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Christian Gudehus, Randle DeFalco, Melanie O’Brien, Douglas Irvin-Erickson, Brian Kritz, and JoAnn DiGeorgio-Lutz
Editors’ Introduction ................................................................................................................1

Articles

Kate E. Temoney

T. Elal
“Her Name Was Not Seher, It Was Heranus…”: Reading Narratives of Forced Turkification in Twenty-First Century Turkey .................................................................25

Shelley J. Burleson and Alberto Giordano
Spatiality of the Stages of Genocide: The Armenian Case ..................................................39

Barbora Hola and Hollie Nyseth Brehm

State of the Field

Stoyan Panov
Case Note: Case of Vasiliauskas v. Lithuania in the European Court of Human Rights ......81

Book Reviews

A History of Rwandan Identity and Trauma: The Mythmakers’ Victims
by Randall Fegley, reviewed by James Snow .................................................................88

Just Remembering: Rhetorics of Genocide Remembrance and Sociopolitical Judgment
by Michael Warren Tumolo, reviewed by Jeffrey Blustein ...........................................92

Women and War in Rwanda: Gender, Media and the Representation of Genocide
by Georgina Holmes, reviewed by Sara E. Brown ........................................................95
Man or Monster? The Trial of a Khmer Rouge Torturer
by Alexander Laban Hinton, reviewed by Timothy Williams ........................................98
Editors’ Introduction

In the last issue (10.2) GSP introduced a new State of the Field section aimed at providing practitioners and researchers in fields related to genocide studies to share their ongoing work projects with GSP’s readership. This new section will supplement other new formats in order to enrich scholarship and discussion around issues of the study and prevention of genocide and mass atrocity. One such new format is that of Case Notes, which consist of updates on legal case law developments relevant to these issues. Under this heading GSP will publish brief commentaries on mass atrocity related court cases. It is our hope that this section will spur debate about such cases, in a format that is accessible to legal and non-legal scholars alike. The first such contribution, provided by Stoyan Panov, appears in this issue and discusses the 2015 European Court of Human Rights case of Vasiliauskas v. Lithuania, in which the Grand Chamber considered whether the petitioner’s genocide conviction in Lithuania pursuant to the country’s 1998 genocide law violated the ban on retroactive criminal punishment set out in Article 7 of the European Convention on Human Rights (ECHR). While the Chamber found that there was a sufficiently clear legal basis for the general existence of genocide as an international crime by 1953, it nonetheless found that Lithuania’s 1998 definition of the crime of genocide was considerably broader in terms of the scope of acts covered and as such, decided in favour of Vasiliauskas by nine to eight votes that there was a violation of Article 7 of the ECHR.

The current issue also contains four full articles. In “Spatiality of the Stages of Genocide: The Armenian Case,” Shelley Burleson and Alberto Giordano shed new light on the Armenian Genocide by applying a historical geographical information systems (HGIS) approach to analyzing information contained in the well-known manuscript compiled by journalist Haigazn Kazarian during and shortly after the Genocide itself. By applying quantitative geographical approaches to a qualitative manuscript, Burleson and Giordano are able to take a first step towards bridging the quantitative-versus-qualitative divide within genocide studies, while providing mapped visualizations of the various stages of the Armenian Genocide according to Kazarian’s observations.

The second full article in this issue also concerns the Armenian Genocide. That the author of “‘My Grandmother was an Armenian...’ Out of the Shadows: Integrating the Personal Narratives of Armenian and Rum Survivors of Violent Turkification to History Writing” decided to publish under a pseudonym is, in itself a strong statement regarding the political atmosphere in nationalistic states. Unfortunately, it seems that such notions are on the rise again throughout geographical spheres and political systems. In this article, the author draws from personal narratives in order to address a desideratum in the research of mass violence: the violent acculturation of individuals belonging to persecuted groups. The author focuses further on the role of literary accounts in these practises, producing insights which may be used in research and memory work at the same time.

In “Punishing Genocide: A Comparative Empirical Analysis of Sentencing Laws and Practices at the International Criminal Tribunal for Rwanda (ICTR), Rwandan Domestic Courts and Gacaca Courts,” Barbora Hola and Hollie Nyseth Brehm provide the first comparison of sentencing practices across all three different levels—international, domestic, and local—that prosecuted individuals suspected of participating in the 1994 Rwandan Genocide. By visiting court archives in Rwanda, Hola and Brehm create a first systematic look at the sentencing practices of domestic Rwandan courts in relation to the Genocide. Their analysis demonstrates that sentencing varied across the three levels—ranging from limited time in prison to death sentences, and that sentencing at the domestic courts appears to have been comparatively more serious than sentencing at the ICTR and at the Gacaca courts, calling into question the consistency of sentences across levels of justice in the aftermath of mass atrocity.

The final full article in this issue also focuses on Rwanda. Using Rwanda as a case study, Kate Temoney argues that genocide studies may focus more on what she refers to as the religious and sexual aspects of such processes. She analyses religion not only as part of persecution processes but also explores how religious institutions and the individuals connected to them may be useful in the context of early warning systems. Temoney stresses that genocide studies and therefore the scholars in the field should focus most attently on research—be it of theoretical nature or empirical—that helps to actually prevent genocide. This argument coincides with thoughts of


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Kenneth Gergen who suggests reorganizing social scientific inquiry in a way that “social change is indeed the primary goal.”

Christian Gudehus
Randle DeFalco
Melanie O’Brien
Douglas Irvin-Erickson
Brian Kritz
JoAnn DiGiorgio-Lutz

Kate E. Temoney
Montclair State University
Montclair, New Jersey, USA

Abstract: In recent genocides and other conflicts—for example, the Sudan, Burma, and now Iraq—sexual violence and religion have received increasing but modest systematic treatment in genocide studies. This essay contributes to the nascent scholarship on the religious and sexual dimensions of genocide by providing a model for investigating the intersections among religion, genocide, and sexual violence. I treat the Rwandan genocide as a case study using secondary and primary sources and proffer the reinforcing typologies of “othering,” justification, and authorization as an investigatory tool. I further nuance the influences of religion on forms of sexual violation by arguing that religion indirectly (distally) and directly (proximately) furthers the aims of genocide by coding genocidal ideology and violence as “religious.” Ultimately, I contend that studying the religious and sexual aspects of genocide deepens our understanding of the complex dynamics of genocide and opens new lines of inquiry into genocide studies.

Keywords: Rwanda, genocide, sexual violence, religion

In the 1990s, sexual violence was recognized by international tribunals as a weapon of war. In recent genocides and other conflicts—such as those in the Sudan, Burma, and now Iraq—rape as well as the religious aspects of these conflicts have received increasing but modest systematic attention. As a contribution to the nascent scholarship in genocide studies on the religious and sexual dimensions of genocide, I treat the Rwandan genocide as a case study. Although considerable scholarship exists on the role of religion and rape in the Rwanda, most notably, Christianity and Genocide in Rwanda (2009) by Timothy Longman, and Sacrifice as Terror: The Rwandan Genocide of 1994 (2001) by Christopher C. Taylor, my goal is to examine the mutually reinforcing relationships among genocide, religion, and sexual violence. In doing so, Longman’s work is augmented to include not only how Christian beliefs, but also traditional Rwandan beliefs (as well as a syncretism of the two) enabled the genocide. Further, Taylor’s work is extended to include how not only Rwandans indigenous beliefs but Christian beliefs and leadership encouraged rather than discouraged rape. Ultimately, the aim of this article is to build a generalizable schema that assists in clarifying the intersections of genocide, religion, and sexual violence in the interest of genocide prevention as well as prosecution efforts.

