The Politics of Identity and Sexual Violence: A Review of Bosnia and Rwanda

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The Politics of Identity and Sexual Violence: A Review of Bosnia and Rwanda

Patricia A. Weitsman*

ABSTRACT

This article argues that particular assumptions about biology, ethnicity, genetics, and gender create a permissive environment for policies of sexual violence during war. It further asserts that the children born as a consequence of these policies become a prism for identity politics. The arguments regarding identity and war and the consequences on policies of sexual violence during wartime are illustrated through analyses of the Serbian militia’s rape campaigns in Bosnia in the early 1990s and the mass rape and killing of Tutsis in Rwanda in 1994.

I. INTRODUCTION

Being born with an identity formed in a wartime political environment often handicaps children for life. This is especially true if these children are born as a consequence of government-orchestrated rape campaigns, thus representing the legacy of violence a country has experienced. Although wars always

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manifest the crucial nature of identity politics, the children born in their midst and aftermath offer an especially important prism for understanding ideas about identity formation and how those ideas endure.

This article argues that the policies of sexual violence in wartime contain fundamental information regarding how governments construct and manipulate identity. War is the ultimate cauldron of identity politics. The environment of heightened threat and hostility of war situations is both the consequence of identity clashes and fertile ground for deepened entrenchment of identities. While an in-depth examination of the relationship between war and identity is necessary, this article tackles only a subset of those issues. It argues that certain assumptions about biology, ethnicity, genetics, and gender construct a permissive environment for sexual violence during war. It further asserts that children born as a consequence of these policies represent the complexities of identity in an important and illustrative manner. The assumptions about identity that underpin the policies giving rise to the births of these children in the first place dictate the ways in which their societies, governments, and families perceive them. The cloud of shame that nearly always follows these children throughout their lives undermines their human rights in critical ways.

II. IDENTITY AND THE POLICIES OF SEXUAL VIOLENCE DURING WARTIME

Groups and individuals tend to set themselves apart in regard to certain social categories. This tendency profoundly affects their behavior in ways that validate and perpetuate their identities. Not only do these identities create social conflict between groups, but they give rise to national identities. These national identities have geographic implications as well. Frequently, identities are grounded in territories, and nation-states evolve as a consequence. This evolution also gives rise to institutional complexity: nuanced laws develop around these identities, in regard to who belongs and who does not, i.e., citizenship and nationality. These laws and institutional structures support and perpetuate socially constructed concepts of national identity.

The way governments and society, in general, represent these identities reveals a great deal about the deeply rooted assumptions being made about gender, ethnicity, and race. The discourse that surrounds the issues of rape during wartime, for example, “ethnic cleansing,” “racial hygiene,”

“genocidal babies,” perpetuates myths about identity—that it is genetically determined, that it derives from the father, that it derives from the mother, that some blood is purer than other blood, and so forth. These discursive practices frequently lead to pervasive discrimination against specific social groups, outrageous acts of violence against women, and neglect of children who are born of rape during wartime.

The large scale rape of women during wartime is not new. Incidents of wartime rape, however, have been documented with increasing regularity in the twentieth century. For example, the rape and forced prostitution during World War II is well known, particularly the rape of German women by conquering Soviet soldiers, the enslavement of 200,000–400,000 “comfort women” by the Japanese army, and the rape of tens of thousands of women by Japanese soldiers in the Chinese city of Nanking. The rape of some 200,000 Bengali women during the war of independence from Pakistan is also well known.3 Tens, even hundreds, of thousands of rapes have been documented in conflicts in Liberia, Peru, Rwanda, Somalia, Uganda, El Salvador, Guatemala, Kuwait, the former Yugoslavia, and Sudan.4 In each case, the policies of sexual violence and exploitation have been different, and yet, there are striking similarities. This section seeks to winnow out some of the assumptions about identity that are embedded in mass rape.

In most militarized conflicts, rape serves as a tactic to intimidate, degrade, humiliate, and torture the enemy. In some cases, particularly where true genocide—the attempt to destroy the genus of a people or to completely annihilate a particular ethnic group—is unfolding, rape is a prelude to dismemberment and death. These are very different types of motivations. Rape as a tactic to degrade, humiliate, and undermine the enemy’s morale may entail the desire to drive the enemy out of a particular geographic region of a country in order to assert ethnic and political dominance. This tactic has often been labeled rape as “ethnic cleansing.”5 In this regard, rape is

5. There are many scholars who describe rape as ethnic cleansing in this way. See a discussion in Patricia Weitsman, Children Born of War and the Politics of Identity, in Born
simply one of many torture tactics that culminate in a wide-scale exodus from a particular region.

