ibid.*, p. 29. NB: The little-known third ethnic group in Rwanda is the Twa, Rwanda's original inhabitants, who comprised 1% of the population at the time of the genocide.

43 Article 51 of the *Organic Law No. 16/2004 of 19.06.2004 establishing the organisation, competence and functioning of Gacaca courts charged with prosecuting and trying the perpetrators of the Crime of Genocide and other Crimes against Humanity, committed between October 1, 1990 and December 31, 1994* (hereinafter 'Gacaca law'), available at: <http://www.amategeko.net/> (last visited 11 October 2009).

44 Article 72(1) of the Gacaca law, *ibid.* ('life imprisonment with special provisions'), read in conjunction with Article 4 of the *Organic Law No. 31/2007 of 25.07.2007 relating to the abolition of the death penalty*, available at: <http://www.amategeko.net/> (last visited 11 October 2009). The last executions in Rwanda were on 22 April 1998, when 24 people, including one woman, were executed by firearm in relation to genocide. As at March 2006, 606 detainees in Rwandan prisons had been sentenced to death. LIPRODHOR, *Peine de Mort: Résultats de la recherche sur la peine de mort au Rwanda*, Kigali, December 2006, p. 38, available at <http://www.liprodhor.org.rw/Peine%20de%20mort.pdf> (last visited 12 October 2009).

45 Gacaca law, above note 43, Article 2. NB: References to Article 9 in this Article should be read as Article 51.

those who committed offences against property. Since the Gacaca Law was enacted in 2004, people accused of these offences are tried uniquely through the *gacaca* tribunals and the maximum sentence (for Category 2 offences) is life imprisonment.⁴⁶ The categorization of suspects therefore plays a critical role in defining both the forum for trial and penalty involved.

The participation of 'ordinary women' in the genocide and its legal consequences

'The difference is that men killed, women didn't. I hear that some women called out to the killers, but I didn't see them do it.'

*Female (Tutsi) genocide suspect, Butare Prison*⁴⁷

'My understanding of the justice system is that if someone is guilty they will be punished; if they are innocent they will be released and it doesn't make any difference if they are a man or a woman.'

*Female genocide suspect, Miyove Women's Prison*⁴⁸

A thorough analysis of 'ordinary' women's participation in the genocide requires consideration of both the extent and nature of that participation. Regarding the first question, broad statements are often made about the proportion of the Rwandan population that was involved in the genocide.⁴⁹ Yet such statements are rarely supported by empirical data and often do not differentiate between the roles of women and men. If the degree to which the male civilian population took part in the genocide is a matter of much speculation,⁵⁰ the extent of women's participation is perhaps even more controversial. At one end of the scale is a view commonly expressed in Rwanda, that apart from a few isolated cases, women did not participate in the genocide at all; 'women just stayed home and cried whenever we heard about people killed.'⁵¹ While this was undoubtedly true for part of the female civilian population, such a view is belied by the number of women

46 *Ibid.*, Article 73.

47 Interview, respondent #50, 24 July 2001.

48 Interview, respondent #27, 10 July 2001.

49 For example, Mamdani claims: 'The truth is that everybody participated, at least all men.' Mahmood Mamdani, *When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda*, Princeton University Press, Princeton, 2001, p. 5.

50 Estimates of the proportion of male perpetrators of the genocide range from 'tens of thousands' to three million. Scott Strauss has applied a more scientific method of calculating the proportion of male perpetrators (defined as 'someone who materially participated in the murder or attempted murder of a non-combatant'), to conclude that, contrary to popular belief, only 14–17% of the adult male Hutu population (or 7–8% of the entire population) can be considered perpetrators of the genocide. Scott Strauss, *The Order of Genocide: Race, Power, and War in Rwanda*, Cornell University Press, New York, 2006, p. 115, note 28 and accompanying text.

51 Female genocide suspect, Butare prison (interview, respondent #62), 26 July 2001. Also see quote at the outset of this article. Rose Mukantabana, Executive Secretary of Rwandan women's NGO Haguruka, agreed that 'the majority of women were victims of the situation and stayed at home'. Interview with Rose Mukantabana, Kigali, 8 June 2001. According to Ms Mukantabana, the 'exceptions' were 'those in positions of authority or power, some respected leaders including some teachers and nuns, and other isolated individual cases'.

convicted of genocide-related crimes. Other Rwandans estimate that a 'minority' of women participated in the genocide,⁵² while others still hold the opinion that the 'majority' were involved.⁵³ Between these two positions is the view, as stated by one woman convicted of genocide, that 'many women were involved in the genocide. I am a woman and I participated, so I think other women did too.'⁵⁴ In reality, in the absence of a comprehensive survey, we are limited to anecdotal evidence regarding the extent of women's involvement in the genocide, but the author's research suggests that 'many' is a reasonable, albeit vague and slightly unsatisfactory, term to employ. Moreover, this question is inherently linked to the characterization of 'participation', which can be broadly or narrowly defined, as discussed below.

The few studies that have been conducted on this point, including the author's own, reveal that the nature of women's conduct during the genocide was diverse and included directly taking part in the killings.⁵⁵ Indeed, the number of 'ordinary' women who were directly involved in the killings – for example, in clubbing Tutsi neighbours to death – is such that they should not be considered an aberration.⁵⁶ Nevertheless, there is general consensus that women's genocidal activities were primarily at the level of looting of Tutsi property, revealing the hiding spots of Tutsis to the killers, and supporting their menfolk⁵⁷ – activities which, it has been noted, conformed to gender expectations of women.⁵⁸ Thus according to one female detainee, 'it is true that it was mostly men who killed, but women who were out in the fields and saw Tutsis hiding called out their hiding spots. Many men and women also stole from dead Tutsis.'⁵⁹

52 Interview with Alice Ndegeya, Executive Secretary, SERUKA (Association pour la Promotion de la Contribution Active de la Femme Rwandaise au Développement), Kigali, 25 June 2001.

53 One Rwandan lawyer, for example, stated: 'The criminality of women is very low in general in Rwandan society but ... the genocide was different. I believe the majority of women participated in it.' Interview with Bernadette Kanzayire, lawyer, Kigali, 12 June 2001.

54 Woman convicted of genocide, Gitarama prison, (interview, respondent #10), 17 July 2001.

55 See generally, African Rights, above note 23, and Nicole Hogg, 'I never poured blood: Women Accused of Genocide in Rwanda', MA thesis, Faculty of Law, McGill University, Toronto, Canada, November 2001.

56 Indeed, a high proportion of the author's interview subjects in Rwandan detention had been accused of directly participating in the violence. Specifically, the 71 women the author met in detention in Rwanda reported a total of 93 charges between them. Importantly, 43 of those charges (46%) involved 'killing', with her own hands or as a member of a group. This can be compared with 25 charges (27%) for exposing the hiding place of Tutsis or 'handing someone over' to the killers. This discrepancy, it can be concluded, is linked to the prosecutors targeting those who directly participated in the violence, as discussed later in this paper.

57 R. Adler, C. Loyle and J. Globerman, above note 27. Jeanne Mukamusoni, from the women's survivors' organization, Avega 'Agahozo', confirmed this conclusion, stating that: 'Women incited violence against other women, showed the hiding spots of Tutsis and looted in particular'. Interview with Jeanne Mukamusoni, Social Assistance and Medical Assistance Programme Officer, Avega 'Agahozo', Kigali, 11 June 2001.

58 According to Adler, Loyle and Globerman, above note 27, p. 220, 'women were also expected by armed killers to participate in the genocide by denouncing victims, looting and burning local properties, and lending support to the homicidal agenda of extremists.'

59 Woman convicted of genocide, Gitarama prison (interview, respondent #10), 2 July 2001.

This assessment is supported by Bernadette Kanzayire, a Rwandan lawyer, who explained as follows:

‘Some women played an active role. For example, they may have killed people or been members of the CDR [an off-shoot of President Habyarimana’s party, the MRND] ... Others were beside their husbands, for instance, when their husbands gave financial support to the militias. But the majority played a passive role, in refusing to hide their neighbours, and in particular, in showing the hiding places of Tutsis.’⁶⁰

Another female genocide suspect met by the author in detention in Rwanda – herself an educated Hutu woman married to a Tutsi man – provided a nuanced definition of women’s involvement (other than looting of property), as follows:

‘I think the majority of women participated in it, but in ways different to men. Their participation was limited to three aspects:

1. Refusing to hide Tutsis – for the most part, women were not interested in participating in the genocide in a positive sense, but the vast majority did not want to help Tutsis either ...
2. Assisting the killers – women assisted the killers by preparing the meals, fetching drinks and encouraging their men. Women brought provisions to the roadblocks and fed their men at home. No women criticised their men for being killers. This was not because they feared their husbands but because they believed in the need to kill Tutsis. Imagine the influence women could have had if they had tried to advise their husbands! One problem is that Rwandan women ... were taught not to contradict men.
3. Information – women knew a lot. Their eyes were open. In particular, women exposed the hiding places of Tutsis.’⁶¹

In assessing women’s responsibility, it should be noted that women supporting their menfolk in the ways set out in point 2 above has no legal consequences under Rwandan law.⁶² Moreover, with regard to the assertion that women should have tried to advise their husbands, it is clear that this particular woman was very strong (as demonstrated by her account set out under ‘other motivations’ later in this paper). Other women disputed they were able to influence their

60 Interview with Bernadette Kanzayire, lawyer, Kigali, 12 June 2001. One female detainee similarly stated: ‘I did not see any women with the killers, but I know that if they found people hiding they would beat them and steal their cows or call the killers’, female genocide suspect, Gitarama prison (interview, respondent #36), 17 July 2001.