In 1994, the Hutu Power elite propagandists called for the immediate expulsion of all Tutsi from Rwandan soil, a numerical and civilly oppressed minority. Ideologues convinced and mobilized the Hutu citizenry that they had to defend themselves from Tutsi—an alien threat from Ethiopia—who supposedly assassinated the Rwandan Hutu president, Juvénal Habyarimana, and were in league with the invading Rwandan Patriotic Front (RFP) from the north in Uganda. Using secondary literature and primary data in the form of public speeches and documents, victim accounts, and International Criminal Tribunal for Rwanda (ICTR) transcripts, I delineate and illustrate the intersections of genocide, religion, and sexual violence as a model for examining the Rwandan genocide as well as other past and contemporary genocides. First, I propose nexuses of religion and genocide via the typologies of othering, justification, and authorization, and second, I explore the distal (indirect) and proximate (direct) influence of religion on genocidal sexual violence guided by the three aforementioned typologies. Last, I review the implications of the study of the Rwandan genocide, specifically, for future genocide studies as well as general recommendations for genocide research and prevention.

1 In the 1996 ICTY case, Prosecutor v. Tadic, Dusko Tadic was charged with rape and sexual violence as a crime against humanity as well as a war crime. Tadic was not convicted of rape, but he was convicted of aiding and abetting crimes of sexual nature. The landmark decision was official recognition by the United Nations Courts of rape as a war crime. See Marlise Simons, “U.N. Court, for the First Time, Defines Rape as War Crime,” New York Times, June 28, 1996, accessed August 18, 2016, http://www.nytimes.com/1996/06/28/world/un-court-for-first-time-defines-rape-as-war-crime.html

http://dx.doi.org/10.5038/1911-9933.10.3.1351
Religion and Genocide

Genocide is not aleatoric nor are its accounts monocausal, and although religious antagonism is rarely the motivation for undertaking genocide, religious worldviews, rhetoric, and rituals are often enlisted in the planning and execution of a genocidal conflict. It is typically accepted that “religious violence seldom has its cause in purely religious conflicts; usually it occurs in the context of a clash between secular social interests.” The religious nature of genocide resides in the “meaning that actors ascribe to it...and the specific expectation[s] on the part of the actor[s] (emphasis added).” Moreover, “given the function of religion as a means for understanding what appears to be beyond the reach of understanding, the use of religious reservoirs of meaning and value may seem to make eminent sense.” Hence, referring to Max Weber, David Little writes, “human beings seem compelled to evaluate given political and economic arrangements in reference to sacred or cosmic standards.” Bruce Lincoln specifies these standards when he avers that “certain kinds of religious discourse can assist in [morally justifying]...otherwise problematic acts as righteous deeds, sacred duties, or the like, as when killing is defined as sacrifice, destruction as purification, or war as Crusade.” Extending this logic to genocide, “those who commit genocide often endow their actions with some sort of religious meaning, frequently putting forth the assertion that, in destroying entire groups of people, they are doing God’s work.”

Henry R. Huttenbach succinctly summarizes the intersection and consequence of religion and genocide when he writes,

[R]eligion—meaning the faithful, the doctrine, the clergy and their institutions—can easily be prompted to buttress genocidal thought and action in a wide array of capacities. The religion-genocide nexus...in particular, must be carefully monitored in times of social crisis...It is the task of scholars to expose and explore it, and for policy makers to dismantle the religion-genocide connection [emphasis added].

Responding to Huttenbach’s admonishment entails not only examining religion as a tradition of the faithful who ascribe to particular beliefs and practices and form institutions that propagate them but also as a functional ideology, one that can make the unthinkable act of genocide thinkable by styling extirpation as a moral obligation indispensible to reimagining a community that is divinely ordained and cosmologically necessary. To be sure, in agreement with Scott Appleby’s position, religion has the potential to further peacemaking, but religion has also “so often inspired, legitimated, and exacerbated deadly conflicts,” and it is the latter capacity of religion that is our focus. A study

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(1) “Religion” is not being treated as a reified concept with its own agency, but as a worldview and ideology that is expressed by believers, ecclesial actors, and institutions in the forms of religious rhetoric, appeals to the myths and dogma, and ritual practices. My use of the term “genocide” refers to the 1948 United Nations Convention on the Crime of Genocide: “Genocide means any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnic, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group.”


(3) Ibid., 14.


of the Rwandan genocide locates three possible nexuses of religion and genocide, in its destructive capacity, in othering, justification, and authorization. These nexuses are not mutually exclusive, as they overlap and reinforce each other in significant ways, but singling each of these nexuses out for consideration as ideal types provides a starting point for investigating the complexity of their interaction. These three nexuses were at play in Hutu propagandists mobilizing the civilian population by revising and exploiting colonial inspired biblical myths as well as indigenous cosmological beliefs in service to dehumanizing Tutsi by characterizing them as a radical, alien other; justifying their elimination due to a threat they posed to the temporal and atemporal order; and authorizing their extirpation as granted by the state as well as clergy and the institutional churches. Clergy largely remained silent during the genocide or actively endorsed the genocide by refusing to break alliances with the state apparatus that perpetrated genocide; at times, clergy actively participated in the orchestration and killing of Tutsi. What an examination of religious rhetoric and religious figures can do particularly well is demonstrate how the self-conferring authority of religious language and officials presents genocide as instrumental to reconfiguring communities based on divine sanction, otherworldly considerations, and a notion of a perceived threat to a cosmic order. Religious discourse and symbols, reinforced by religious authorities, can sustain perpetrator motivation by adhering to a religious rationality that resists critique from those outside of the logic of a community’s religious ethos. Within this logic, the fulfillment of an obligation to bring about a higher purpose would be a must, irrespective of the cost.

The Nexuses of Religion and Genocide

Othering

The social organization of pre-colonial Rwanda consisted of the statuses of Hutu, Tutsi, and Twa as dictated by one’s position in the political and economic community. The Tutsi (14% of the populace) were the ruling group due to their wealth via cattle ownership; the Hutus (85%) were mainly agriculturalists; and the Twa (1%) were hunter-gatherer potters (not incidentally, these same percentages and vocations reflect the census data of the 1990s in Rwanda). According to traditional Rwandan societal arrangements, a group’s status could change through the process of icyihuture, the acquiring of cattle, which effectively changed one’s status to that of a Tutsi. Within this stratified system existed a common language and religion, a governing arrangement of chieftaincies designed to diffuse political power, and the frequent occurrence of intermarriage. After the arrival of European colonials, the fluid statuses of Hutu/Tutsi/Twa became solidified, adversarial racial identities. When the League of Nations stripped Germany of its colonies after World War I, Belgium gained control of what was known then as Ruanda-Urundi, and the system of racialized, fixed identities remained in place. The colonial influence of Germany and Belgium branded Tutsi as superior to Hutus because of their affluent livestock ownership within a sophisticated political system, slender features, and tall height—characteristics that Europeans attributed to Caucasian influence. Informed by Victorian conceptualizations of race, missionaries went about accounting for this influence by theorizing that Tutsi were not really Africans but settlers of Rwanda who conquered the Hutus and were of Hamitic origin, possibly descendants of a lost tribe of Israel, and the Hamitic myth was born.

The Hamitic myth derives its name from the Old Testament account of an incident involving Noah and his sons, one of whom was named Ham. According to Genesis 5, Noah’s sons found him inebriated and naked. While Noah’s two other sons, Japheth and Shem, respectfully averted their eyes in the act of covering their father’s nakedness so as not to see his shame, Ham did not look away. For this defiance, Noah cursed Ham’s son, Canaan, as well as Canaan’s descendants, who were condemned to a life of servitude. In order to reconcile how the cursed, Negroid descendants of Ham could produce the Caucasian-like ruling class of Tutsi, the Hamitic hypothesis underwent revision in the nineteenth century. Ham’s son Canaan was cursed, but this was not the case regarding Ham himself or his other sons, Cush, Mizrahim and Put. Therefore, Tutsi were Hamites.

Publisher, 2000), 7.

but not Negroid and were black-skinned due to intermingling with the conquered Negroids of Egypt. That Tutsi are from the land of Ham (Egypt) and thereby not indigenous to Rwanda is the source of the belief that Tutsi are foreign to Rwanda, and it was at the core of the ideology of the 1994 genocide.