Rape becomes a particularly potent form of torture in patriarchal societies in which a woman’s standing derives from her relationship to the men in her family: her brothers, father, husband, and sons. In many cases, if a woman is unmarried, her worth derives from her status as a virgin. Once raped, society no longer deems her marriageable or socially viable. In these situations, women are outcast and often sent out to become martyrs for the cause. What is notable here is not only that women’s worth derives from their relationships to men, but also that the shame of victimization is far worse than the perpetration of the crime. This situation has important implications not only for identity but for gender politics as well. Shaming the victims more than the perpetrators indicates that a woman’s value derives from “purity.” In other words, what becomes paramount for her own identity is her relationship to men to the extent that she has or has not engaged in sexual intercourse. In the event of violation, even if against her will in the context of wartime, her value is inextricably linked to a man interposing his body onto her own. In essence, a woman’s identity never really stands alone; it is always juxtaposed by her sexual relationships to men, whether coercive or consensual. These assumptions must already exist to support a policy of mass rape. If they do not, this policy loses its coercive power and may not be as successful in driving families apart or securing ethnic cleansing.

More elaborate identity assumptions underpin policies of forced impregnation and forced maternity. To demonstrate the importance of the identity assumptions that support policies of sexual reproduction in wartime, one can compare the policies of racial hygiene promoted by the Nazis before and during the Second World War with the Serbian militia’s policies of forced impregnation and maternity toward Bosnian Muslim women in the early 1990s. The Nazis viewed racial purity as the absence of any non-Aryan blood, whether maternally or paternally derived. Sexual intercourse between “racially impure” individuals and Aryans was prohibited because it would “taint” the offspring. Such beliefs about identity culminated in forced sterilization of “inferior races” and the “genetically diseased” during the war.


7. For more on this, see Patricia A. Weitsman, Women, War, and Identity, in Women and Human Security: Challenges of Conflict and Global Change (Richard A. Matthew & Heather Goldsworthy eds., forthcoming 2009).

8. See Carpenter, supra note 5.

This was true genocide, as it sought to destroy the genus of particular racial and ethnic groups. The Serbian militias, in contrast, sought to impregnate Bosnian Muslim women so that they would bear “Serbian” children. In this case, identity was viewed as exclusively paternally derived. The maternal contribution to identity must be completely assumed away for an ethnic group to embark on a policy of forced impregnation or forced maternity in order to promote “genocide” or “ethnic cleansing.” Otherwise, the rape campaign would be viewed as propagating more of the enemy. The Bosnian case section of this article discusses this concept in more detail.

Mass rape campaigns may be undertaken with the express purpose of impregnating women and forcing them to bear children. Through the implementation of policies of forced impregnation or forced maternity, rape serves not merely to torture or degrade, but also to “occupy the womb” of the women in question. The paramount assumption underpinning these policies is that identity is biologically and paternally given. Policies of forced impregnation and forced maternity are generally perpetrated to ensure that the women of the adversarial ethnic group will give birth to their “enemies’ children.” The women, in other words, serve as vessels that impart paternal identity. If the intent of a policy is to actually subjugate women to gang rape, impregnate them, and force them to bring the pregnancy to term, then rape is not being used for “ethnic cleansing” or “genocide.” Policies of mass rape designed to humiliate and degrade a population to such an extent that people leave en masse, thereby advancing the goal of ethnic cleansing, must be distinguished from rape with the intent of forcing women to bear children. One cannot view these policies in the same way: to do so is tantamount to accepting the view of identity that rapists perpetuate—that it is paternally derived—and to denying the cultural and genetic connection between mother and child.

Both types of rape campaigns, however, often produce the same result: thousands of children born of rape during wartime or in the war’s aftermath. These war babies represent the complexities of identity politics in a number of ways. First, the way their families, societies, and governments perceive them reveals the malleability of identity. Second, these perceptions both reflect

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11. Id.
12. Carpenter, supra note 5; Weitsman, Women, War, and Identity, supra note 7; Weitsman, Children Born of War, supra note 5, ch. 7; Patricia A. Weitsman, The Discourse of Rape in Wartime: Sexual Violence, War Babies, and Identity. Paper presented at the Annual Meeting of the International Studies Association, Portland, OR, 26 Feb.–1 Mar. 2003 (on file with author). In terms of criminal law, however, the intentions of the perpetrators matter. If the ultimate intention is to destroy the community, then prosecuting for genocide may be appropriate. The distinction here may be between the short-term goals of forced impregnation policies and the long-term goal of destroying a community. My thanks to Bert Lockwood for this insight.
and perpetuate myths about the sources from which identity derives. Third, these children show the devastating effect that myths about the construction of identity can have on human rights.

During wartime, questions of identity become outlined in sharp relief. Under conditions of threat, persecuted groups, or any social group, have a heightened sense of self. These groups will draw together, become more cohesive, and validate their identity.  