61 Female genocide suspect, Kigali Central Prison (interview, respondent #13), 3 July 2001.

62 Indeed, were it to do so, this could potentially justify the concept of ‘total war’, as was apparently orchestrated against Tutsi civilians, who were all seen to be supporters of the Rwandan Patriotic Front. As the ICRC notes, this is a concern in many conflicts, whereby moral responsibility is seen to trump legal requirements, see Charlotte Lindsey, *Women Facing War*, ICRC, 2001, pp. 26–27.

husbands' behaviour, particularly once the genocide was under way. When the question arose in interviews with the author, these women commonly said their husbands had become like 'beasts' and that it was 'impossible' to stop them. Several said they feared their husbands would have hurt or killed them if they had tried to intervene. (In one case, for example, the woman concerned had clan links to Tutsis and claimed that her husband and son had killed her Tutsi daughter-in-law.)⁶³ One detainee, who accepted some responsibility for her Tutsi neighbour's deaths as she 'had not thought to warn them' about her husband's plans to kill them, said 'when I told him he had done a bad thing, he looked at me with eyes like an animal and told me it was not proper to speak to him like that.'⁶⁴ Another commented that 'women couldn't stop their husbands from going to kill because women didn't have any power. Women could only sometimes convince their husbands to let someone hide in their house; they couldn't stop a whole group.'⁶⁵ This view was supported by another woman, who stated: 'I was hiding a Tutsi woman in our house. He [my husband] was always arguing with me, telling me not to feed her ... Because I was hiding her, I couldn't argue with him about what he was doing during the day.'⁶⁶

Reverting to the question at hand, in light of 'ordinary' women's contributions to the genocide, did they nonetheless 'commit genocide'? According to the 'social definition' of the crime apparently held by many female detainees, they did not, at least relative to men. As one detainee said, 'Women have this feeling that they did not kill because they only called out'.⁶⁷ Consistent with this remark, another specifically concluded that 'women did not carry pangas so they were not as involved as men.'⁶⁸ Overall, very little moral responsibility was attached to these 'women's crimes' by the author's interview respondents, the large majority of whom did not view themselves as 'criminals'.⁶⁹

63 Female genocide suspect, Gitarama Prison (interview, respondent #38), 18 July 2001. It should be noted that this woman was also accused of being implicated in the murder.

64 Female genocide suspect, Nsinda prison (interview, respondent #70), 7 August 2001.

65 Female genocide suspect, Nsinda prison (interview, respondent #65), 6 August 2001.

66 Female genocide suspect, Gitarama prison (interview, respondent #34), 16 July 2001. NB: Some observers are unsympathetic to the argument that women had no power *vis-a-vis* their husbands. Rakiya Omaar of African Rights, for example, maintained that 'the argument that women were helpless to act against the genocide is bullshit. Women were not helpless.' Interview with Rakiya Omaar, Co-Director, African Rights, Kigali, 13 June 2001. Rwandan lawyer Bernadette Kanzayire took an intermediate view, claiming that women should have acted more benevolently within the limits of the power they actually had. She said '[b]efore the genocide, women ... followed the orders of their husbands and their families. But it has been stated that if women had played their "true role" as the centre of the family, the genocide would not have taken place. Women could have advised their husbands and sons or refused to prepare meals for them. Even if women did not have much power in Rwandan society they should have at least tried to do something.' Interview with Bernadette Kanzayire, lawyer, Kigali, 12 June 2001.

67 Woman convicted of genocide, Gitarama prison (interview, respondent #10), 2 July 2001.

68 Female genocide suspect, Gitarama prison (interview, respondent #43), 19 July 2001. NB: A panga is a large knife, similar to a machete.

69 Western feminist criminologist Francis Heidensohn has also observed that 'women reject a criminal identity with especial rigour'. In Heidensohn's view, '[t]he strong denials of their criminality by some women is probably, then, linked to "appropriate" gender-role behaviour,' Francis Heidensohn, *Women and Crime*, New York University Press, New York, 1995, p. 19.

The Rwandan Gacaca Law, however, leaves no doubt that people who called the killers are accomplices to genocide and subject to the same punishment as the actual perpetrators. That law contains a broad definition of accomplice as ‘the person who has, by any means, provided assistance to commit offences ...’⁷⁰ Indeed, the commentaries on the predecessor to this law, which had a stricter definition of accomplice, specifically stated that ‘showing the killers a hiding-place is an indispensable act, inasmuch as pointing it out has enabled the killers to find the victim.’⁷¹

Given the legal definition of complicity, the low proportion of women in Rwandan prisons (less than 6% of the total number of detainees convicted of genocide-related crimes)⁷² is incompatible with anecdotal evidence about the extent of women’s involvement in exposing the hiding places of Tutsis. One reason is highly practical: given the enormity of the task, prosecutors have deliberately targeted people charged with violent crimes that were committed overtly and are therefore easier to prove. As Bernadette Kanzayire explained, ‘the government has predominantly pursued those who killed. It is difficult to find proof and witnesses against people who participated in a less obvious manner.’⁷³ Former Rwandan Attorney General, Gerald Gahima, confirmed this explanation. He said: ‘prosecutors take the easiest cases to court; the most brutal, horrific crimes that occurred in public. A weak case takes longer to prepare and it is counterproductive to prosecute a case where there is a lack of evidence.’⁷⁴

There is also some evidence that in the pursuit of justice following the genocide, women have benefited from the ‘chivalry’ of men. According to the ‘chivalry theory’, which can be traced to criminologist Otto Pollak, male witnesses, investigators, prosecutors and judges are so infected by gender stereotypes that they either cannot perceive of women as criminals or feel protective towards them in spite of their suspected or proven criminality. Men therefore, perhaps unwittingly, exercise their discretion in women’s favour at each level of the criminal justice system – during reports, arrests, prosecution and sentencing.⁷⁵

70 Article 53 of the Gacaca law, above note 43.

71 Daniel De Beer, *The Organic Law of 30 August 1996 on the Organization of the Prosecution of Offences Constituting the Crime of Genocide or Crimes Against Humanity ... Commentary*, Alter Egaux Editions, Kigali, 1997, p. 35.

72 See above note 4.

73 Interview with Bernadette Kanzayire, lawyer, Kigali, 12 June 2001. Jeanne Mukamuzoni agreed it was difficult to find witnesses to testify against women. She said: ‘Victims saw and heard women committing these acts, but they were often in hiding, so it is difficult to say with certainty who was responsible.’ Interview with Jeanne Mukamuzoni, Social Assistance and Medical Assistance Programme Officer, Avega ‘Agahozo’, Kigali, 11 June 2001.

74 Interview with Gerald Gahima, former Rwandan Attorney General, Kigali, 3 August 2001.

75 Pollak argued that women commit just as many crimes as men, or at least more than the official figures indicate, but that women’s crimes are of a more covert nature. Specifically, he claimed, ‘the lack of social equality between the sexes has led to a cultural distribution of roles which forces women in many cases into the part of instigator rather than ... performer of an overt act’, Otto Pollak (1950), as cited in Patricia Pearson, *When She Was Bad: Violent Women and the Myth of Innocence*, Viking, New York, 1997, pp. 20–21. Although most feminist criminologists today characterize Pollak as a misogynist with little to give to feminist scholarship, some observers agree with his view that ‘the criminality of

When the author asked Mr Gahima to explain the low representation of women among genocide suspects in detention, he said: 'I think [this] is too low a figure, but I can't explain it. We know that women were involved in the genocide ... I don't think the Parquet [the Prosecutor's Office] is lenient on women, but I think that witnesses are more reluctant to testify against women.'⁷⁶ Mr Gahima himself added, however, that: 'I think that, compared to men, women are innocent. Women were mainly led by men.'⁷⁷

Rakiya Omaar, Director of African Rights, felt that both prosecutors and witnesses were influencing outcomes. She contended that the prosecutors have 'a general aversion to prosecuting women,' and that the population was also 'closing ranks around their women because it is so shameful in Rwandan society to admit that women could be responsible for genocide.'⁷⁸ Regarding shame, the author heard the same opinion from a female detainee, who claimed that:

'It is difficult to accept in Rwanda that women are killers. In our tradition, women are supposed to be humble people, to welcome visitors at home and show a good image. So, women would be ashamed to be found guilty. It is like a taboo, to think that women killed. Some people say it is not good to have women in prison and that is why some women are still outside prison.'⁷⁹

Some Rwandan lawyers also believe that the judges have 'a certain sympathy for women',⁸⁰ which has resulted in a relatively high rate of acquittals. Thus according to one Rwandan lawyer:

'I do not believe the level of acquittals for women really represents their lack of participation in the genocide. That is, I do not believe they are all innocent. I think the high acquittal rate of women is due to the indulgence of the judges, who look for reasons to acquit them. They usually say there was not enough evidence ... It is psychological.'⁸¹

In sum, 'ordinary' women's participation in the genocide was predominantly 'indirect' and included revealing the hiding spots of Tutsis to the

women is largely masked criminality.' Pearson, *ibid.*, p. 20. For a more detailed discussion of Pollak's theory, and criticism of it, see: Shelley Gavigan, 'Women's Crime: New Perspectives and Old Theories', in Ellen Adelberg and Claudia Currie (eds.), *Too Few to Count: Canadian Women in Conflict with the Law*, Press Gang Publishers, Vancouver, 1987, p. 51; Carol Smart, *Women, Crime and Criminology – a Feminist Critique*, Routledge and Kegan Paul, London, 1976, pp. 46–53 and Dorie Klein, 'The Etiology of Female Crime: A Review of the Literature', in Susan Datesman and Frank Scarpitti, *Women, Crime and Justice*, Oxford University Press, New York, 1980, p. 94.

76 Interview with Gerald Gahima, former Rwandan Attorney General, Kigali, 3 August 2001.

77 *Ibid.*

78 Interview with Rakiya Omaar, Co-Director, African Rights, Kigali, 13 June 2001.

79 Woman convicted of genocide, Gitarama prison (interview, respondent #10), 17 July 2001. On shame and women rejecting a criminal identity generally, see F. Heidensohn, above note 69.