By 1959, after decades of indirect rule by German and Belgian colonials through the minority Tutsi (who Europeans deemed as predisposed to rule because of the presumption that Tutsi retained Caucasian attributes from their ancestor, Ham), Tutsis had become the sole ruling class. However, those same colonizers then replaced Tutsi leaders with Hutu ones after Hutus began to resist, a violent campaign against Tutsi known as the 1959 Hutu Revolution or Wind of Destruction. As a result, thousands of Tutsi fled to Uganda or were killed. The 1994 genocide was not simply a mimesis of prior targeted killings, but a revelation of a cultural habitus. This habitus is most transparently articulated in the frequent references by Hutu extremists in the days leading up to the genocide that expressed a resentment of perceived Tutsi foreignness and their necessary eradication. Genocide inciters often made explicit references to the Hamitic myth and its effect on Rwandan culture to provide a gravity and framework for relaying the ultimate otherness of Tutsi as alien to Rwanda. For example, the mythic Hamite lineage of Tutsi was invoked in a public speech by Hutu genocide ideologue, Leon Mugesera, when he stated that Tutsi “should be ‘sent back down the Nile,’” and extremists expressed their regret over their “failure to purify the country entirely… [as] they had not gone far enough in 1959 … [in ridding] Rwanda of its polluting internal other once and for all.”

Despite decades of intermarriage, a common language, common culture, and religion (90% of Rwandans identified as Christians prior to the genocide), historically colonial Belgian-issued identity cards, a history of colonial powers politically backing Tutsi, and Hutu propaganda fomented a resentment that led Tutsi and Hutus to see themselves as distinct from each other. The case of Rwanda, then, provides us with an interesting example of how othering does not need to be connected to alterity. Instead of, for example, religious difference functioning as a demarcation of the enemy (as is commonly the case in situations of conflict), in Rwanda a common religious system functioned as the basis for sustaining narratives of legitimacy and illegitimacy. The common system exploited shared religious tropes as well as the potency of religious symbols. Sigmund Freud encapsulated this phenomenon of volatility among similar peoples in his conceptualization of the “narcissism of minor differences.” Anton Blok recounts Freud’s sentiment when he writes that “people are separated from one another by a ‘taboo of personal isolation,’ and that it is precisely the minor differences between people who are otherwise alike that form the basis of feelings of strangeness and hostility between them.” Blok observes that Pierre Bourdieu in his 1979 work, La Distinction, concurs with Freud (without an explicit reference to Freud), since Bourdieu “emphasized the importance of minor differences for the formation and maintenance of

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14 In February of 2012, Mugesera was deported to Rwanda and charged after his attempts to avoid deportation were denied by a Canadian Federal Court.
16 Taylor, Sacrifice as Terror, 154.
17 Diane Marie Amann, “Prosecutor v. Akayesu. Case ICTR-96-4-T,” The American Journal of International Law 93, no. 1 (January 1999), 195-99. This distinction proved problematic for the Rwandan Tribunal because Hutus and Tutsis are not, from an ethnographic perspective, different ethnicities. However, the Tribunal decided that it was enough that the Hutu and Tutsi regarded each other as ethnically different. See Prosecutor v. Jean-Paul Akayesu (Case No. ICTR-96-4-T) judgment, paras. 701–2, September 2, 1998.
18 Anton Blok, “The Narcissism of Minor Differences,” European Journal of Social Theory 1, no. 1 (1998), 33-56. This term appears in such essays as the Taboo of Virginity (1917) and Civilization and Its Discontents (1930).
19 Ibid., 34. Here, Blok is recounting Sigmund Freud’s summary of a study by Ernest Crawley.
identity and the threat to identity that comes from what is closest...‘Social identity lies in difference, and difference is asserted against what is closest, which represents the greatest threat.’”20 Applied to Rwanda, the Hutu architects of the genocide exploited shared Rwandan religious symbols and ideals, often perverting or inverting their multivalent meanings. This tactic reinforced the enmity between the largely homogenous groups of Hutu and Tutsi based on a few but inflammatory (and largely confabulated) dissimilarities.

Although there is no causal link between the Hamitic myth and the 1994 genocide, the myth was certainly a significant and contributing factor in sowing enmity between Hutu and Tutsi that culminated in conditions conducive to genocidal violence.

Moreover, these references built upon a recurrent component of genocide, the dehumanization of fellow humans. The Hutu Power elite vilified Tutsi by likening them to animals and insects, making them unrecognizably human and therefore not one of “us.” Hutu propagandists then aligned this vilification with potent and familiar religious rhetoric. For example, Des Forges writes that during an attack, one killer shouted, “You are snakes. Your god does not exist. We will exterminate you,”21 and during a November 22, 1992 speech delivered to the ruling party, the National Republican Movement for Democracy and Development or Mouvement républicain national pour la démocratie et le développement (MRND), Mugesera proclaimed that “He [Jesus] is God born of God.” In the same way, they [Tutsi] are “Inyenzis [cockroaches] born of Inyenzis, who speak for Inyenzis.”22 Both of these statements juxtapose dehumanizing language next to biblical references—to snakes, which are commonly associated with Satan and the widely accepted belief that Tutsi are cockroaches—creating a mental and moral space that encourages the massacre of the other because they fall outside of the circle of human regard and divine consideration.

Perhaps one of the most charged examples of a message that othered Tutsi by likening them to cockroaches and snakes was not in the form of a speech but in the written word. In Rwanda, Kinyarwanda and French are the two most common languages. Kangura (translated wake others up), a hate-mongering Rwandan magazine published by the ruling Hutu MRND party was founded to oppose the similarly titled magazine, Kanguka (translated wake up), sponsored by the Tutsi-led Rwandan Patriotic Front. The November 1991 issue of Kangura chillingly depicted on its cover a picture of the second president of the First Republic, Grégoire Kayibanda, accompanied by a machete (a common Rwandan farming tool). Kayibanda installed Hutu as the governing ethnicity after the 1959 Wind of Destruction. The picture was accompanied by the words “Tutsi: Race of God!?” and supplemented by a phrase that appears between the images of Kayibanda and the machete: “Which weapons are we going to use to beat the cockroaches for good?”23 Allan Thompson remarks on the irony of referring to Tutsi as the “race of God,” and cites an excerpt from an article that appears on page seven of the issue, contending that the Hutu and Tutsi cannot co-exist because Tutsi are “thieves, they are involved in intrigues, they are wicked, they are killers. And they are people who have grudges just like serpents.”24 In one fell swoop, the cover appeals to a historical grievance, Christian symbols, and dehumanizing vocabulary, all synergistically harnessed for the purpose of imparting a singular message: the rightful obliteration of the dangerous Tutsi other.

A scene from the documentary film by Nick Andrews, Roger: Genocide Baby, further highlights how appeals to religious concepts, even if not explicitly biblical, reinforce the idea of an other. Miss JoJo, a popular Rwandan recording artist who memorializes the genocide in her music, relays witnessing the shooting of her mother. She indicates that men entered the house and sorted the inhabitants for execution: “Then they started saying ‘We want to see all those who have the sin to go this side. And those who don’t have the sin to go this side....’”25 Similarly, a twelve-year-old boy

20 Ibid., 38.
24 Ibid.
who was manning a barrier that was part of a network of roadblocks designed to stop fleeing Tutsi in the Maraba commune, when “asked why the Tutsi should be killed, replied with assurance, ‘Because they are evil.’” The use of the words “the sin” and “evil” are telling, as they seem to convey that Tutsi are immanently wicked, marred in some deep way that only the religiously inflected words sin and evil can communicate. Tutsi were indelibly marked by transgression, a transgression that, in the view of the Hutu, necessitated their extermination.

Justification

Religious concepts, some specific to Rwandan colonial mythologies as well as to indigenous cosmologies, provided a framework of meaning for communal genocidal violence and the expectation of the amelioration of social and economic strife. Religious symbols and rituals shaped genocidal thinking by casting the Tutsi other as the embodiment of a threat not only to temporal Hutu survival but as a threat to the divine order itself, providing justifications for the elimination of the Tutsi not only in the secular sense but in the cosmological sense. The symbolism and mythologies that sustained Rwandan religious systems also sustained the mass killing, transforming criminal deeds into a religious obligation of sacrifice. Georg Simmel explicitly connects religion, sacrifice, and obligation when he writes, “as one can consider it as the specific accomplishment of religion that it made people turn their own salvation into an obligation….one can derive from it the right to the most terrible sacrifices—not only self-imposed, but also sacrifices imposed on others.”