The source of cohesion and disintegration in any societal group derives from sentiment, and discourse provides an extremely powerful way to manipulate and construct sentiment. As we construct our enemies—or our “others”—our ethnicities, races, citizenships, and religions all become tools of exclusion. One important way these sentiments are experienced is through children of “mixed heritage” who result from rape during wartime.

One aspect of the challenge posed by children born of rape during wartime is that they embody both self and other. Their families and society are unable to disentangle them from the circumstances of their conception. As a consequence, these children are brought into the world under very difficult circumstances and with uncertain status. Identity revolves necessarily around difference and is understood only through contrast. War babies become a prism for these differences. Though technically a combination of the self-identity as well as “the other,” the way they are perceived does not always reflect that reality. Instead, these children are often viewed purely as “the other,” despite their birth mothers’ identities and despite the fact that members of their mothers’ ethnic groups usually raise them.

Once born, the identity of the war babies is inextricably linked to their rapist fathers. This link exists even if the paternal identity is completely unknown, which is usually the case because either the survivor did not know the rapist or because so many men raped the mother that establishing paternity without genetic testing is impossible. The child’s identity is tied to the father, even if the child never meets the father, and even if the child’s mother cares for and raises the child. This is a very powerful message about identity—how it is perceived, constructed, and imagined. The father’s ethnic identity and the shame surrounding the conception are the only factors that matter. This link also illuminates an assumption about gender relations in societies where policies of mass rape, forced impregnation, and forced maternity take place: the act of sexual violation that took place at conception renders meaningless the women’s contributions to their children’s identity.

13. 

Sarup, supra note 1, at 3. See also Lewis A. Coser, The Functions of Social Conflict (1956).


15. See Carpenter, supra note 5, for an excellent and insightful analysis of the myriad ways these children are marginalized.
and upbringing. In essence, the acts of violence that culminated in conception negate the lifelong responsibilities of raising a child. This degrades both the experiences of women and the legacies of the violence, the war babies. It also gives rise to egregious infringements on the human rights of these children from birth throughout their entire lives.

The children born of rape in Bosnia are called “a generation of children of hate.” In Kosovo, they are known as the “children of shame.” In Rwanda, they are called “children of bad memories,” “children of hate,” and “unwanted children.” In the context of the Vietnam war, children born to men of US origin also faced discrimination. These children were known as “children of the dust,” a Vietnamese expression referring to the poorest of the poor. In the aftermath of the large-scale rapes by government forces in Sudan in Darfur, mothers call children born to ethnic Africans “janjaweed,” which is the name given to the government-backed militias who participate in the atrocities, or “devils on horseback” as it translates in English. These are just some examples, all of which reveal a disturbing stigma attached to these children, even though they themselves obviously are not the ones who have the bad memories or the ones who hate. Yet, their identities are constructed in a way that remains connected to their fathers, even if paternal identity is unknown.

In war’s aftermath, governments have an opportunity to transform the perception of the identities of the children born of rape during wartime. Depending on the needs of a population and the perceptions of the enemy, there are important distinctions in the perceptions of children conceived during wartime. For example, the rape of French women by invading Ger-

16. Louise Branson, A Generation of Children of Hate: The Unwanted Children Conceived in the Rapes of Some 20,000 Women May Be the Most Lasting Scar Left by Yugoslavia’s Bitter Civil War, Toronto Star, 29 Jan. 1993, at D13. She describes one mother who calls her child a Chetnik baby.
22. See Carpenter, supra note 5. In contrast, the babies born in Britain during WWII to unwed mothers by departing soldiers led to a call for reform in “bastardy laws.” These children were considered the result of “self or race preservation” and were not to be condemned. They also were considered “unborn children . . . left to us in trust by our soldiers.” See Susan R. Grayzel, Women’s Identities at War 96 (1999). See also Susan R. Grayzel, The Mothers of our Soldiers’ Children, in Maternal Instincts: Visions of Motherhood and Sexuality in Britain, 1875–1925, at 122 (Claudia Nelson & Ann Sumner Holmes eds., 1997).
man soldiers in the First World War prompted national debate regarding the legalization of abortion, so as to prevent the birth of “children of the barbarian.”23 In contrast, children born of rape in Bosnia and in Rwanda were not allowed to be adopted overseas because they were viewed as a critical means of repopulating their respective countries.24

In summary, embedded in rape policies are important assumptions about identity. In cases of mass rape, which are employed as a mechanism of torture designed to bring about a mass exodus to a geographic region or as a prelude to death that culminates in genocide, the identity assumptions underpinning these policies emanate from both ethnicity and gender roles. In cases in which the goal is forced impregnation or forced maternity, it is inappropriate to describe these policies as genocide or ethnic cleansing. To do so is to adopt the rationale of the perpetrators—that identity is paternally given. This rationale assumes that biology matters more than culture in determining identity because the father biologically passes on his identity. In other words, in constructing identity, the maternal contributions, both genetic and cultural, are marginal. Labeling these children at birth as genocidal orphans, children of hate, or little killers reflects this construction,25 and the discursive practices of the media perpetuate this practice.26

The perceptions of children born of wartime rape reflect and propagate myths about identity. Governments play a large role in constructing those identities, especially through the implementation of policies of sexual violence and policies regarding the fate of the war babies during post-conflict reconstruction. Next this article offers two illustrative case studies: Bosnia and Rwanda.