80 Interview with Bernadette Kanzayire, lawyer, Kigali, 12 June 2001.

81 Interview with Vincent Karangura, lawyer, Kigali, 13 July 2001. Note, since the author conducted her research in Rwanda in 2001, the majority of genocide suspects have been tried by the *gacaca* tribunals. The author is unable to comment on whether the *gacaca* judges, chosen from the local community, also demonstrated chivalrous attitudes towards women.

killers. The character of that behaviour, which was often less overt and therefore more difficult to prove than that of those who wielded the machetes, combined with the apparent 'chivalry' of men, has translated into relatively low rates of female imprisonment despite the strict rigours of the law. This, in turn, further impedes attempts to determine the true extent of women's participation in the genocide.

Possible motivations

Just as the nature of women's participation in the Rwandan genocide was varied, so were the reasons for their actions.⁸² Each woman's decisions were driven by a confluence of factors that were sometimes experienced in similar ways by other women, but were often unique to an individual's particular circumstances. Nonetheless, during the author's interviews with women who had confessed to at least some of the accusations against them, three common themes emerged. The first two themes, namely fear and the effect of the anti-Tutsi propaganda, are considered below. The third theme was simple greed and opportunism, which related almost exclusively to the commission of property crimes and will not be discussed in this paper. Rather, under a third sub-heading 'other motivations', a range of other justifications are canvassed, which demonstrate that women's motivations cannot always be neatly categorized (as probably, neither can men's) and were sometimes the outcome of highly complex situations.

Fear

'If I wasn't a woman, maybe I would have helped this man. Because I am a woman, I was afraid and I shouted out.'

*Female genocide suspect, Gitarama prison*⁸³

As discussed earlier in this paper, traditional Rwandan culture dictated that women's 'proper place' was in the home. This tradition reportedly persisted during the genocide, such that 'men wanted women to stay at home and not to participate in the killings.'⁸⁴ If this is true, it appears that women were not under the same pressure as men, overall, to participate in the violence.⁸⁵ Fear was nonetheless a recurring theme among female genocide suspects interviewed by the author.⁸⁶

82 Scott Strauss has similarly noted, in relation to male genocide perpetrators, that 'motivation and participation varied during the genocide. There is no one reason why all perpetrators took part in the violence.' (above note 50, pp. 95–96).

83 Interview, respondent #12, 2 July 2001.

84 Female genocide suspect, Nsinda prison (interview, respondent #65), 6 August 2001.

85 Strauss details the 'intra-Hutu coercion' and fear of punishment in the event of refusal, which motivated 64% of his 210 male interview respondents to participate actively in the killings. (above note 50, p. 136). Mark Drumb, on the other hand, doubts that coercion was a major factor, even among male genocide participants. See Mark A. Drumb, 'Punishment, Post genocide: From Guilt to Shame to Civis in Rwanda', in *New York University Law Review*, Vol. 75, No. 5, November 2000, pp. 1247–48.

86 African Rights also reports detailed testimonies of people, including women, who participated in the massacres under threat, see African Rights, above note 20, pp. 995–1000.

These women said they had been forced by soldiers or the *Interahamwe* militia⁸⁷ to commit their crimes – most often, to expose the hiding place of Tutsis they had seen or were protecting in their homes.⁸⁸ Of course, sometimes these justifications appeared implausible, and other women interviewed in detention said they were able to continue protecting people in their homes by bribing the *Interahamwe* to turn a blind eye. In other cases, however, the explanations provided were highly credible, especially where women did not have the security of menfolk in their household.⁸⁹ According to one woman's explanation, for example, 'I tried to stop them, by telling them not to take her, to let me keep her, but they threatened to throw a grenade at me. My husband was dead, my son was in France, so I couldn't do anything to stop them.'⁹⁰

Sometimes, women were not subjected to direct threats, but nonetheless held substantial fear of the consequences if they refused to co-operate. Consider the following account:

'I was working in my sorghum plantation. Another woman found the boy hiding there and called out, so everyone knew there was a Tutsi around. The boy came running towards where I was working and hid near me. Then two *Interahamwe* came running after him and asked me where he was hiding. When I didn't respond, they took out their pangas. They scared me, so I told them where he was.

These were very violent men. They were the ringleaders of the *Interahamwe* ... They had been killing people and telling us in the community to kill as well. They had also been saying that if they found anyone hiding a Tutsi they would kill him [*sic*]. So, I thought they would hurt me if I did not co-operate, even though I cannot say if they would have killed me.

I did not believe this child had to die. I was just scared. I was hiding three of his family members in my home and one of those *Interahamwe* knew about it... Two of those three people are still alive and the other one died a natural death. But they are still very hurt about what I did ...⁹¹

This story describes the reality that many women were both complicit in the killings and helped others to escape from death. It also raises questions as to the level of courage expected from women – or indeed men – in such circumstances. As there was no certainty the accused would have been killed (perhaps 'only' hurt) should she have taken a greater risk to protect the boy? Moreover, given traditional

87 The *Interahamwe*, meaning 'those who stand together' in Kinyarwanda, was a militia formed in the period leading up to the genocide and which led many of the killings during the genocide.

88 Many of the author's interview respondents claimed they had tried to protect Tutsis in their homes, even if they had participated in the genocide in other ways.

89 The author acknowledges the subjectiveness of her assessments of the credibility of the stories provided by interview respondents. However, an impression was usually left, taking into account the totality of the interview (including the level of remorse expressed, and whether the respondent believed that genocide had taken place). Sentiments were also discussed and cross-checked with the author's translator.

90 Female genocide suspect, Kigali Central Prison (interview, respondent #19), 5 July 2001.

91 Female genocide suspect, Gitarama prison (interview, respondent #30), 16 July 2001.

gender dynamics as outlined earlier in this paper, which included frequent violence against women, is it relevant that the killers were both ‘very violent’ and that they were men?⁹²

Another variation on this theme arose where women feared not what might have happened to them personally if they refused to co-operate in the genocide, but what might have happened to others.⁹³ Take the example of a woman who poisoned and killed her own four children. The children were Tutsi on account of their father’s ethnicity, and she had sought protection for them among several of her Hutu relatives, which had been consistently refused. She feared the *Interahamwe* would otherwise kill them with a machete, and felt she had ‘no choice’ but to kill them in a more kindly way herself, even though there was no immediate threat. This woman also took poison herself, but survived. With a clearly broken heart, she stated: ‘I have confessed and I have even asked forgiveness from God. I know I am a sinner but I also loved my children. I did not want to kill them ... I cannot sleep at night.’⁹⁴

In another case, a young woman admitted that she took an old Tutsi woman to be killed by the *Interahamwe* after being threatened by one of its members that if she did not do so he would murder two Tutsi girls that she was protecting in her home. This woman made a conscious decision that the life of an ‘old woman, who was already sick and might not have survived anyway’, should be sacrificed in order to save the others, as she ‘wanted to protect the two girls’ lives, and, besides, I couldn’t protect all the Tutsis around.’⁹⁵ After this event, the young woman became friends with several members of the *Interahamwe*, and in particular, with the man who had threatened the girls but later ‘got used to them’. Belying the argument that all women were terrified of the *Interahamwe*,⁹⁶ she said: ‘Although I was a bit scared of them, they also feared me because I had a gun. (I got the gun when people threatened to kill my aunt. I told them if they hurt her I would kill them, or have them killed by Habyarimana’s cousins, who were friends of mine.)’ Later reflecting on her actions, she said ‘I regret a lot what happened, what

92 To the author’s knowledge, there is no precedent in Rwandan law, for gender to be taken into account when considering the defence of ‘irresistible compulsion’ (similar to the common law defence of duress) set out in Article 70 of the *Rwandan Penal Code* (Law No. 21/77 of 18 August 1977), Rwandan Ministry of Justice website, www.amategeko.net/ (last visited 13 October 2009). That provision provides ‘there is no criminal responsibility when the accused ... was constrained by a force he could not resist’. The *Commentaries on the Penal Code* provide that for the defence to apply, the compulsion ‘may be physical or mental [psychological] but it must be powerful. Nonetheless, the strength of the compulsion is ... assessed in taking account of the personality of the person under the compulsion, and of the situation in which he finds himself’. Moreover, the person affected by the compulsion must be ‘totally convinced ... that he risks serious and immediate harm, from which he can escape only by committing the criminal act which is demanded of him’. D. De Beer, above note 71, pp. 38–39.

93 Again, such cases could potentially fit within the defence of irresistible compulsion, according to which ‘[t]he risk of meeting with serious and immediate harm can affect someone other than the person under compulsion. This may be his children, members of his family, even other persons’. D. De Beer, *ibid.*

94 Female genocide suspect, Kigali Central Prison (interview, respondent #23), 6 July 2001.

95 Female genocide suspect, Kigali Central Prison (interview, respondent #27), 6 July 2001.

96 According to Adler, Loyle and Globerman, ‘despite the advancing RPF and ubiquitous anti-Tutsi rhetoric, women most feared fellow Hutus involved in genocidal activities’, (above note 27, p. 219).

we did to that old woman. Even if she was an old woman, she was still God's creation, and even if I couldn't have saved her, I shouldn't have accompanied [the *Interahamwe* member] to kill her. If he had then killed the two girls, at least it wouldn't have been my responsibility.'

Whatever one now thinks of the moral choices they made, it is clear that these women made extraordinarily difficult decisions in the face of devastating options. Not only do these cases demonstrate the simplicity of the claim considered in Part I that the Rwandan woman 'cannot make a decision for herself,' they also highlight the multifaceted role that some women played during the genocide, both participating in the violence and assisting others to survive.