Three illustrations of religious justifications and frameworks for justifying and sacralizing the genocide include the cosmological notion of imaaa and the disorderly flow of imaaa in blocked bodies as described by Christopher Taylor; what Jacques Sémelin refers to as the religious new logic that transformed victims into necessary sacrifices, attended by the sacral accoutrements of churches and ritual; and what I contend is the appropriation of religious rhetoric to justify and validate extermination, largely by making biblical references. Let us examine each one in turn.

Not all the religious overtones of the genocide can be attributed to colonial influence. As a review of pre-colonial Rwandan rituals and beliefs of the ancestral religion of Kubandwa indicate, there is an indigenous ontological conviction in imaaa, “a supreme being, and in a more generalized way [imaaa refers] to a ‘diffuse, fecundating fluid’ of celestial origin whose activity upon livestock, land, and people brought fertility and abundance.” imaaa includes a scheme of physical flows and blockages, whereby the human body and geographical space are viewed as conduits of this creative force, which guarantees the life and fecundity of the community. One of the primary “ritual functions of the Rwandan sacred king” is the orderly flow of imaaa, not to do so makes the sacred king a “blocked being” or “wild sovereign” who is not an effective “conduit” of the beneficence that passes from sky to earth—to the Rwandan kingdom. One justification for genocide that is heavily informed by the import of this ontology relates to the restoration of the prosperity that Rwandans enjoyed in the 1980s before the economic crisis that triggered a global plunge in coffee prices in the 1990s. The sacred gravity of this restoration and its connection to the 1994 genocide is only possible and intelligible within the Rwandan cosmological context of imaaa and the embodiment of imaaa—or the sacred king, to whom President Habyarimana was often compared. President Habyarimana, whose very name translates to “It is God who gives life,” was often portrayed as a sacred king in popular news magazines in the 1990s, both in flattering and unflattering depictions and articles.

References

26 Des Forges, Leave None, 243.
29 Ibid., 273–76.
30 Ibid., 273–76.

©2016 Genocide Studies and Prevention 10, no. 3 http://doi.org/10.5038/1911-9933.10.3
his own excrement.\textsuperscript{31} Taylor contends, “the cartoon evokes imagery of the inadequate king, the one who blocks celestial flow,”\textsuperscript{32} which implies that “Habyarimana must be killed.”\textsuperscript{33} The symbolism communicated in the cartoon discloses the “ritual and mythological component” that is “beneath the surface of ideology and the avowed intentions of social actors in the genocide... [and] reveals something about the deeper fears and desires of the génocidaires.”\textsuperscript{34} These deeper fears swelled under Habyarimana’s regime and focused on Habyarimana as an ineffectual Hutu leader, but after Habyarimana’s death, these fears found a new focus—Tutsi as a “credible” collective menace. Taylor further argues that these deeper fears are what galvanized the religious imaginary’s commitment to slaughter a perceived Tutsi threat, noting that the composition of this fear was “thoroughly modern” in that it required applying the flow/blockage metaphor typically reserved for individuals [Habyarimana] to an entire group [Tutsi]. Taylor’s summation of this reworking of the metaphor is worthy of quoting in full:

[The]...contagion of ‘bare life’ did not stop with Habyarimana. With his externality made visible [due to his being a ‘wild sovereign’ and ‘blocked conduit’], it was then possible for Hutu extremists to insist on the externality of others, in this case, all Rwandan ‘Tutsi, who were tarred with the accusation that they were ‘invaders from Ethiopia.’ Reduced to ‘bare life,’ Tutsi were a reminder that the lingering externalities within the polity threatened its social and moral integrity. If a ‘sacred king’ could not get rid of them, then the people must do it themselves. Tutsi had become the ‘blocked beings,’ and they were everywhere—neighbors, colleagues, sometimes even wives and mistresses. No pity could be shown.\textsuperscript{35}

An additional illustration of a reference to blocked beings is within a context of syncretism between the Rwandan practice of impalement and the centrality of the crucified Christ in Christianity. A cartoon depicting the imagined reinterpretation of the assassination of Melchior Ndadaye, the first President of Burundi to be democratically elected, styles him as an ineffectual conduit as indicated by his anal impalement, yet he is also crucified—a specimen of the synthesis of “specifically Rwandan symbols with deep historical and ontological roots...merged with those that are the more recent product of Christian evangelization.”\textsuperscript{36} What Taylor makes clear is that by examining the religious aspects of the circumstances and media leading up to the 1994 genocide, we can more thoroughly appreciate the mindset and actions of the religious imaginary and gain a fuller understanding of the motivations of genocide perpetrators.

Taylor also extends flow/blockage symbolism to the erection of roadblocks designed to trap Tutsi. The excessive number of roadblocks outstripped their pragmatic effectiveness, signaling that their use pointed to some additional purpose beyond their obvious one. Moreover, a religious justification of the genocide also included the ritualized nature of the killing, which permitted the synergy of sacred time and space to render Tutsi as necessary sacrifices in a cosmological battle in order to preserve the sacred community. “Barriers were ritual and liminal spaces where obstructing beings’ were to be obstructed in their turn and cast out of the nation. The roadblocks were the space both of ritual and of transgression”,\textsuperscript{37} as were the rivers that were congested with the bodies of Tutsi victims being sent back to their ancestral Egyptian home.

A second justification was informed by ritualistic behavior. Sémelin refers to a new logic that religion can sustain in the interest of the practices of the collective for the sake of the “sacred entity,” a term that captures how Hutu perpetrators could see themselves as victims in a battle for

\textsuperscript{31} Ibid., 275–77.
\textsuperscript{32} Ibid., 274–78.
\textsuperscript{33} Ibid., 277.
\textsuperscript{34} Ibid.
\textsuperscript{35} Ibid., 278.
\textsuperscript{36} Taylor, \textit{Sacrifice as Terror}, 174.
their own survival:

While institutional religion (through the Christian Church) was no longer...the spiritual guarantor for the prohibition of murder, a new logic was tending to develop: one that put the perpetration of murder at the centre of religion, or rather at the centre of another kind of sacred entity—a sacred entity which, depending on the instance, assigned itself as a common object of veneration, whether race, the nation or ethnicity. This sanctification of the ‘elected’ majority presupposes the building of a sacrificial altar on which to burn all those designated at that ‘other.’...The relationship to violence has thus been completely reversed: murder is no longer a taboo to be observed but becomes, on the contrary, a foundational practice—not of a new religion, but of a different conception of collective transcendence, that draws on instituted religious practices, or even recycles them.38

This logic, albeit an apparently self-justifying logic, relies upon familiar religious practices for its validation. The actors and meaning of the genocide become religiously stylized, and events unfold within familiar spaces and rituals. In this light, one of the most appalling features of the genocide—that a vast number of Tutsi were killed in and around churches—is of particular significance and a complex, even contradictory phenomena, as génocidaires simultaneously destroyed and embraced religious symbolism.39 “Tabernacles, baptismal fonts, pulpits, vestments, crucifixes, statues, altars, Bibles and prayer books—all the sacred symbols and icons of religion—were slashed and damaged.”40 However, “there are many reports of screaming victims being physically dragged to churches before being killed at the entrances,”41 as if to assign sacral, even sacrificial, meaning to the act of killing in front of the church whose very sacred symbols were desecrated. A more explicit ritual practice, one directly informed by Kubandwa, fused genocide with sacramental implications when attackers donned the dress of warriors practicing kubohoza (translated “to help liberate”).