III. BOSNIA: EARLY 1990S

The implosion of the Soviet Union at the end of the 1980s and the beginning of the early 1990s provided for dramatic changes throughout the region. The

24. Carol J. Williams, Bosnia’s Orphans of Rape: Innocent Legacy of Hatred, L.A. TIMES, 24 July 1993, at A1. This was true in Kosovo as well. See American’s Offer to Adopt War Child Born of Rape: A Home Must be Sought in Kosovo First, OTTAWA CITIZEN, 11 May 2000, at A9; Donatella Lorch, Rwanda: Rape, Used as Weapon, Creates “Genocide Orphans,” OTTAWA CITIZEN, 20 May 1995, at H10. For a discussion, see Weitsman, The Discourse of Rape in Wartime, supra note 12.
25. Labeling a child a “genocidal orphan” virtually negates his or her existence. This abnegation of self gives rise to gross violations of human rights which dramatically undermines the quality of the child’s life. The same thing is true of all of the labels mentioned in the text. See Emily Wax, Rwandans are Struggling to Love Children of Hate, WASH. POST, 28 Mar. 2004, at A1; Dele Olojede, Genocide’s Child, NEWSDAY, 30 Apr. 2004; Lorch, supra note 24.
26. See Weitsman, The Discourse of Rape in Wartime, supra note 12.
end of Soviet dominance in Eastern Europe brought the future of Yugoslavia into question. In July 1991, declarations of independence by Slovenia and Croatia led to a war between Croatia and Yugoslavia and, to a lesser extent, between Yugoslavia and Slovenia. They reached a tenuous peace by early 1992. Not long thereafter, however, Bosnia-Herzegovina declared independence. Civil war among Serbs, Croats, and Muslims in Bosnia broke out and lasted for several years. Innumerable atrocities occurred during the war, which ultimately took approximately 100,000 lives, displaced two million people, and resulted in the rape of tens of thousands of women and girls. No place was safe—in the UN safe haven of Srebrenica more than 8,000 men and boys were killed.\textsuperscript{27} No one will ever know an exact death toll; mass graves continue to be uncovered and many of the missing have never been found.\textsuperscript{28}

One important characteristic of the war in Bosnia was the sexual violence committed by the Serbian militias principally against Bosnian Muslim women.\textsuperscript{29} Torture camps, in which men and women were segregated, were set up around the country. Men were subjected to beatings, cannibalism, castrations, and other extreme forms of torture, frequently until death. Women were repeatedly gang raped, sometimes by more than forty men in one day, for months until impregnated.\textsuperscript{30} Some camps served exclusively as rape camps, such as the one at Foca, where the Serbian policies of mass rape, forced impregnation, and forced maternity were implemented.\textsuperscript{31}

Serbian authorities dictated the strategy of mass rape and forced impregnation. Throughout Bosnia-Herzegovina, the camps were set up in nearly identical ways—they even had the same layout and patterns of rape. In addition, the rapes occurred simultaneously in noncontiguous sections of Bosnia.\textsuperscript{32} Rasema, one survivor who identified her neighbor as one of the
three men who raped her, reported: “I said, ‘Sasha, remember your mother. Remember your sister. Don’t do it.’ He said, ‘I must. If I do not they will hurt me. Because they have ordered me to.’”

Irma Oosterman, a member of the prosecution investigation team, testified against Serbian leader Radovan Karadzic and General Ratko Mladić in July 1996. “The soldiers told often that they were forced to do it. They did not say who forced them to do it, but they were ordered do it.” Her testimony continued, “They wanted to make Serb or Chetnik babies. The pattern was, yes, all over the same.”

Survivors’ accounts provide additional evidence that forced impregnation and maternity were goals of the Serbian authorities. Narratives told by hundreds of women held at camps around Bosnia suggest that women were raped repeatedly and, once impregnated, held until abortion was no longer an option. In the words of one survivor of the Doboj camp:

They said that each woman had to serve at least ten men a day. . . . God, what horrible things they did. They just came in and humiliated us, raped us, and later they told you, “Come on now, if you could have Ustasha babies, then you can have a Chetnik baby, too.” . . . Women who got pregnant, they had to stay there for seven or eight months so they could give birth to a Serbian kid. They had their gynecologists there to examine the women. The pregnant ones were separated off from us and had special privileges; they got meals, they were better off, they were protected. Only when a woman’s in her seventh month, when she can’t do anything about it anymore, then she’s released. Then they usually take these women to Serbia. . . . They beat the women who didn’t get pregnant, especially the younger women; they were supposed to confess what contraceptives they were using.