The effect of anti-Tutsi hate propaganda and the 'trumping' of ethnicity over gender

Fear of men cannot explain all cases where women were involved in the genocide, particularly as in some cases it was not men, but other women, who incited other women to act.⁹⁷ Lisa Sharlach provides one explanation as to how Rwandan women, socialized to be caring and peaceful, became killers:

'In pre-1994 Rwandan society, those living in bodies marked as female were deemed to be particularly peaceful, maternal and empathetic, and females learned to perform this role. However, the socio-political changes in Rwandan society in the early 1990s – and particularly, the threat that the Hutu majority feared from the Tutsi in exile and in Rwanda – led to the society placing a much greater emphasis on the salience of the marker of ethnicity than of sex.'⁹⁸

This statement perhaps overstates the extent to which women shifted from traditional gender roles during the genocide, as the above discussion suggests that overall, gender expectations continued to influence women's behaviour during the bloodshed. Nevertheless, it may explain why many women became enthusiastic participants in the violence. Evidently, women were not immune to the genocidal ideology, and women in leadership roles, such as teachers and radio announcers, played an important part in disseminating the propaganda among the population. Drawing on the 1990 incursion by the Rwandan Patriotic Front (RPF), this propaganda claimed that all Tutsis were accomplices of the RPF, which was planning another invasion that necessitated acts of self-defence.⁹⁹ Several women who held leadership roles at either the national or local level, whom the author met

97 One woman described her co-accused as 'the ringleader of the group. She had so much power, she even used to fight with men. She was very enthusiastic and strong. She didn't have a husband, and didn't even want to take one because she was so strong.' Woman convicted of genocide, Gitarama Prison (interview, respondent #10), 2 July 2001.

98 Lisa Sharlach, 'Gender and Genocide in Rwanda: women as agents and objects of genocide', in *Journal of Genocide Research*, 1999, Vol. 1, p. 397.

99 See Jean-Pierre Chrétien *et al.*, *Rwanda: Les Médias du Génocide*, Éditions Karthala, Paris, 1995; *The Prosecutor v. Jean-Paul Akayesu*, Judgement, ICTR-96-4-T, 2 September 1998, paras 99–100, available at: ICTR, www.ictor.org/default.htm (last visited 13 October 2009).

seven years after the genocide, clearly remained convinced by this propaganda. These women emphasized that the country had been at war (which undoubtedly was the case)¹⁰⁰ and either rejected that genocide had occurred, or claimed there had been a ‘double genocide.’¹⁰¹ It is not surprising, therefore, that many ‘ordinary women’ also believed the propaganda. As one female detainee commented, ‘[t]he leaders told us that the Tutsis had prepared graves to put the Hutus in and that we had to kill the Tutsis first before they killed us. We believed them because they were educated people ... I believed them, and that is why I killed that woman.’¹⁰²

The propaganda also sowed divisions between women in Rwanda, by claiming that Tutsi women were ‘working for the interest of their Tutsi ethnic group’ and threatened to steal the jobs and husbands of Hutu women. One female detainee in the Kigali Central Prison thus explained:

‘Women believed in the need to kill Tutsis for 3 reasons:

1. Tutsis were perceived to be associated with the RPF. Women, like men, believed the propaganda. Most women had confidence in what they heard.
2. Hutu women hated and were jealous of Tutsi women.
3. Hutu women were jealous of Tutsis’ wealth. Women wanted their goods.’

This woman had personally believed the propaganda at first but after the genocide started, changed her mind:

‘When I saw so many children, women and old people killed, who could not have been part of the RPF, I began to understand that it was not a war, but a genocide that was planned in advance. I think the genocide was possible because of pre-existing hatred between Tutsis and Hutus, but that the politicians used these sentiments to achieve their goals.’¹⁰³

Even many women who were not necessarily committed to the genocidal ideology apparently accepted the fate of their Tutsi neighbours and former friends. As one young woman who was involved in the massacres said, ‘usually people didn’t say anything as we went past, but sometimes people would feel sorry for their neighbours and wave or say “bye”’.¹⁰⁴ Providing an important insight into the mentality of the average Rwandan woman during the genocide,

100 The ICTR has confirmed as recently as 14 July 2009 that ‘There is no dispute that there was an armed conflict of a non-international character between the Rwandan government and the military forces of the RPF.’ *The Prosecutor v. Tharcisse Renzaho*, Judgment, ICTR-97-31-T, 14 July 2009, available at: ICTR, www.ictor.org/default.htm (last visited 13 October 2009).

101 According to one woman who held this view, ‘if 1 million Tutsis were killed; 4 million Hutus were killed’. Female genocide suspect, Butare prison (interview, respondent #62), 2 August 2001.

102 Woman convicted of genocide, Gitarama prison (interview, respondent #10), 17 July 2001.

103 Female genocide suspect, Kigali Central Prison (interview, respondent #13), 3 July 2001.

104 Female genocide suspect, Gitarama prison (interview, respondent #37), 18 July 2001.

Josée Mukandamage, former Vice President of the Rwandan Supreme Court, explained:

‘Women’s participation in the genocide was more subtle than men’s. Women were not usually part of the death squads, but they only went so far for others. Women had been conditioned by then to think it was normal for Tutsis to die. So, even if they tried to help someone, they would not resist if someone came searching for that person, and they would not risk their lives for others.

It is the same thing today. If we see someone being beaten on the street, especially if we think that person is a thief, are we going to intervene to help him? I think not.’¹⁰⁵

This comment goes a long way to explaining women’s participation in the genocide. Many Hutu women, including those accused of genocide, demonstrated courage and compassion in trying to help Tutsis at an individual level. Women’s willingness to hide Tutsi children, for example, probably partly explains the high number of orphans in Rwanda today. Women’s ability to take a stronger stance against the genocide was also undoubtedly limited by gender dynamics and the atmosphere of violence. Nevertheless, it is clear that the anti-Tutsi propaganda had infiltrated many Rwandan households, including into the hearts and minds of many women, such that at worst, Tutsis had to die; at best, it was simply not considered any of their business.

Other motivations

The impact of fear and the anti-Tutsi propaganda, while contributing to an understanding of women’s behaviour during the genocide, fail to adequately encompass the diverse experiences of women who participated in the carnage. Indeed, several women met by the author could not explain why they became involved, or claimed that women ‘just got caught up in things we didn’t understand.’¹⁰⁶ Others admitted to having simply followed the crowd. Taken to its extreme, a minor involved in ‘uncountable’ killings described the times she went along with a group of people to massacre Tutsis as ‘fun, like playing a game.’¹⁰⁷

Sometimes women reportedly made errors of judgement in trusting neighbours or relatives with information about people they were trying to protect in their homes, only for that confidante to denounce them to the militia. Sometimes, women were traumatized by the events taking place, and gender relations also regularly came into play. One woman, the wife of a Tutsi man, who ‘finished off’ her sister-in-law with a hoe handle under pressure from three *Interahamwe* thus claimed, ‘I was only a woman and they were three men so I had

105 Josée Mukandamage, former Vice President of the Rwandan Supreme Court, 23 July 2001.

106 Female genocide suspect, Gitarama prison (interview, respondent #40), 18 July 2001.

107 Female genocide suspect, Gitarama prison (interview, respondent #37), 18 July 2001.

no power over them. And I wasn't myself by then. My whole family had been killed... I wasn't scared. I was just being used.¹⁰⁸

In one extraordinary story, a woman who had previously held hardline views though married to a Tutsi (they were members of opposing political parties during their marriage) recounted how she came to wear military uniform on two occasions during the genocide. In the first instance, this permitted her to get through the roadblocks to save her Tutsi niece who had been attacked but remained alive in a ditch. When subsequently caught by the *Interahamwe* trying to hide the girl, she offered herself as a sex slave (*femme de viol*) to the local head of the *Interahamwe* in order to protect the girl, and others, from rape. The girl was thus released and survived the genocide. On the second occasion she wore military uniform, she had travelled with her *mari de viol* (rape-husband) to Butare in order to find her husband and children, who were in hiding. This she achieved with the assistance of a young *Interahamwe* member, though she and her husband decided it was safer for him and the children to remain in Butare and for her to remain with her *mari de viol*. According to this woman, she was denounced because people saw her travelling with the *Interahamwe* and wearing military uniform, and she admitted 'I understand how they think I was involved.' It is worth noting that this woman was kept as the militia man's 'hostage' both throughout the genocide and in the refugee camp in Zaire afterwards. During her imprisonment, her husband – who survived the genocide – had visited her and sought her permission to take another wife.¹⁰⁹

It is, of course, impossible to detail the thousands of stories which explain how and why 'ordinary' women participated in the genocide. However, this story, like many others, demonstrates the complex realities of women's lives during the genocide. While the pursuit of those who perpetrated the genocide is indispensable to achieving lasting peace, labelling women as simply 'victims' or 'perpetrators' obscures the nuances of their experiences.

Moving from the participation of 'ordinary women' to that of those in leadership roles, the following section focuses on the imagery surrounding the trials of 'powerful women', and the gendered references that regularly come into play.

Women in leadership positions and questions of power

'I am a woman, I had no power.'

*Female Category 1 suspect, Kigali Central Prison*¹¹⁰

'I am really surprised they put me in the first category. I am a woman.'