The ntere were the elite in the military system that existed before the arrival of the Europeans. Kubandwa is a religion widely practiced in the central lakes region since the sixteenth century. In its rituals, participants sometimes put kaolin, or chalk, on their faces.42

When people engaged in kubohoza, they sometimes covered their faces with chalk, wore banana leaves, attacked at the signal of a whistle, marched to a drum and manned barriers along the roads to catch their prey. During the genocide, some assailants did the same things.43

The attackers wore leaves. The women wore the leaves on their hips. The men wore them crossed like an “X” across the chest, in the style of intore. They had chalk around the eyes, as if for kubandwa, and they shouted “tuzabatsembatsemba!” [We have come to exterminate!].44

Religious rhetoric, connotations, and symbols gesture toward the unthinkable, the unknowable, the unfamiliar, the remarkable, the contradictory, and in doing so renders experiences imbued with religious language and references as familiar, thinkable, unremarkable, and coherent. In

38 Jacques Sémelin, Purify and Destroy (London: Hurst, 2007), 90.
39 These practices of killing near and in churches and desecrating and embracing religious symbolism defy a definitive or simple explanation. It is the case that killing Tutsi in churches was an economical strategy because the observance of sanctuary guaranteed that perpetrators could quickly locate large numbers of Tutsi in one space with ease, but why was sanctuary ignored in the 1994 conflict and not in prior conflicts? Furthermore, perhaps Hutu destroyed church symbols in recognition of its foreign presence and as an affirmation of indigenous religion or as a signal of the appropriation of the authority of religion for themselves? More simply, perhaps the frenzy of genocide spilled over into wanton acts of destruction, of religious and non-religious objects and buildings alike.
41 Ibid.
42 Des Forges, Leave None, 312, n. 156 and 157.
43 Ibid., 47.
44 Ibid., 304.
short, religious language provides a scheme for tolerating and articulating what would otherwise seem exceedingly intolerable or unspeakable.

Third, the Rwandan genocide is replete with examples of Hutu genocide architects situating the extermination of Tutsi within recognizable religious narratives and rhetoric, rhetoric that conscripts divine approval and portrays the genocide as being of ontological proportions. The primary conduits of genocide-inciting propaganda in Rwanda, were radio broadcasts and newspapers, which appealed to divine authority and used biblical references. Des Forges confirms this point with her observation that “propagandists used religion and the church to validate their teachings. Umurava Magazine declared ‘It is God who has given Habyarimana the power to direct the country, it is He who will show him the path to follow.’ Most propagandists did not go so far, but they did frequently couch their ideas in religious language or refer to passages from the Bible.” For example, “Mugesera exhorts his audience to ‘rise up...really rise up’ in self-defense. He cites the Bible several times and declares that the MRND has a new version of the Biblical adage to turn the other cheek: ‘If you are struck once on one cheek, you should strike back twice’”\(^\text{45}\) and “We must do something ourselves to exterminate this rabble. I tell you in all truth, as it says in the Gospel, ‘When you allow a serpent biting you to remain attached to you with your agreement, you are the one who will suffer.’”\(^\text{46}\) An unabashed, and most likely well known, propagandist appeal to the Bible is the infamous publication of the Hutu 10 Commandments, widely circulated in December 1990, ordering Hutu to fulfill their moral obligation to utterly destroy societally unfit Tutsi—coded though clearly understood, radio broadcasters urged Hutu to “do your work” and “cut the tall trees.”\(^\text{47}\) Moreover, propagandists promoted the genocide as meeting with divine approval. “Sindikubwabo finished a speech by assuring his listeners that God would help them in confronting the ‘enemy.’ RTLM announcer Bemeriki maintained that the Virgin Mary, said to appear from time to time at Kibeho church, had declared that ‘we will have the victory’. In the same vein, the announcer Habimana said of the Tutsi, ‘Even God himself has dropped them.’”\(^\text{48}\) In addition, a radio announcer jubilantly blared, “Let us rejoice friends. The cockroaches have been exterminated. Let us rejoice friends. God is never wrong.”\(^\text{49}\) Des Forges succinctly pinpoints the effectiveness of the propagandists’ religious rhetoric and biblical appeals when she avers that “in a country where 90 percent of the people called themselves Christian and 62 percent were Catholic, these references to religion helped make the teachings of fear and hate more acceptable.”\(^\text{50}\)

**Authorization**

Des Forges believes that “many Rwandans say that they killed because authorities told them to kill ... reflect[ing] less a national predisposition to obey orders, as is sometimes said, than a recognition that the ‘moral authority’ of the state swayed them to commit crimes that would otherwise have been unthinkable.”\(^\text{51}\) Contra Des Forges, many scholars do not weigh these two points against each other as much as they discuss them as informing each other. Within the context of the Rwandan genocide from this latter perspective, the moral authority of the state was buttressed by the teachings of obedience by religious authorities who endorsed the political power structure. As Des Forges herself writes, “Far from condemning the attempt to exterminate the Tutsi, Archbishop Augustin Nshamihigo and Bishop Jonathan Ruhumuliza of the Anglican Church acted as spokesmen for...

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\(^{45}\) Ibid., 69.


\(^{47}\) Philip Gourevitch, *We Wish to Inform You that Tomorrow We Will be Killed with Our Families: Stories from Rwanda* (New York: Farrar, Straus & Giroux, 1998), Gourevitch, *We Wish to Inform You*, 17.

\(^{48}\) Des Forges, *Leave None*, 189.

\(^{49}\) Andrews, Roger: Genocide Baby.

\(^{50}\) A 1991 census conducted by the Government of Rwanda indicates that 89.8 percent of the population claimed Christian Church membership: 62.6 Catholic, 18.8 percent Protestant, and 8.4 percent Seventh Day Adventist. See Longman, “Christian Churches,” 149, n. 23.


\(^{52}\) Ibid., 14.
the genocidal government at a press conference in Nairobi," and many who did not actively condone genocide at least tacitly did so by remaining silent. Churches were sites for the planning and commission of genocides, clergy sacralized violence through ritual and religious mythologies, and the most explicit authorization of genocide by church authorities was active participation, killing, or aiding in the direct killing of victims. According to Mamdani, the church connections of the radical Hutu movement are

...the clue as to why the violence was marked by greater fury in the Church than in any other institution in Rwandan society. The Church was the original ethnographer of Rwanda. It was the original author of the Hamitic hypothesis..., without the church, there would have been no ‘racial’ census in Rwanda.54

It seems that Mamdani is contending that genocide perpetrators were bringing the eradication of Tutsi full circle by killing the majority of Tutsi in the very places that nurtured the racial ideologies that would eventually culminate in their demise.

The ICTR indicted several members of the clergy for their participation in genocide. Some of the most notorious of the defendants were Father Wenceslas Munyeshyaka, who allegedly turned over Tutsi refugees to Hutu militia and Rwandan armed forces to be killed and raped; he was convicted in absentia in 2006, and the case was referred to a French Court, but the case was dismissed in October 2015.55 Father Athanase Seromba was convicted in December 2006 for allowing his church to be bulldozed with 2,000 Tutsi refugees inside.56 Elizaphan Ntakirutimana (deceased) was a pastor and president of the West Rwanda Association of the Seventh Day Adventist Church based in the Mugoneroro Complex, Gishyita commune, Kibuye prefecture. His son, Dr. Gérard Ntakirutimana, was a medical doctor at the Seventh Day Adventist’s hospital at Mugonero Complex, Gishyita commune. Pastor Ntakirutimana is the person whom several pastors addressed in a letter containing the words that would be used as the title of an award-winning book by Philip Gourvetich, We wish to inform you that tomorrow we will be killed with our families: Stories from Rwanda. Pastor Ntakirutimana’s response to this appeal was “Nothing can be done.”57 He was also the first clergyman to be found guilty by an international tribunal. Both men were found guilty of leading Hutu attackers to Mugonero Adventist church and to a hospital complex in Kibuye where unarmed Tutsi were seeking refuge.