Many survivors repeat accounts such as these. One survivor of a rape camp at Kalinovik, where about 100 women were held and gang-raped, recounted that the rapists continually told the women, “You are going to have our children—you are going to have our little Chetniks,” and that the women who became pregnant were left alone.

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33. Irma Oosterman, a member of the prosecution investigation team, testified against Serbian leader Radovan Karadzic and General Ratko Mladić in July 1996.


Thus women were detained and forced to endure repeated gang rapes intended to impregnate them and were repeatedly told that they were being raped in order to “plant the seed of Serbs in Bosnia,” to give birth to little “Chetniks,” to deliver a Serbian baby, and so forth. The soldiers who participated in these rapes told their victims time and again that they would be denied abortion and detained until termination of the pregnancy was out of the question. The soldiers said that they were implementing these policies of forced impregnation and maternity per their superiors’ orders. Given that the Serbian militias had undertaken such a plan, the next question is, on what assumptions about identity were they operating?

Above all, to promote a policy of forced impregnation and maternity, the Serbian militias had to assume that biology was paramount in shaping the identity of a child. They had to further assume that paternal identity would be the overriding force in the newly created life. In other words, a woman had a passive role in transmitting identity, even though the offspring was genetically 50 percent hers and, if raised by her, culturally 100 percent hers. What is interesting is that even if biology is privileged in this conception of identity, a socially constructed idea of biology is what prevails. This is especially noteworthy in the Bosnian case, considering the minimal racial or biological differences between the Bosnian Muslims and Serbians: both were Slavs.

The identity politics surrounding the birth of war babies born to Bosnian Muslim women culminated in grievous infringements on the human rights of both the children and the mothers—human rights that are very nearly impossible to reconcile. The high rates of infanticide and the acceptance of these incidents as natural reflect the ways in which the rights of these children are severely undermined. Further, as discussed earlier, the language used to describe and label these children is extremely derogatory. All the labels

38. Id. at 110–11.
39. Id.
40. See Lynda E. Boose, Crossing the River Drina: Bosnian Rape Camps, Turkish Impalement, and Serb Cultural Memory, 28 Signs: J. Women in Culture & Soc’y 71, 75 (2002). Boose’s argument is extremely interesting—that ultimately Bosnian Muslim identity was linked to the Turks by the Serbians despite the fact that in reality there is no connection. But the constructed memory and association of them by the Serbians culminated in the dreadful sexual violations witnessed in the war.
41. Women who survive these horrendous experiences have undergone egregious human rights violations. The children born of these experiences are, of course, innocent. Yet because they represent, or stand in for, the perpetrators of the crime to their mothers, they are frequently punished in terrible and unjust ways.
42. See Weitsman, Children Born of War, supra note 5; Carpenter, Surtacing Children, supra note 5, at 458, quoted in Beverly Allen, Rape Warfare: The Hidden Genocide in Bosnia-Herzegovina and Croatia 99 (1996) (explaining that many women “attempt to kill their babies at birth in a reaction that, speaking strictly in terms of the mother’s psychological well-being, might even be considered healthy”).
connect the children to their rapist fathers, a legacy they can never escape. The Bosnian government’s refusal to allow these war babies to be adopted abroad makes escaping from the stigma of their birth impossible.

IV. RWANDA: 1994

In 100 days, the Tutsi population of Rwanda was decimated—nearly 75 percent was killed. The total number of people who died is estimated at about 800,000. The bloodbath that characterized Rwanda between April and July 1994 is nearly impossible to comprehend. Even more chilling is the manner in which the deaths were perpetrated. Neighbors killed neighbors with machetes, knives, and any other readily available weapon. There was no refuge—children brought to their neighbors’ houses for protection were killed by their protectors. Churches, hospitals, and schools were appropriated as slaughterhouses. Tutsis attempting to escape were hunted down relentlessly and killed.

Egregious atrocities took place during the Rwandan war. The Hutu government campaigned day and night for violence against Tutsi men, women, and children. In the words of one survivor: “All the day this was the only thing the radio played. What you heard on the radio, you never think it could be wrong. They told you, ‘Kill, kill, kill! The enemy must die! Babies! Don’t spare the elders. Don’t loot before, kill first.’”

The Rwandan genocide contained an important gender component. Much of the propaganda leading up to the killing was directed at Tutsi women. For years leading up to the genocide, newspapers and radio stations gradually escalated the messages, thus increasing the hostility between Hutus and Tutsis. In March 1992, the government’s radio station, Radio Rwanda, warned of an impending attack on Hutu leaders in Bugesera by Tutsis. This was a false report designed to spark massacres of Tutsis. The propaganda only escalated. Newspapers contained cartoons designed to underscore the messages of hate and violence that the government tried to foment. Hutus throughout Rwanda picked up and repeated this language.