*Female Category 1 suspect, Kigali Central Prison*¹¹¹

108 Female genocide suspect, Gitarama prison (interview, respondent #46), 19 July 2001.

109 Female genocide suspect, Kigali Central Prison (interview, respondent #13), 3 July 2001.

110 Interview, respondent #2, 27 June 2001.

111 Interview, respondent #22, 17 July 2001.

Some Rwandan NGOs argue that the genocide might have been avoided had women held more positions of power. They claim that '[w]omen have a different nature to men. They are not violent [I]f there had been more women in power, the genocide would not have taken place.'¹¹² This hypothesis is not only impossible to prove, it also sits uncomfortably with the fact that some women who *did* hold leadership positions during the genocide were allegedly also ardent supporters of it. Forty-seven women are on the list of 2202 'Category 1' genocide suspects in Rwanda,¹¹³ which includes the planners, organizers, instigators and ringleaders of the genocide, as well as those who occupied leadership roles in public administration, political parties, the army and religious denominations, and who committed or encouraged the genocide or crimes against humanity.¹¹⁴

In light of the position of women in pre-genocide Rwanda as described earlier in this paper, it is worth considering the accusations against some alleged 'Category 1' offenders and the level of power that women in leadership positions actually exercised in relation to the genocide. In doing so, this section focuses on the imagery at play in their encounters with the law, which is replete with gender references.

Women with political responsibility

Agathe Kanziga, widow of former Rwandan President Habyarimana and nicknamed 'Kanjogera' after the famous Queen Mother in Rwandan history, fled to France on 9 April, three days into the genocide. In February 2007, she lost her claim for asylum in France on the basis that there were serious grounds to believe she had committed the crime of genocide. At the time of writing, Kanziga is still living in Paris, wanted by the Rwandan authorities for trial.

There is extensive material that Kanziga was instrumental in planning and executing the genocide, even while in exile. She is accused, in particular, of playing a key role in: the creation and support of the extremist radio station RTLM as well as the extremist newspaper 'Kangura'; establishing and ensuring the training of the infamous *Interahamwe* militia, which led the killings during the genocide; and the drawing up of lists of political personalities to be eliminated by the

112 Interview with Judithe Kanakuzwe, National Co-ordinator, Réseau des Femmes, Kigali, 8 June 2001. Similarly, Venuste Bigirama, of Rwandan NGO ASOFERWA, said: 'I really think that if there had been more women in leadership positions, the genocide would not have occurred. Women are more sentimental.' (Interview with Venuste Bigirama, Technical Advisor, Association for Solidarity between Rwandan Women (ASOFERWA), Kigali, 11 June 2001). This position is consistent with the essentialist school of feminist thought. As explained by Lisa Sharlach, 'Essentialist feminists posit that men are inherently more warlike than are women ... Essentialists believe that the wars we have suffered are the result of male-dominated political and military systems. The world would be more peaceful if it were women making policy or "reweaving the web of life".' L. Sharlach, above note 98, p. 389.

113 Government of Rwanda, Category 1 List, <http://www.gov.rw/government/category1.htm> (last visited 3 September 2009).

114 Gacaca law, above note 43, Article 51.

Presidential Guard following her husband's death, including Prime Minister Agathe Uwilingiyimana. Even prior to the genocide, Kanziga is accused of being the 'centrepiece' of a system of repression, which included death squads, mafia-like economic activities, massacres and the disappearances of political prisoners.¹¹⁵ Using her important family ties, she is reported to have played a pivotal role in the appointments and demise of women in positions of responsibility.¹¹⁶

Kanziga has refuted all allegations against her. Before the French Refugee Commission, she asserted that her activities as First Lady were confined to the classic functions of protocol and representation, as well as the promotion of the status of women, and that she did not have the slightest influence over political events. Highlighting her position as honorary president of an orphanage, she also stressed her role as mother of eight children, claiming to have passed her time preparing meals for her family and taking care of the garden and livestock.¹¹⁷ Moreover, Kanziga argued, she never listened to the radio or read newspapers, and never discussed politics with her husband.¹¹⁸ The image thus presented was of a simple woman, a motherly figure, who was ignorant of political affairs.

These claims were rejected by the Commission, which found them to be 'not credible, devoid of precision and imbued with improbability', an obvious attempt to 'obscure her real activities during the preparation, planning and execution of the genocide'.¹¹⁹ Contrary to Kanziga's claims, the Commission found substantial evidence to suggest she had exercised a 'dominant role' in the elite circle of power named the *Akazu* ('little house'), and was among the 'hardcore' of this group.¹²⁰ This small clique 'held actual power since the 1973 coup d'état',¹²¹ such that the former First Lady 'without holding an official post, exercised real authority over the affairs of state'¹²² ... and was 'at the heart of the genocidal regime responsible for the preparation and execution of the genocide'.¹²³ The Commission further found that Kanziga maintained privileged links with the interim government¹²⁴ after the death of her husband, and in particular with her personal friend Pauline Nyiramasuhuko,¹²⁵ whose case is considered below.

Given the overwhelming number of expert reports and personal testimonies against her, it is clear that Kanziga has at least a case to answer regarding the Rwandan genocide. Yet in the face of serious allegations, her strategy was to try

115 Commission des Recours des Réfugiés (CRR), 15 February 2007, 564776, *Mme Agathe Kanziga veuve Habyarimana*, France: available at: <http://www.unhcr.org/refworld/docid/45d5bcad3c8.html> (last visited 14 October 2009), p. 2, citing the first instance decision of the Office Français de Protection des Réfugiés et Apatrides (OFPRA) against Agathe Kanziga, 4 February 2007.

116 *Ibid.*, p. 1, citing the first instance decision of the OFPRA against Agathe Kanziga, 4 February 2007.

117 *Ibid.*, p. 6.

118 *Ibid.*

119 *Ibid.*, p. 5.

120 *Ibid.*, p. 7.

121 *Ibid.*, p. 5.

122 *Ibid.*, p. 8.

123 *Ibid.*, p. 5.

124 *Ibid.*, p. 8.

125 *Ibid.*

to portray herself as a humble mother-figure, devoid of any political sensibility and thus apparently conforming to notions of a 'good woman' found in traditional Rwandan society. Clearly, the French Refugee Commission was not convinced by her attempts.

Another woman who is as notorious in Rwanda as Agathe Kanziga is Pauline Nyiramasuhuko, former Minister of Family Affairs and Women's Development, whose posting was reportedly facilitated by the former First Lady.¹²⁶ Nyiramasuhuko is one of the principal genocide suspects on Rwanda's 'Category 1' list. She is also the only woman indicted by the International Criminal Tribunal for Rwanda (ICTR) and is therefore considered by the international community to be a 'big fish'. After 726 days of trial, at the time of writing, the case against Nyiramasuhuko and her co-accused is in the judgement drafting phase, with judgement expected in mid-2010.¹²⁷

Nyiramasuhuko has been charged with a long list of crimes, including: conspiracy to commit genocide; genocide or alternatively complicity in genocide; direct and public incitement to commit genocide; murder, extermination, persecution; other inhumane acts; and outrages on personal dignity.¹²⁸ She is also the first woman to be accused of rape (carried out by people under her responsibility) before an international tribunal. According to the Amended Indictment against her, Nyiramasuhuko was 'a prominent political figure in the Butare prefecture'.¹²⁹ She is accused, *inter alia*, of having patrolled a roadblock near her home, together with her son Arsène Shalom Ntahobali, and used it 'to identify, abduct and kill members of the Tutsi population.'¹³⁰ On these occasions, witnesses assert, Nyiramasuhuko 'dressed in military uniform and carried a gun,'¹³¹ supervised killings and violence and told the *Interahamwe* to 'have no mercy'.¹³² Nyiramasuhuko's victims were reportedly often forced to undress completely before being taken to their deaths and numerous individuals claim that the former minister incited, witnessed, and even ordered the rapes of some of these women, including by her son.¹³³

126 *Ibid.*, p. 1, citing the first instance decision of the OFPRA against Agathe Kanziga, 4 February 2007.

127 *Report on the completion strategy of the International Criminal Tribunal for Rwanda (as at 4 May 2009)*, S/2009/247, 14 May 2009, para. 12, available at <http://www.ictor.org/default.htm> (last visited 12 October 2009).

128 Nyiramasuhuko Amended Indictment, above note 38, para. 7 ('Charges').

129 *Ibid.*, para. 4.2.

130 *Ibid.*, para. 6.27.

131 ICTR, Office of the Prosecutor, Butare Cases: Witness Summaries Grid (6 April 2000), Witness No. 54 (QF).

132 *Ibid.*, Witness No. 68 (RJ).

133 Nyiramasuhuko Amended Indictment, above note 38, para. 6.37. One witness claims that the Minister told the killers that they 'needed to rape all Tutsi women because they are arrogant', and that after this statement, some girls were immediately raped and killed. *Ibid.*, Witness No. 44 (QBP). Such claims are supported by Rwandan NGO Avega 'Agahozo', according to which 'the wickedness of Pauline Nyiramasuhuko is notoriously known and the militia she was supervising chose women for gang rapes and girls they sequestered to make them their wives.' (Avega 'Agahozo', above note 10, p. 17). Also see Peter Landesman, 'A Woman's Work', in *NY Times Magazine*, 15 September 2002, available at: <http://www.nytimes.com/2002/09/15/magazine/a-woman-s-work.html> (last visited 6 October 2009).