In 2001, a Belgian court58 found two other religious figures, Sister Gertrude (née Consolata Mukangano) and Sister Maria Kisito (nee Julienne Mukabutera), Benedictine nuns, guilty of genocide for collaborating with Hutu militia by driving out Tutsi in the Sovu convent in Butare, Rwanda, who were seeking safety, to a Hutu militia and their certain death. More recently, in 2010, Emmanuel Rukundo, a military chaplain for the Rwandan army, was convicted of genocide for killing a Tutsi woman, abducting and causing bodily harm to several women, and sexually assaulting a woman.59 These indictments are profound because of what seems to be a literal inversion of the expectations society holds of clergy and of general church conduct. Given that clergy are typically seen as moral paragons and that churches are, literally, sanctuaries, what is surprising and disturbing, is that many clergy were directly involved in killing and raping victims Scores of Tutsi lost their lives within and immediately outside church walls and mission compounds; the villages

53 Ibid., 189.
54 Mamdani, When Victims Become Killers, 232.
57 Gourvetich, We Wish to Inform You, 41.
58 Given the role that Belgian colonization played in widening the divisions among Hutu and Tutsi in Rwanda by issuing identity cards, it seems ironic that a Belgian court should find two Rwandans guilty of a crime that was in large part made possible by Belgian imperial policies.
and cities that were sites of the deadliest massacres were Nyamata, Musa, Ntarama, Nyarubuye, Cyahinda, Nyange, Saint Famille, and Karubamba. It is not unreasonable to expect that Rwandan nuns, pastors, and chaplains should have vehemently objected to the slaughtering of innocent men, women, and children. Instead, as Alison Des Forges keenly observes, “church authorities left the way clear for officials, politicians, and propagandists to assert that the slaughter actually met with God’s favor,” and indeed, believed to be sanctioned by divine fiat. Only referred to as “The Witness” in an ICTR transcript, a victim testified that “later on while I was hiding I heard them [a group of attackers under the Pastor’s direction] saying that Pastor Ntakirutimana had said that God had ordered that the Tutsi should be killed and exterminated.”

Longman sheds light on why he believes this moral inversion was possible in Rwanda. “Christians could kill without obvious qualms of conscience, even in the church, because Christianity as they had always known it had been a religion defined by struggles for power, and ethnicity had always been at the base of those struggles.” Longman provides powerful imagery to support his point when he writes,

...while churches were not the chief organizers of the Rwandan genocide, their long practice of teaching obedience to authority and of engaging in ethnic politics made it possible for Rwandans to ignore the principle of sanctuary and participate in the killing of Tutsi without feeling that their actions were in conflict with church teachings. In fact, the organizers of the death squads in many local communities included not only prominent lay church leaders but sometimes priests, pastors. Catholic brothers, catechists, and other church employees, and the fact that death squads attended mass before going out to kill or that killers paused during the massacres to pray at the altar suggests that people felt their work was consistent with church teachings. Far from being mere passive bystanders, Christian churches provided essential support for the slaughter.

As shocking as these events were, and although the relationship between religion and genocide defies an easy explanation, Longman’s contextualization helps us better understand how these acts were possible. Namely, how is it that so many perpetrators perceived no inconsistencies between killing and church teachings? However, Longman’s point regarding obedience to authority also provides some insight into how Hutu killed knowing that their actions were inconsistent with church teachings: “Deep down we knew that Christ was not on our side in this situation, but since he was not saying anything through the priests’ mouths, that suited us.” In other words, many Hutu perpetrators were viscerally aware that their behavior was immoral, but this awareness was undercut by a longstanding, cultural habituation to obey clerical authorities who, in effect, condoned the killing of Tutsi through their lack of condemnation. Although many Hutu and Tutsi clergy forfeited their lives to protect Tutsi refugees, out of fear of deadly retaliation, many clergy, especially Tutsi clergy, were unable to exercise their ecclesiastical authority and mount a successful counter campaign that effectively challenged the dominant genocidal ideology promulgated by Hutu clergy. Collectively, it appears that the immediate influence of Hutu clergy, longstanding practice of conditioning Rwandans to obey authority, and cooperative relationship between churches and the state, severely undermined the overall ability of churches to effectively condemn the killings. For example, another confessed génocidaire, Ignace, stated,

God kept silent, and the churches stank from abandoned bodies. Religion could not find its

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64 Ibid., 166–67.
place in our activities. For a little while, we were no longer ordinary Christians... We had to obey our leaders—and God only afterward, very long afterward, to make confession and penance. When the job was done.66

A case in point is that prior to the 1994 genocide Archbishop Nsengiyumva severed his official tie to Habyarimana’s ruling party, the MRND, but he still remained friends with members of the regime and later arranged a papal visit to Rwanda—the latter was “a clear sign of a ‘blessing’ of the Habyarimana regime in the eyes of the population.”67 The 1990 *Le Christ, notre unité* (In Christ our unity)—a pastoral letter among a series of letters released by Catholic bishops before, during, and after the genocide—rebuked ethnic enmity and various evils, but the archbishop’s relationship with the regime proved disastrous and undermined the bishops’ condemnations, as “the church had lost all its credibility in political matters.”68 Whether church teachings were consistent or inconsistent with killing, the tendency to obey authority prevailed.

Genocide, Religion, and Sexual Violence

Given the excess of genocide, perhaps it is not surprising that totalizing religious language and the ultimate violation of sexual violence so effectively potentiate genocidal ideology and behavior. Within the context of genocide, sexual violence and religion combine when perpetrators target and intimately violate the human body as a means of physically, symbolically, and even cosmologically, reimagining and reconstructing the social and political order by destroying a perceived enemy. These forms of destruction are not random: perpetrators act within a culture-specific logic that religious language, mythoi and rituals provide, and génocidaires contort and exploit religious texts and imagery as a basis for this language.

Sexual violence and religion are both largely understudied in genocide literature because, until recently, scholars and legalists largely treated sexual violence as ancillary to warfare (rather than as a weapon of war). Similarly, scholars marginalize religion in genocide because religion is rarely the principal point of departure for genocide, as opposed to ethnic tensions or political power grabs. Nonetheless, sexual violence and religion are both effective conduits of the power of politics and other social struggles, as they can foment, potentiate, and actualize genocidal action. Therefore, their study can deepen and nuance our understanding of the dynamics of genocide. Sexual violence is one of the most effective and heinous demonstrations of power over another and strategies for disrupting entire communities. Combined with religion—a meaning-making system that includes transcendent referents and pertains to matters of ultimacy—sexual violence and religion form a potent foundation for violent action. By examining the intersections of genocide, religion, and sexual violence, the goal is to bring the complex components of genocide into greater relief. Acts of sexual violence and the perversion of religion in genocide are tantamount to bringing about a social and spiritual death that “mock[s] the possibility of any moral life,” and they severely cripple a community’s ability to reconstitute itself.69

I contend that religion has both a distal (or indirect) and proximate (or direct) relationship to physical acts of sexual violence. The distal influence of religion indirectly contributes to the perpetration of sexual violence by contributing to conditions that are conducive to sexual violence and rape, but this influence is so diffuse that it is difficult to pinpoint religious influence as a primary cause or as reflecting any readily recognizable and particular religions belief, practice, or ritual. Examples of this diffuse influence include the patriarchal beliefs and practices of religious traditions that devalue the personhood of women yet value women as property. This longstanding devaluation and objectification of women during peacetime makes women more susceptible to sexual violence during wartime and particularly during genocides because of the biological and

66 Ibid., 142.
68 Ibid.
cultural role women play in perpetuating ethnic bloodlines. Functionally, religion distally or indirectly plays the same role in laying the groundwork for sexual violence as it does in genocide—through othering, justification, and authorization.