43. Estimates vary as to how many Rwandans were killed, but the number that appears most frequently is 800,000. See Alan J. Kuperman, Provoking Genocide: A Revised History of the Rwandan Patriotic Front, 6 J. GENOCIDE RES. 61 (2004).
44. See MAHMOOD MADANI, WHEN VICTIMS BECOME KILLERS 4–7 (2001); ALISON DES FORGES, LEAVE NONE TO TELL THE STORY 325–27 (1999).
46. Weitsman, Children Born of War, supra note 5, at 115.
47. DES FORGES, supra note 44, at 66–68.
The propaganda targeted Tutsi women in particular, especially in regards to their supposed promiscuity and their feelings of superiority toward Hutu men, who were considered unattractive and lower class. Radio broadcasts repeatedly told Hutus to be wary of Tutsi women, who were agents of their brothers, fathers, and sons. The propaganda depicted Tutsi women as seductress spies, who believed they were far too good for Hutu men.\(^{48}\) As a consequence, much of the violence was directed at women. One Tutsi woman, who was taken by the Interahamwe (Hutu militias) to observe the mass slaughter and be the lone survivor to tell the tale to God of the Tutsis’ demise, saw innumerable atrocities, particularly committed against women’s bodies. She witnessed the spearing of a baby as it emerged from its mother’s body, a multitude of rapes with foreign objects, such as machetes and spears, and the burning of women’s pubic hair afterwards.\(^{49}\) Pregnant women were sliced open and the fetuses removed from their bodies.\(^{50}\)

Mass rape was a critical part of the Rwandan genocide. It is estimated that 90 percent of Tutsi women and girls who survived the genocide were sexually molested in some manner, principally and systematically by the Interahamwe.\(^{51}\) According to one study, Butare province alone has more than 30,000 rape survivors.\(^{52}\) Frequently, rape was merely a prelude to death. Some of the women were penetrated with tools of all sorts—spears, gun barrels, bottles, or the stamens of banana trees. Women’s sexual organs were mutilated with machetes, boiling water, and acid, and their breasts were cut off.\(^{53}\)

Pauline Nyiramasuhuko, the National Minister of Family and Women’s Affairs, was sent to her hometown to quell Butare’s revolt against the genocide campaign. While rounding up the women for slaughter, Nyiramasuhuko commanded the militias to be sure they raped the women before killing them.\(^{54}\) She also used rape to reward the soldiers for their killings, urging them on time after time.\(^{55}\) According to witnesses, Nyiramasuhuko’s commands

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48. Nowrojee, supra note 19.
50. Sharlach, Gender and Genocide in Rwanda, supra note 45, at 395.
52. Landesman, supra note 49.
54. Landesman, supra note 49.
generated collective sadism in Butare. One woman survivor, for example, was taken as a sex slave by her neighbors, who tortured her nightly under the conditions that prevailed during Nyiramasuhuko’s supervision. This survivor “remembered two things most of all: the stamens from the banana trees they used to violate her, leaving her body mutilated, and the single sentence one of the men used: ‘We’re going to kill all the Tutsis, and one day Hutu children will have to ask what did a Tutsi child look like.’”56 As in the former Yugoslavia, women were often held in separate quarters, beaten, and repeatedly gang-raped for days on end. The Hutu militias took some women as sexual slaves and held them for years. This situation made Rwanda home to something more than genocide. The torture and mass rape that were a part of the atrocities went beyond mere instrumental killing. It also meant that new children came into the world in the wake of the disaster—possibly more than 10,000 babies were born as a consequence of these rapes.57

The systematic rape that took place during the widespread killing in Rwanda was undertaken with the express purpose of degrading, humiliating, punishing, and torturing Tutsi women. For example, Jean Paul Akayesu, the bourgmestre of Taba commune, Prefecture of Gitarama, was found responsible for the multiple rapes of over thirty women that took place under his auspices. He also had degraded numerous women by forcing them to undress and engage in humiliating activities while naked in public.58

Jean de Dieu Kamuhanda, who held the office of Minister of Higher Education and Scientific Research in the Interim Government, was responsible for representing government policy in regard to post-secondary school education and scientific research. During the genocide, he supervised killings during the month of April and personally led attacks of soldiers and Interahamwe against Tutsi refugees in Kigali-Rural prefecture, at the Parish Church and adjoining school in Gikomero, where several thousand people were killed. During the attack on the school in Gikomero, the militia selected women from among the refugees, carried them away, and raped them before killing them.59 During the criminal tribunal proceedings, Witness GAG testified that during the shooting she ran towards the classrooms because her four-year-old child was there. She hid there with four other women, while others escaped outside the classroom.