As to the motivations for her alleged behaviour, Maxwell Nkole, ICTR investigator, provided his belief that:

‘Pauline Nyiramasuhuko was convinced by the propaganda, especially the propaganda that caused divisions between women. The myth of the beautiful, arrogant Tutsi woman led to jealousy by Hutu women and an inferiority complex among Hutu women. This seems to have come through in the way she treated Tutsi women.’¹³⁴

Those working in Nyiramasuhuko’s defence paint a very different picture of her, describing their client as ‘very nice, a mother hen.’¹³⁵ Nyiramasuhuko herself, in an interview with the BBC in mid-August 1994, reportedly said ‘I am ready to talk to the person who says I could have killed. I cannot even kill a chicken. If there is a person who says that a woman, a mother, killed then I’ll confront that person’¹³⁶

Nyiramasuhuko has contended that despite being a Minister, she actually ‘had no power’ in the genocidal government.¹³⁷ She has stressed that she was relatively new to politics, having been appointed only in 1992,¹³⁸ and that she did not hold especially influential portfolios. Refuting the prosecution’s arguments that she was an intellectually weak woman who was appointed ‘to power and ranks in which no other Rwandan woman had during her time’, courtesy of her friendship with the President’s family,¹³⁹ Nyiramasuhuko told the Tribunal she was appointed ‘on merit because I had the necessary education and experience.’¹⁴⁰ She also noted that two other women – the former Prime Minister Agathe Uwilingiyimana and the former Minister of Justice, Agnes Ntamabyaliro – were appointed at the same time.¹⁴¹

Rwandans who knew Pauline Nyiramasuhuko defy any argument that she was powerless. As one figure contended, ‘it is not true that Nyiramasuhuko had no power. She did. She was extreme and she loved her party.’¹⁴² In the face of such

134 Interview with Maxwell Nkole, ICTR Investigator, Kigali, 11 July 2001.

135 Interview with Nicolas Cournoyer, Assistant Trial Attorney, Defence Team for Pauline Nyiramasuhuko, 15 May 2001.

136 Interview with Lindsay Hilsom, BBC, mid-August 1994, as cited in African Rights, above note 23, p. 106.

137 Interview with Nicole Bergevin, Lead Defence Counsel for Pauline Nyiramasuhuko, International Criminal Tribunal for Rwanda, Arusha, 30 May 2001. See also Hirondele News Agency, ‘21.09.05 – ICTR/BUTARE – Nyiramasuhuko Denies She Was a Powerful Woman’, in Hirondele News Agency, Arusha, available at: <http://www.hirondellenews.com/content/view/2904/26/> (last visited 6 October 2009).

138 Interview with Nicole Bergevin, *Ibid.*

139 Hirondele, ‘Nyiramasuhuko denies’, *ibid.*, and Hirondele News Agency, ‘12.09.05. ICTR/BUTARE – Female Genocide Suspect Nyiramasuhuko takes aim at Expert Witness’, in Hirondele News Agency, Arusha, available at: <http://www.hirondellenews.com/content/view/2876/26/> (last visited 6 October 2009).

140 Hirondele, ‘Nyiramasuhuko denies’, above note 137.

141 *Ibid.*

142 Interview with Josée Mukandamage, Former Vice President of the Supreme Court, Kigali, 23 July 2001. Mukandamage described how during the genocide she had heard Nyiramasuhuko on the radio, encouraging massacres of Tutsis. She said ‘I was shocked when I heard that, especially from someone in her position’. Mukandamage also described an event which she and other women were trying to organize

competing images, the ICTR must determine the extent to which the former minister wielded actual power or engaged in the genocide. The Tribunal will also need to decide if her gender (which has been the focus of much of the media attention surrounding the case)¹⁴³ or the specific position held by Nyiramasuhuko to promote the rights of women, are relevant factors in the case.

The degree of power held by lower-level female political administrators is also in question before the Rwandan courts and *gacaca* tribunals. As noted earlier, at the time of the genocide no women held positions as *Prefects* or *Bourgmestres* in Rwanda, ranks that have been attributed with substantial responsibility for the genocide. Of the 1472 *Conseillers* at the sector level, only 17 were women (1.2%),¹⁴⁴ although more women held positions as '*Responsables*', the administrative leaders at the cell level.¹⁴⁵

One of the 17 female *Conseillers* at the time of the genocide was Euphrasie Kamatamu, former *Conseiller* of the Muhima sector in Kigali. Kamatamu was convicted in 1998 as a Category 1 offender and sentenced to death.¹⁴⁶ She lost her appeal¹⁴⁷ but died in prison in September 2001 of natural causes. Witnesses at Kamatamu's trial testified that she had installed and controlled roadblocks in Muhima sector, which she patrolled regularly with her son; ordered the death of at least one man, and wandered through bodies, turning them over with a baton.¹⁴⁸ Kamatamu, on the other hand, proclaimed her innocence and said she had had no capacity to prevent the massacres in her sector. Like Nyiramasuhuko, Kamatamu specifically argued she *had no power* to prevent the genocide.¹⁴⁹ She also said she was unable to resign from her position, as the Prefect would not have allowed it. At least on this point, the Court agreed. It found that:

'The genocide was planned and it could not have taken place in the sector that she directed without her knowledge and participation. Otherwise, she would

in March 1994 at the sports stadium in Kigali, to celebrate National Women's day. Of Nyiramasuhuko, she said, 'even as minister for gender, she could not bypass politics and let women join together without distinction based on ethnic or political group. Instead, she turned it into a political event, inviting all her party members ... We were very disappointed. We did not even go.' (Interview with Mukandamage, *ibid.*) On the other hand, Mukandamage doubts the veracity of the allegation that Nyiramasuhuko incited her son to rape, claiming 'that's going too far. Can a woman really tell her son to rape? That's not her decision.' *Ibid.*

143 For an analysis of the media's fascination with Nyiramasuhuko's gender, see Carrie Sperling, 'Mother of atrocities: Pauline Nyiramasuhuko's role in the Rwandan genocide', in *Fordham Urban Law Journal*, Vol XXXIII, 2006, pp. 637–664.

144 Report to Beijing, above note 18, p. 15.

145 The author was unable to locate exact statistics on the number of female *Responsables* at the time of the genocide but anecdotal evidence, both inside and outside the Rwandan prisons, made frequent references to them. The author met two female former *Responsables* during her interviews with female genocide suspects in detention in 2001.

146 Tribunal of First Instance of Kigali, in the case of Kamatamu Euphrasie, Ndagijimana Innocent, Iiagena Alphonse, Marie and Habyalimana Thomas; Case Nos. RP014/CSK/97 and RP032/CS/KIG, Decision 17.7.98 (hereinafter 'Kamatamu judgement').

147 Kamatamu's appeal was decided on 2 May 2000 in the Kigali Court of Appeal. The appeal was rejected.

148 Kamatamu judgement, above note 146, p. 7 and 9. Also see African Rights, above note 23, pp. 134–142.

149 Kamatamu judgement, *ibid.*, p. 8.

not have continued to exercise her function as *Conseiller*, because any leader at this level who refused to co-operate lost [his or her] job or was killed.¹⁵⁰

The Court concluded that Kamatamu had ‘directed the massacres in the Muhima sector [against] Tutsis and so-called accomplices, victims who were executed as soon as they were discovered, which brought the whole of Muhima to fire and blood.’¹⁵¹ During an interview with the author in Kigali Central Prison on 27 June 2001, Kamatamu admitted her involvement in the distribution of weapons but said:

‘Regarding the guns, I agree, I did that. I gave out guns to the citizens to protect themselves, but not to kill Tutsis. The guns were provided to me by [former President] Habyarimana’s soldiers. At trial, I pleaded guilty to this charge but I asked for forgiveness because I had had no choice. I just did what I was told.’¹⁵²

Kamatamu continued to maintain her innocence in respect to the other allegations. She also insisted upon the fact that she had ‘tried to protect Tutsis’ in her house, and that ‘up until now, they come to visit me in prison.’ She said that if she were released: ‘I would thank God and go to the people who accuse me of killing, to ask for forgiveness and seek reconciliation. I would say sorry and I hope that they would also say sorry. I have already forgiven them.’ When the author asked, however, for what she would seek forgiveness, given that she claimed not to have committed any crime, she said, ‘[i]t would not come from my heart because I did not do anything to them.’¹⁵³

Women in the military

While there are some celebrated female military figures in Rwandan history,¹⁵⁴ women were relatively rare in the Rwandan military in the period prior to the genocide. Reportedly, even ‘those who embraced a military career never attained positions of high command.’¹⁵⁵ Yet among the few women in the Rwandan military, some reportedly held substantial power, as demonstrated by a case that came

150 *Ibid.*, p. 12.

151 *Ibid.*, p. 13.

152 Interview with Euphrasie Kamatamu, Kigali Central Prison, 27 July 2001. Given that Kamatamu died in prison on 7 September 2001 after exhausting all appeal options, in this instance, the author no longer feels obliged to maintain the confidentiality of the interview.

153 *Ibid.*

154 According to legend, at least two Rwandan women are famous for their military skill. The first is Ndabaga, who was the daughter of King Ndararasa. As the King had no son, Ndabaga learned military exercises and amputated her breasts so that she resembled a man, then joined the army. While Ndabaga is revered for her loyalty, she also stands as a symbol of the gravity of a situation, whereby even women have to bear arms in order to defend the country. Thus the dictum ‘Rwanda has arrived at Ndabaga’s’ meaning ‘in a situation of extreme difficulty.’ See B. Muzungu, above note 9, pp. 46–47. There is also a well-known female army commander in Rwandan history who led an attack against a Belgian expedition. J. Rumiya, above note 32, p. 166.