The actions and religious rhetoric of perpetrators and religious officials contribute to the othering of the enemy, even to the extent of considering them evil and falling outside the circle of moral regard. This contributes to the dehumanization of members of the enemy group, making enemies an acceptable object of sexual violence. Moreover, religious othering and rape mutually reinforce each other in the process of dehumanization. The force of religious rhetoric paints an other as so radically different that they are susceptible to acts of violence, including rape, yet rape can also so dehumanize an enemy that religiously inflected violence is not morally problematic. Religious justifications, per the just war tradition, have a tendency of leading to total violence, and one of, if not the most severe type, of violence a person can suffer is sexual violation. Religious mythologies are able to justify the victimization of the enemy group because, as one scholar argues, “religion is the only other entity [than state authority] that can give moral sanction for violence.” These mythologies can recast or reshape reality in a manner that transforms the profane into the sacred, providing the moral and psychological space for religiously inflected sexual violence, which sustains and maximizes the destruction of genocide. The authorization of sexual violence is realized through the moral authority of religious officials and religious institutions that support genocide or stand mute before it—in essence providing a blanket sanctioning of the government’s aims and methods of genocide through an act of omission. This tacit sanctioning permits behavior that is otherwise criminal, such as murder and rape, and indirectly (or distally) endorses and sustains genocide. In addition, and in the aftermath of genocide, the actions of religious officials actualize the aims of perpetrators by upholding and reinforcing the patriarchal and cultural mores surrounding the chastity of women and patrilineal descent—rendering a raped woman unmarriageable and a forcibly impregnated woman the mother of a child of the enemy group, respectively. In both cases, the cultural practices and religious mores of the victim group are crucial to the effectuation of the perpetrator group’s strategy to eliminate the target group.

Contrast this distal use of religion to its proximate or direct influence, where the ritual and pattern of sexual cruelty is specifically evocative of the religious beliefs and practices of the perpetrator and/or victim group. For example, perpetrators can use religious rhetoric while sexually assaulting their victims, force victims to break religious taboos in order to intensify the shame of their experience, or sexually violate victims in a ritualistic fashion after their deaths. The proximate influence of religion to acts of sexual violence, although readily recognizable as religiously inflected, is a secondary cause in the sense that acts of sexual violence that explicitly reflect religious overtones are only possible after the more diffuse and distal or indirect influence of religion and sexual violence has been established. The distinction between the distal and proximate influences of religion on acts of sexual violence is instructive for prevention strategies because it allows us to refocus the attention, away from the explicit (or proximate) instances of religiously inflected acts of sexual violence that occur during genocide—which is symptomatic of the primary cause and, therefore, a secondary cause—and toward the pernicious and diffuse influence of religion on sexual violence (distal) prior to and after genocide. Addressing the primary and less visible connection between religion and acts of sexual violence, in the forms of the negative influence of systemic patriarchy on the personhood of women, greatly decreases the likelihood of religiously inflected acts of sexual violence against women, a secondary cause, during genocide. The best strategy for dismantling the connection among religion, sexual violence, and genocide is for religious leaders and the faithful to actively resist and subvert the patriarchal treatment of women within their own communities as well as the wider secular community in times of war but particularly during times of peace.

The Distal and Proximate Influence of Religion on Sexual Violence in Rwanda Guided by the Typologies

Tutsi women and girls, as child bearers and sexual objects, were primarily targeted for sexual

violence, but it should be noted that men and boys were sexually violated as well. As dictated by the concept of *imaana*, Tutsi were characterized as blocked beings who endangered the welfare of the nation. Torture techniques and methods of killing—such as the oblation of sexual organs—was a bodily inscription of the imagined counter-fertility and flow of Tutsi. Torturers reportedly forced Tutsi to commit incest, emasculated men as well as boys of non-reproductive age, and cut off women’s breasts—assaults on the reproductive capacities of their victims and transforming them into blocked beings.\(^\text{71}\)

**Othering**

An exemplification of the distal relationship among religion, genocide, and sexual violence is the colonial Hamitic hypothesis, the focal myth that sustained Tutsi otherness or their status as alien settlers of Rwanda and superior to Hutu. Moreover, many religious traditions are patriarchal and characterize women within their own faith communities as well as recognize in other faith communities the status of women as inferior to men. “Violence is... embedded in social structures, including those of religion. When religious language is used to justify... patriarchal structures of oppression, which are inherently violent because they violate women’s human dignity, the circle is complete.”\(^\text{72}\) The circle is complete, here, seems to refer to the formidable and mutually reinforcing synergy between earthly and theological justifications for the subjugation of women, which makes the violence of patriarchy extraordinarily difficult to dismantle because is presents such patriarchy as the given state of our lives and spiritual realities. A distal conceptualization of the influence of religion on genocide offers a translation of the aforementioned metaphorical violence of violating women’s human dignity into physical violence during genocides by arguing that patriarchal violence manifests itself under the acute conditions of warfare, which exacerbates pre-conflict societal tensions and inequalities. Imagining the enemy as not just a physical threat but as a cosmological or theological one creates a space for extreme violence for the sake of defending ultimate aims. As an other, victims are not human, and sexual violence further dehumanizes the victim. However, even if victims retain their humanity, their otherness forfeits their right to live or to be safe from harm.

Patriarchal structures in religion view women as subordinate to men, as transactional property, and as morally and spiritually problematic—making females who are members of the enemy group particularly vulnerable to abuse. Taylor indicates how feminist scholarship, such as that by Martha Reineke, enriches the account of the tendency to abuse women in patriarchal societies when he writes, “feminist scholars influenced by psychoanalysis have shown that a propensity exists on the part of some patriarchal social systems to seize upon women as sacrificial victims.”\(^\text{73}\) Taylor continues and highlights the additional characterization of women as people who straddle cultures due to their reproductive capacities, and as a result are particular targets of violence, when he writes, “they [feminist scholars] trace this proclivity to [sacrifice women to] the fact that women are often socially situated at the limen between groups. Perceived as cultural gatekeepers, women can be dangerous in the manner of ‘liminal’ beings.”\(^\text{74}\)

The ramifications of patriarchy on genocide were explicitly referenced in *Prosecutor v. Akayesu*. The ICTR chamber found:

> In patriarchal societies, where membership of a group is determined by the identity of the father, an example of a measure intended to prevent births within a group is the case where, during rape, a woman of the said group is deliberately impregnated by a man of another group, with the intent to have her give birth to a child who will consequently not belong to its mother’s group.\(^\text{75}\)

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\(^{71}\) Ibid., 140.


\(^{74}\) Ibid. Here, Taylor is citing Douglas 1966 and Turner 1973.

These patriarchal sentiments culminated into primarily valuing women for their chastity and roles as wives and mothers. In addition, the Hamitic myth also distally influenced sexual violence:

Though less overtly stated, extremists aimed at reclaiming the lost ground of patriarchy and re-asserting a male dominance that had probably never existed in Rwanda’s actual history. Tutsi women were pivotal enemies in the extremists’ struggle to reclaim both patriarchy and the Hutu Revolution, because in many respects they were socially positioned at the permeable boundary between the two ethnic groups [in their capacity to produce progeny that were either Tutsi or Hutu as determined by the ethnicity of the father].

Taylor ably argues that genocide in Rwanda cannot be properly understood without examining the “gender issues [that] interacted with ethnic ones in complex ways involving the demarcation of social boundaries and local notions of racial purity”; the destruction of Tutsi women was not only physical but symbolic, as Tutsi women, even prior to the genocide, were objects of sexual ambivalence.77 To Hutu men, Tutsi women were more desirable than Hutu women (per the Hamitic myth and the practice of Europeans nearly always coupling with Tutsi rather than Hutu women). Due to this intimate contact between Tutsi women and European men, Rwandans believed that Tutsi women participated in abhorrent “non-procreative and therefore immoral” sexual behavior.78 Leading up to the genocide, Hutu extremists seized upon this perception to demonize the counter-fertile sexual practices of Tutsi women—primarily in the form of explicit cartoons depicting Tutsi women engaging in group sex, anal penetration, and oral sex with Europeans—much to the disgust of most Rwandans. “Such value judgments,” Taylor writes, “may reflect Rwandan acculturation to the sexual norms promulgated by the Catholic Church, but by now they have been well internalized.”79 The violence Tutsi women suffered was an attempt by Hutu men to “purge” this ambivalence in sexually symbolic ways, and this may partially explain why the rapes of Tutsi women were particularly brutal.80 Women were just as likely to die from the mortal injuries of rape as from the blow of a machete.