From behind the blackboard, she was able to see the killings from the side, and she saw the killers standing at the classrooms doors slashing people as they ran out. The attackers put beautiful girls aside and she heard the girls cry out

56. Landesman, supra note 49.
57. Wax, supra note 25; Olojede, supra note 25; Lorch, supra note 24.
later. The attackers specifically told them “we are going to rape you and taste Tutsi women,” to which the girls replied “instead of raping us, it is better that you kill us once and for all.” In cross-examination, the Witness explained that despite a lot of noise in the area she was able to hear people praying as they fled and even what the girls said. The attackers were dressed in either military or Interahamwe uniforms, with rags on their heads like savages. Mostly Tutsis were being attacked. The attackers found the Witness, her child and the four women. One of the attackers told her to give him her watch and money, while three girls were ordered to the side to join the other pretty girls. The Witness explained that the attacker asked to see her ID and then told her to show it to the other men. The other men looked at it and said that the she was going to die. They slashed her breast and her head until she was unconscious. She awakened at 5:00pm outside the classroom on top of dead bodies.60

In another account, Witness GEP asserted that during a different massacre supervised by Kamuhanda, about twenty girls were selected and led away in a vehicle while the killings continued. The witness said that Kamuhanda left after the departure of the girls. The witness later learned that the women and girls were taken to a camp where the attackers raped and killed all but one of them.61

Assailants sometimes mutilated women in the course of a rape or before killing them. They cut off breasts, punctured the vagina with spears, arrows, or pointed sticks, or cut off or disfigured body parts that looked particularly “Tutsi,” such as long fingers or thin noses. They also humiliated the women. One witness from Musambira commune was taken with some 200 other women after a massacre. They were all forced to bury their husbands and then to walk “naked like a group of cattle” some ten miles to Kabgayi. . . . When the group stopped at nightfall, some of the women were raped repeatedly.62

Both gender and ethnicity played a key role in the mass rape of Tutsi women. In the interviews that followed the genocide, most of the survivors described how their assailants remarked on their ethnicity before, during, or after the rape. The remarks included: “We want to see how sweet Tutsi women are,” “You Tutsi women think that you are too good for us,” “We want to see if a Tutsi woman is like a Hutu woman,” “If there were peace, you would never accept me,” “You Tutsi girls are too proud.”63 One rape survivor described how, after being raped, her assailant said, “Now the Hutu have won. You Tutsi, we are going to exterminate you.” He then took her inside, put her on a bed, and held one leg open, while another held

61. Id. ¶ 496. Most of the individuals convicted by the ICTR thus far have been found guilty of charges of organizing and overseeing systematic rapes, perpetrated by themselves and/or their subordinates.
62. DES FORGES, supra note 44, at 215.
63. NOVROFF, supra note 19, at 12.
her other leg. “He called everyone who was outside and said, ‘you come and see how Tutsikazi are on the inside.’ Then he cut out the inside of my vagina. He took the flesh outside, took a small stick and put what he had cut on the top. He stuck the stick in the ground outside the door and was shouting, ‘Everyone who comes past here will see how Tutsikazi look.’”

One Rwandan aide worker, responding to a question about the reasons for the mass rape, said, “Hutu men wanted to know Tutsi women, to have sex with them. Tutsi women were supposed to be special sexually.”

The identity politics underpinning the mass rape in Rwanda derived from two principal sources: the view of Tutsi women as sexual objects requiring subjugation and the patriarchal structure of society. Many of the rape survivors from the Rwandan genocide were held as sexual slaves—sometimes collectively, sometimes as the private property of one individual. Some were held for days, others for years. The violence directed against these women was stunning. As one journalist said, “Tutsi women were made for sexuality and beauty, for royal courts. That’s how we were educated. People from the north... wanted to take Tutsi as mistresses because they were forbidden to have them.” The patriarchal structure of society also was critical in allowing policies of mass rape to prevail. Women were largely the dependents of male relatives, and life centered on their roles as wives and bearers of children. Prior to the genocide, women were most valued for the number of children they could produce, that number (6.2 per woman) was one of the highest in the world in the pre-1994 era. Once rendered unmarried by sexual violation, these women’s societal value became marginal.