155 Report to Beijing, above note 18, p. 67.

before the Kigali Military Court in 1999. At the end of her trial, Major Anne-Marie Nyirahakizimana, a 46-year-old mother of three, was convicted as a Category 1 offender and sentenced to death.¹⁵⁶

The Court found Nyirahakizimana guilty of an extensive list of crimes, including incitement to genocide. This charge related to an incident in early April 1994, soon after the death of President Habyarimana. On that day, according to the judgement, Nyirahakizimana found a group of *Interahamwe* grilling beef. She asked the group: 'What have you done since the death of the Father of the Nation? Your greed has no limits. Kill the people first, then their goods will be yours. You are eating their cows while their owners are still alive.'¹⁵⁷ The Court held that these words, which were aimed at dividing the population and inciting Hutus to kill Tutsis, were the cause of the massacres of Tutsis in Gikondo Commune, as 'it was after the discourse pronounced by Major Anne Marie Nyirahakizimana that the persons who had been in that place spread out over rural areas, killing and pillaging.'¹⁵⁸

Nyirahakizimana, in her defence, attempted to represent herself both as powerless and a saviour, and thus defied the negative image of her that was being constructed in the Court. She insisted that the allegations against her were false and that she had never collaborated with the militias,¹⁵⁹ although at one stage a soldier had loaned her a weapon because she suffered from hypertension.¹⁶⁰ She admitted that she was with the *Interahamwe* on the day of the alleged incitement offence, but argued that this was because she was forced to go with them, after she had prevented them from searching her (Tutsi) neighbours' homes and they had accused her of being an accomplice of the RPF.¹⁶¹ She argued that the *Interahamwe* militia members were strong, that they had even killed many soldiers, and that she, as a woman, could not help but be frightened of them.¹⁶²

Nyirahakizimana did not limit her imagery to her alleged powerlessness. She also consistently insisted that her role during the genocide was not as a killer, but as a saviour. In the face of allegations that she directed military attacks and was at the centre of the Rwandan power structure as a member of the *Akazu*, Nyirahakizimana called witnesses to testify that she had saved them by hiding them

156 Military Court of the Kigali Specialised Chamber, Case No. R.P. 0001/C.M.C.S./KGL 799, 3 June 1999, Decision, Major GD Anne Marie Nyirahakizimana and Pastor Athanase Nyirinshuti. Ten years after her trial before the Military Court, Nyirahakizimana was tried again by the *gacaca* tribunal in Muhaga district. On 10 June 2009, that tribunal confirmed her conviction and sentenced her to life imprisonment in isolation, the harshest sentence available to the tribunal. 'Rwanda: prison à perpétuité pour une femme médecin de l'ex-armée', in *Agence France-Presse*, Kigali, 10 June 2009, available at: www.cyberpresse.ca/international/afrique/200906/10/01-87 (last visited 25 October 2009).

157 Military Court decision, *ibid.*, pp. 50–51, para. 11.

158 *Ibid.*, p. 51, para. 12.

159 *Ibid.*, p. 10.

160 *Ibid.*, p. 18.

161 *Ibid.*, p. 10.

162 *Ibid.*, p. 14

in her home,¹⁶³ and stressed that during the genocide she had exercised her profession as a doctor, caring for people in the hospital.¹⁶⁴ She claimed further that she had rushed to prevent her bodyguard, who had an ‘aggressive character’, from killing a man, but had arrived too late to save the victim.¹⁶⁵ Finally, although Nyirahakizimana admitted that she had sent a Tutsi man and his wife from the Shyogwe Parish to the military camp, where they had later been killed, she claimed to have done so for their own protection.¹⁶⁶ None of these claims was accepted by the Court, which denounced, in particular, Nyirahakizimana’s contentions that she had tried to save her neighbours, as being irrelevant to the charges at hand.¹⁶⁷ The Court further concluded that:

‘The eulogies in the conclusions of the lawyer for Major Anne Marie Nyirahakizimana regarding the heroic and intelligent character and humanitarian behaviour of his client must be denounced in view of the savage acts of genocide that she committed, which place her in the first category among the authors of the genocide and other crimes against humanity.’¹⁶⁸

The Court ultimately convicted Nyirahakizimana as a Category 1 offender, in light of the position of authority she had held as a Major in the Rwandan army and the role she had played both in committing and in inciting genocide and crimes against humanity.¹⁶⁹ For the purposes of the law, therefore, Nyirahakizimana’s good deeds during the genocide were effaced by her crimes.

Women in the Catholic Church

According to many historians and political analysts, the role of the Catholic Church in Rwanda in the period leading up to and during the genocide was just as important as the role of the State.¹⁷⁰ This reality has been recognized in the

163 According to the judgement, Nyirahakizimana’s claims that she had saved her Tutsi neighbours were confirmed by her witnesses, but those witnesses, who were in hiding, could still not testify to what Nyirahakizimana had done during the day. See, *ibid.*, p. 58, para. 71(b) and p. 59, para. 72(b). For the claims by Nyirahakizimana, see, *ibid.*, pp. 11 and 15. The Prosecutor argued in relation to this claim that ‘even criminals have friends.’ *Ibid.*, p. 44.

164 *Ibid.*, pp. 24 and 26. In particular, Nyirahakizimana stressed that she had been caring for her niece who had undergone a Caesarean section. (*Ibid.*, p. 33). In relation to one of the other murder charges, Nyirahakizimana argued that she was not even in the vicinity of the alleged crime at the relevant time, as she was ill and had been hospitalized following an abortion. (*Ibid.*, p. 9).

165 *Ibid.*, p. 39.

166 *Ibid.*, pp. 9 and 26.

167 *Ibid.*, p. 59, para. 78, and p. 61, para. 88.

168 *Ibid.*, p. 60, para. 83.

169 *Ibid.*, p. 55, para. 50.

170 Ian Linden, ‘The Church and Genocide: Lessons from the Rwandan Tragedy’, in Gregory Baum and Harold Wells (eds.), *The Reconciliation of Peoples: Challenges to the Churches*, Orbis Books, New York, 1997, pp. 43–55; Michael Budde, ‘Pledging Allegiance: Reflections on Discipleship and the Church after Rwanda,’ in Michael Budde and Robert Brimlow (eds.), *The Church as Counterculture*, State University of New York Press, New York, 2000, pp. 213–227; and Hugh McCullum, *The Angels Have Left Us: The Rwanda Tragedy and the Churches*, Risk Book Series, Geneva, 1995, especially Chapter 5, ‘The Church: Problems and Promises’.

definition of Category 1 offenders, which, as set out above, includes those who occupied leadership roles in religious denominations. The trial of two Rwandan nuns in Belgium pursuant to universal jurisdiction highlights the active role they played in the genocide.¹⁷¹

Consolata Mukangango (Sister Gertrude), the former Mother Superior of the Convent in the Sovu Monastery in Butare, and her more junior colleague, Julienne Mukabutera (Sister Maria Kizito), were both seeking asylum in Belgium at the time of their arrest. On 8 June 2001, they were convicted by the Belgian Court of Assizes of intentional homicides of identified individuals and 'undetermined numbers of unidentified persons', as well as attempted homicides, in violation of the Belgian law implementing the Second Additional Protocol to the Geneva Conventions (among other instruments).¹⁷² Sister Gertrude was sentenced to a 15-year term of imprisonment and Sister Kizito received a 12-year sentence. The judgement itself does not go further into the facts, as no reasons are required to be given in this jurisdiction, but NGO and media reports surrounding this case shed some light on the case.

The accusations against Sister Gertrude begin with claims that she deliberately refrained from feeding some 3500 refugees who had fled to the Sovu Health Centre when the massacres began in Butare on 17 April 1994. When the Health Centre was under attack two days later, the refugees fled to the Sovu Monastery, where Sister Gertrude allegedly threatened them and called them 'dirt'. Eventually, she brought a communal policeman and six soldiers, who forced the refugees to leave on the basis that the Monastery 'must not be destroyed on account of Tutsis'. These refugees were almost all forced back to the Health Centre where, on 22 April, Sister Kizito, whom survivors nicknamed 'animal', participated in their massacre by handing out jerry cans of petrol to the *Interahamwe*, which were then used to burn people alive. Evidence against Kizito also included that she stole possessions from the corpses to distribute among the *Interahamwe* and cursed dead Tutsis who had torn up their money before dying. Survivors said that on 25 April, Sister Gertrude chased more people out of the Monastery into the hands of the militias.¹⁷³ However, probably the most damning evidence against her is a letter dated 5 May 1994 to the *Bourgmeestre* and signed by her, asking him to clear the convent of the

171 *Cour D'Assises de l'Arrondissement Administratif de Bruxelles-Capitale*, Arrêt 8 June 2001 against: Ntezimana Vincent, Higaniro Alphonse, Mukangango Consolata and Mukabutera Julienne, available at: http://www.ulb.ac.be/droit/cdi/Site/Developpements_judiciaires_files/arret%208%20juin%202001.pdf (last visited 15 October 2009).

172 *Law of 16 June 1993 relative to the repression of serious violations of the International Conventions of Geneva of 12 August 1949 and of the Protocols I and II of 8 June 1977*. The nuns and their co-accused were not prosecuted for genocide, which was not a crime under Belgian law at the time of the Rwandan genocide. (Even though Belgium had ratified the Genocide Convention in 1948, it had not incorporated it into domestic law.) The 1993 law was amended on 10 February 1999 to incorporate the crimes of genocide and crimes against humanity, and the title changed to *Law Relative to Serious Violations of International Humanitarian Law*. The law was abrogated in August 2003 and its content inserted into other laws, notably the Belgian Penal Code. ICRC National Implementation Database, available at: www.icrc.org (last visited 15 October 2009).

173 Testimonies against the two nuns are provided generally in African Rights, above note 23, pp. 155–185.

remaining refugees. In this letter, Sister Gertrude requested that ‘people who come in a disorderly manner and insist on staying here should be told politely to return to their homes so that the usual work of the Monastery can continue without disruption.’¹⁷⁴ The *Bourgmestre* complied and on 6 May 1994 the remaining Tutsis were removed from the Monastery and killed.

Imagery appears to have played a significant role in this trial. The lawyer for the civil claimants contended that: ‘These nuns have never been servants of God. They are monsters.’ He likened Sister Gertrude to Eichmann, and described Sister Kizito as a ‘vulture’,¹⁷⁵ claims that were refuted by the nuns’ lawyers, who strongly criticized the ‘demonization’ of their clients.¹⁷⁶ One of Sister Kizito’s lawyers claimed that his client had been ‘lynched by the press before the trial had even started.’¹⁷⁷ As in the cases discussed above, the nuns played down their ability to have acted any differently during the genocide. Sister Gertrude spoke of fear and chaos, and argued that she had wanted to save her religious community.¹⁷⁸ Sister Kizito, for her part, claimed: ‘I was a novice at Sovu. I did not know how to respond to the attacks on the nuns... I never did anything with the militias to cause any harm. I stayed together with my fellow nuns. I helped them as best as I could, during three months of suffering.’¹⁷⁹ The lawyers for the nuns contended they had acted through fear. They admitted the two women ‘showed signs of cowardice, and they did not act as we may have expected them to, but that does not in itself constitute any breach of the law.’¹⁸⁰ These arguments clearly failed to convince the Court.

‘Monsters’ or ‘real women’?

The women described in this part present a particular challenge to those feminist theorists who maintain that, either ‘by nature or nurture’, women are not violent.¹⁸¹ Most of these women had defied gender stereotypes to attain leadership positions and some had obtained a university education. All claimed to have conducted benevolent acts during the genocide and Kanziga and Nyiramasuhuko were also allegedly interested in women’s affairs. How can such positive attributes be reconciled with these women’s allegedly abhorrent behaviour during the genocide?

The simplest answer is to remove these ‘exceptional’ women from the category ‘women’ altogether, since they apparently betrayed their sex and no longer

174 ‘Une Peur Diabolique’, in *Diplomatie Judiciaire*, 3 June 2001.

175 ‘Diaboliques icones’, in *Diplomatie Judiciaire*, 3 June 2001.

176 *Avocats Sans Frontières, Serge Wahis, un des deux avocats de sœur Kisito, confie ses réflexions sur le procès et la compétence universelle*, 12 June 2001, available at: http://users.skynet.be/wihogora/_asf/asf-assises-04.htm (last visited 9 October 2009).

177 *Ibid.*

178 ‘La parole aux accusés’, in *Diplomatie Judiciaire*, 6 June 2001.

179 *Ibid.*

180 *Avocats Sans Frontières*, above note 176.

181 As Lisa Sharlach says: ‘We have yet to examine fully the implications for feminist theory of catastrophes such as Rwanda, in which women are both victims and villains’, above note 98, p. 388. Sharlach goes on to explain the principal schools of feminist theory linking women with pacifism, *ibid.*, pp. 389–390.

merit the term. Thus one Rwandan feminist asserted that Pauline Nyiramasuhuko was 'not a woman. She always acted like a man.'¹⁸²

Going a step further, as seen above in the trial of the Belgian nuns, women who commit atrocities can be likened to 'vultures' or 'monsters.'¹⁸³ Such language gives credence to the 'evil woman theory' enunciated by Western feminist criminologists, whereby some women are deemed to have acted so far beyond society's norms they are no longer deserving of the chivalry of men and are either de-gendered and treated as 'non-women', since 'real women' do not commit crimes,¹⁸⁴ or dehumanized and treated as 'monsters', that is, even worse than male offenders.¹⁸⁵ Reportedly, this process is particularly likely to occur in the trials of women who were previously employed in caring professions and are deemed to have rejected their caring role.¹⁸⁶ A comment by Rwandan lawyer, Vincent Karangura, suggests that the depiction of women as 'evil' is also not uncommon in prosecutions of female genocide suspects in Rwanda. He noted that:

There is a presumption that women are good by nature, that is, hospitable, welcoming, mild, and incapable of committing atrocities. So, women who really participated, that is, those who were violent or surpassed the expectations of them, and who cannot be explained away as innocent, are not understood. They are treated, not like men, not like women, but something else, like monsters.¹⁸⁷

An alternative explanation for 'powerful' women's behaviour during the genocide was provided by Venuste Bigirama of the Rwandan Women's NGO, ASOFERWA. He expressed the view that:

'women who held positions of power, who were in the minority, were dominated and influenced by men. If there had been more women in power, the

182 Interview with Judithe Kanakuze, National Co-ordinator, Réseau des Femmes, Kigali, 8 June 2001.

183 See above notes 176 and 177.

184 The 'non-woman' theory can be traced back to the work of early criminologists Cesare Lombroso and Guglielmo Ferrero, who maintained that criminal behaviour in a woman could be attributed to her inability to control her inherent defects (i.e. moral deficiency, revengefulness, jealousy and an inclination 'to vengeances of refined cruelty') and to adapt to her biological, maternal role. According to Lombroso and Ferrero, '[i]n ordinary cases these defects are neutralised by piety, maternity, want of passion, sexual coldness, by neatness and an undeveloped intelligence. But when piety and maternal sentiments are wanting, and in their place are strong passions ... much muscular strength and a superior intelligence for the conception and execution of evil [then] the innocuous semi-criminal present in the normal woman must be transformed into a born criminal more terrible than any man.' Cesare Lombroso and Guglielmo Ferrero, *The Female Offender* 1895, p. 151, as cited in Helen Boritch, *Fallen Women: Female Crime and Criminal Justice in Canada*, ITP Nelson, Toronto, 1997, p. 53. Also see F. Heidensohn, above note 69, p. 97.

185 Jenny Carroll, 'Images of Women and Capital Sentencing Among Female Offenders: Exploring the Outer Limits of the Eighth Amendment and Articulated Theories of Justice', in *Texas Law Review*, Vol. 75, Issue No. 6, 1997, in particular p. 1421; Bronwyn Naylor, 'Women's Crime and Media Coverage: Making Explanations,' in Emerson Dobash, Russell P. Dobash and Lesley Noaks (eds.), *Gender and Crime*, Cardiff, University of Wales Press, 1995, pp. 88–91. See also Bridget Byrne, *Gender, Conflict and Development*, BRIDGE (development–gender) Institute of Development Studies, University of Sussex, Report No. 34, Volume 1, Overview, 1996, p. 17: 'Women who contradict female stereotypes by killing are often regarded as much more deviant or unnatural than men.' Available at: <http://www.bridge.ids.ac.uk/Reports/re34c.pdf> (last visited 6 October 2009).

186 B. Naylor, *ibid.*, p. 90.

187 Interview with Vincent Karangura, lawyer, Kigali, 13 July 2001.

atmosphere would have been different and these women could have prevented the others from participating in the genocide.¹⁸⁸

This explanation also potentially leads to some rather uncomfortable conclusions. It implies that women in leadership positions were incapable of autonomous action or thought, which seems incongruous with the apparently strong women described in this paper. It also gives little credit to these women's qualities, such as intelligence, skill or perseverance, which presumably helped them earn their positions in the first place.¹⁸⁹ Instead, there is a suggestion that women in leadership roles strayed from their 'true nature' under the influence of men, which limits women's identities to the essentialist ideal.¹⁹⁰

A final proposition, and one with which the author agrees, is that women in leadership positions who committed atrocities during the genocide were not 'monsters', nor had they wandered from their quintessentially good selves. Rather, these women comprise individuals who were capable of great good but also of vast wrongdoing, at least partly because they were convinced by the genocidal ideology. In this respect, it is prudent to heed Pearson's warning that:

'We cannot insist on the strength and competence of women in all the traditional masculine arenas yet continue to exonerate ourselves from the consequences of power by arguing that, where the course of it runs more darkly, we are actually powerless. This has become an awkward paradox in feminist argument.'¹⁹¹

In sum, not all women in leadership positions in Rwanda wielded real power, and not all supported the genocide. Even among those who participated in the genocide, some experienced fear and some tried to protect their Tutsi friends and neighbours. Yet some also participated with vigour in the violence, apparently convinced by the genocidal ideology that had affected so many of their compatriots. Both seeking to excuse their behaviour and condemning it for breaching gender norms draws us into stereotyping women and undermines the complex realities of women's experiences of mass violence.

Conclusion

This article has explored the participation of women in the Rwandan genocide in the context of gender relations in pre-genocide Rwandan society. It has revealed that despite the existence of patriarchy in Rwandan culture, gender relations at the time of the genocide were more complex than often depicted. 'Traditional' notions

188 Interview with Venuste Bigirama, Technical Advisor, ASOFERWA, Kigali, 11 June 2001.

189 Recall, however, the suggestion that Pauline Nyiramasuhuko was not appointed on merit, but due to her connections with the former First Lady, Agathe Kanziga.

190 See above note 112.

191 P. Pearson, above note 75, p. 32.

of appropriate gendered behaviour nevertheless limited and shaped women's participation in the bloodshed. They have also influenced responses to that participation, both by the women themselves and by those within the criminal justice system.

This article has posited that many 'ordinary' women were involved in the genocide, though whether this was the minority or the majority of the female civilian population remains a matter of speculation, and will probably never be known. As to the nature of women's involvement, it was at various levels, however, consistent with gender norms, women committed significantly fewer acts of overt violence than men. Owing to the specific nature of women's crimes, which often attract little moral responsibility relative to the crimes of men, combined with male 'chivalry', it has been argued that women may have been under-represented among those pursued by the law.

As discussed, women's motivations for participating in the genocide covered a wide spectrum. Some acted through fear for their own lives or for the lives of others, while others were influenced by propaganda which warned that all Tutsis were party to a planned invasion by the Rwandan Patriotic Front and fuelled hatred against Tutsi women. Other women again made devastating choices particular to their individual circumstances, which cannot be fitted neatly into either of these categories.

Women in leadership positions were apparently often particularly enthusiastic participants in the genocide and used their positions to influence the outcome of events. In the portrayal of these women, a tension clearly exists between commentators who argue that they are not 'real women', and the discourse of the women themselves, who insist on their femininity. This tension suggests that both positions are too simplistic and that a more sophisticated analysis is required. Women who participated in the genocide should not hide behind their sex to claim their innocence. Yet women who do not conform to gender expectations should also not be demonized and treated as aberrations. As this article has demonstrated, women's experiences are multifaceted, and it should not be shocking that women are capable of – and do – sometimes act in highly destructive ways.

This article has left many questions unanswered, leaving much scope for further work. Greater attention to women's participation in genocide will provide both a more complete picture of women's diverse experiences of mass violence and a more complete basis from which to explore women's potential contributions to peace.