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64. Id. at 32.
65. Human Rights Watch/FIDH Interview, Member, Association des femmes chefs de familles, Kigali (28 Mar. 1996), quoted in Nowrojee, supra note 19.
66. Mambani, supra note 44, at 54; Des Forges, supra note 44, at 215. There are two broad schools of thought regarding the significance of the distinction between the Hutu and Tutsi. The first highlights the difference in the two groups; the second emphasizes the sameness between them. For the first, proponents argue that the two identity groups have different physical characteristics (e.g., height and different blood factors (e.g., sickle cell trait), different cultural memories, and/or different historical origins. The school of thought arguing that the Hutu/Tutsi distinction is insignificant asserts that the difference between the two groups is principally economic and cultural, but not genetic, particularly as the two groups have integrated, intermarried, and cohabitated. In fact, all of the major clans in Rwanda include Hutu and Tutsi (and Twa). This perspective holds that the difference between Hutu and Tutsi stems principally from social selection and privilege, endowed on the Tutsis by the Belgian colonizers in the colonial and pre-colonial era. This school of thinking about identity emphasizes the role of colonization in constructing the rift between Hutu and Tutsi. During colonization, the Hutu/Tutsi difference became racialized; Tutsis were constructed as nonindigenous, Hutus as indigenous to Rwanda. See Mambani, supra note 44, at 41–75, 76–102; Kuperman, supra note 43, at 63; Gérard Prunier, The Rwanda Crisis: History of a Genocide (1998).
67. Nowrojee, supra note 19, at 12.
68. Id.
The Rwandan government utilized rape as a tool in its campaign of hatred against the Tutsis.\textsuperscript{69} Instead of using rape as a mechanism to propagate more Hutus, it used rape as a mechanism to try to take life. Nearly 70 percent of the women raped contracted HIV. Rwandan President Paul Kagame said, “We knew that the government was bringing AIDS patients out of the hospitals specifically to form battalions of rapists.”\textsuperscript{70} This differentiates the mass rape in Rwanda from that in Serbia. In Rwanda, rape was a tool used to destroy Tutsi women; it was not undertaken with the express purpose of impregnating them. Despite the intended purpose of the mass rape campaigns, a huge number of children were born as a consequence. One estimate puts the number at as many as 10,000 babies considering that some women held as sexual slaves bore more than one.\textsuperscript{71}

As in Bosnia, the children born of rape in Rwanda have suffered egregious violations of their human rights. They are stigmatized, labeled “unwanted children,” “children of bad memories,” “children of hate,” “genocidal children,”—all names that reflect their identity as inextricably linked to their fathers.\textsuperscript{72} Many of the children were given names, such as “little killers,” “child of hate,” “the intruder,” “I am at a loss,” and so forth.\textsuperscript{73} The stigma attached to these babies from birth has resulted in large-scale abuses of their human rights. Infanticide rates were extremely high, and many mothers abandoned their children at birth or neglected them after birth, allowing them to die.\textsuperscript{74} For those women who are raising their children, their anger and resentment give rise to abuse.\textsuperscript{75} As these children grow up and become aware of the fact that their fathers were rapists whose identities are impossible to establish, life becomes even more difficult. In the words of one rape victim: “When people kill your family and then rape you, you cannot love the child.”\textsuperscript{76}

\textbf{V. CONCLUSION}

How identity is constructed has enormous bearing on the policies of sexual reproduction and violation during wartime. In cases in which identity derives from both maternal and paternal lines, sexual reproduction of the enemy will be prohibited. When identity is paternally given, and women are represented

\begin{itemize}
  \item \textsuperscript{69} For a discussion of this policy aspect, see Des Forges, supra note 44, at 10, 215.
  \item \textsuperscript{70} Landesman, supra note 49.
  \item \textsuperscript{71} Wax, supra note 25.
  \item \textsuperscript{72} See Nowroje, supra note 19, at 39; Wax, supra note 25; Olojede, supra note 25; Lorch, supra note 24.
  \item \textsuperscript{73} Wax, supra note 25.
  \item \textsuperscript{74} Nowroje, supra note 19, at 40. Leslie Shanks & Michael J. Schull, Rape in War: The Humanitarian Response, 163 CANADIAN MED. ASS’N. J. 9 (2000).
  \item \textsuperscript{75} Wax, supra note 25; Olojede, supra note 25.
  \item \textsuperscript{76} McKinley, supra note 18.
\end{itemize}
as passive bystanders in imparting identity, policies of forced impregnation and maternity may result during wartime. Rape campaigns derive their coercive power from the view of women in relationship to men, their status as married or marriageable, virgin or defiled, as well as from the belief that the crime lies in being the victim rather than the perpetrator. The cases of Bosnia and Rwanda offer similarities and differences in the way in which identity politics played out. The differences emanated from the motivations of the governments. For the Serbian militias, the desire to degrade, humble, and impregnate Bosnian Muslim women with “little Chetniks” was paramount. In Rwanda, the Hutus sought to degrade, humble, torture, and destroy the Tutsi women. Different constructs of identity culminated in different policy intentions.

The children born in the aftermath of these mass rape campaigns also reflect important assumptions about identity. Because their identities are inextricably linked to their fathers and because of the circumstances of their conception, they become subject to gross violations of their human rights. As these children become adults, it is more essential than ever to come to a better understanding of the identity politics that surround their existence.