Justification
The fact that most victims died immediately or nearly immediately after their assaults, points to a motive other than creating conditions designed to make rebuilding a Tutsi community difficult. As one rape victim testified, “these rapes were designed to humiliate us,” a humiliation that nearly always preceded death.81 The notion of blocked beings as circumscribed by the cosmological belief in imana directly informed ritualistic acts of sexual violence. Torture techniques and methods of killing—such as the ablation of sexual organs—were a bodily inscription of the imagined counter-fertility and flow of Tutsi. Torturers reportedly emasculated men as well as boys of non-reproductive age and cut off women’s breasts—assaults on the reproductive capacities of Tutsi, which supposedly transformed them into blocked beings.82

Genocide perpetrators also forced Tutsi to commit incest in the full view of other family members, and one court witness testified, “I… found a body, … the legs were apart and the body of her child… was placed on her genitals, as if she was being forced to have sexual intercourse with the mother.”83 In the aftermath of the genocide, in the town of Nyamata, the body of a woman was discovered in a church with a spear lodged through her vagina that exited her chest.84 The fact that

76 Ibid.
77 Taylor, Sacrifice as Terror, 174.
79 Ibid.
80 Ibid.
81 Christopher W. Mullins, “He Would Kill Me With His Penis”: Genocidal Rape in Rwanda as a State Crime,” Critical Criminology 17 (2009), 25.
82 Taylor, Sacrifice as Terror, 140.
83 Mullins, “Kill Me,” 25.
84 Carol Rittner, John K. Roth, and Wendy Whitworth, eds., Genocide in Rwanda: Complicity of the Churches? (St. Paul:
she was violated in a church only heightened the indignity of the act, since until that time Rwandans reliably observed a policy of sanctuary during conflicts. Moreover, as supported by an abundance of ICTR testimonies, ablation, impalement, as well as vaginally and anally assaulting Tutsi victims with sticks, were widespread practices during the genocide. A member of the Interhawame relayed, “I saw these two people rape a girl... I saw them rape her and after that they used a spear to pierce her and they also pierced her sexual organs... I saw [them] cut off [her] breast ... after cutting the girl’s breast off he [Kajelie] sucked it.”

As senseless as these barbarous acts may appear, they were committed within the logic of the bountiful flow of imaana, which was either redirected, as in the case of incest “where blood and semen ... flow backward upon one another in a closed circuit,” or blocked, as in the case of the removal of sexual organs and impalement. The counter-fertility of blocked beings, albeit an indigenous Rwandan cosmological logic, was reinforced by the sexual norms of non-native colonial Christianity. Taylor’s analysis offers us a nuanced analysis of Hutu attitudes and sexually inflected genocidal behavior rounds out other scholarly observations of the genocide that do not closely attend to Rwanda’s religious practices and cosmological framework. Case in point, Elisa von Joeden-Forgey, in her work on the gendered aspects of genocides, argues that genocidal rapists exploit social context and symbols to maximize damage in going “beyond compromising the physical and psychological ability of women and girls to carry children. It seems to puncture—to wound—that invisible space inside a woman’s body, the source of the group in the first place.” Could that be the message transmitted by the perpetrators’ use of sharpened sticks to rape and kill Tutsi women during the Rwandan Genocide in 1994? Perhaps, but impalement may have been operant on another level that is only apparent by attending to a more culture-specific religious worldview, such as that of the cosmological view of imaana and blocked beings. Without this data, a crucial local component of the message that von Joeden-Forgey speculates rapists transmitted to their victim group in public acts of rape during the Rwandan genocide escapes scrutiny.

Authorization

Neither church officials nor official statements from church bodies sufficiently denounced genocidal rape during or after the genocide, illustrating the distal impact of religion on sexual violence (as opposed to proximate) because these were acts of omission as opposed to commission. A failure to consistently and publicly condemn violence against women cultivates a culture of impunity and tacitly authorizes violence and sexual violence against others, especially given that many ICTR witnesses claimed that church authorities failed to stop, orchestrated, or participated in the sexual victimization of Tutsi. Moreover, organized churches did not leverage their authority to reduce the stigma of raped survivors or to alleviate the social and financial burden endured by rape victims and their children. The relationship between authorization and genocidal rape as intended to interfere with the perpetuation of ethnic bloodlines is a curious one.

The stigmatization of rape survivors is also distally related to authoritative religious beliefs and doctrine: for example, patriarchal beliefs about female chastity and the Catholic Church’s stance on abortion destroyed the potential of women in Rwanda to become wives and mothers and led many of the few surviving women to attempt to abort their own fetuses or commit infanticide. Although the ICTR recognized the practice of forced impregnation during the Rwandan genocide, the repercussions of genocidal rape as a means of preventing Tutsi from perpetuating their bloodline was not a foundational aim of génocidaires. Hutu extremists primarily aimed to physically destroy

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86 Taylor, Sacrifice as Terror, 141.
88 Taylor, Sacrifice as Terror, 273–76.
89 Children orphaned during the genocide, but not children born of genocidal rape, are eligible for government financial and social assistance.
Tutsi by killing them outright, not exploiting and depending on the effects of genocidal rape to thin or displace the Tutsi population.

As the nexuses demonstrate, religious rhetoric, belief and practice—as promulgated by institutionalized religion and religious individuals and coupled with the aims and organization of the state apparatus—perniciously prepared the popular imagination for genocide by building a reality where mass killing was thinkable and necessary. This process inverted moral values, or in a Hegelian sense, held competing ideas in tension, resulting in the authorization of behavior that would otherwise be criminal in the name of survival—both temporally and spiritually. This dual capacity is a defining feature of religious belief, which makes religion particularly adept at tolerating contentious and even contradictory ideas. Echoing the language of Rudolf Otto, R. Scott Appleby and others refer to this capacity as the “ambivalence of the sacred,” or the constructive and destructive potential of religion. Mythologies and rituals, by appealing to the potency of religious symbols and tropes, provide the sacred space and means required to sustain and justify genocidal action against a perceived ontological other by situating the genocide in a larger, recognizable, religious drama (a drama that both perpetrators and victims often unreflectively accept). Furthermore, the authorization of genocide by churches and prominent religious figures drew its force from a history of obedience to authority that intimated divine approval and Church sanctification.

Rather than being a haven, the sacred space of church became an altar of sacrifice; rather than acting as a bulwark against violence, religious belief and practice became the center (literally and figuratively) of violence; many parochial figures encouraged rather than intervened in the killings; and Christ-like obedience was transformed into sacrificial killing. The events of genocide that appear to be so extraordinarily inconsistent with generally accepted religious norms are possible because of the capacity of myths to hold contradictory ideas in tension with one another, or to even revise ideas and apprehensions in accordance with religious belief—as explained by Lévi-Strauss. To wit, the logic of religion is analogous to the logic of genocide in that both are closed systems that are not easily susceptible to external critique but must simultaneously establish cogency among conflicting ideas on terms dictated by the system in order for the system to sustain itself. For example, mass killing is considered abominable and in conflict with most religious convictions and generally agreed-upon moral norms, but this conflict can be endured for the sake of defending the cosmological order or ensuring the survival of a threatened group, respectively—thus, the system remains intact. For instance, the seeming congruence of sexual violence and ritual incorporates rape into a web of religious meaning that minimizes cognitive dissonance and sanctifies acts that are otherwise criminal. As Burns reminds us, “it is an odd truth that when faced with circumstances that contradict our constructed meaning systems, we are more likely to change our perceptions of the events than to change our beliefs. Religious systems are remarkably stable in the face of contradictory information.”

The Future of Genocide Studies
As for possible avenues of the future study of genocide, many of these avenues are implicit in this study. One is that the religious myths, beliefs, and practices of religious traditions as well as the religious rhetoric that perpetrators use to trade on the authority of these traditions, should all be a greater part of genocide studies discourse. Such a strategy would add to the strands of inquiry dedicated to explaining and understanding genocide by providing, in Geertizan terminology, a thick description of local culture that includes how religious practice and belief inform a community’s worldview—a worldview that pre-exists and persists during genocides and informs the particular logic of genocidal mentalities and behavior.

Another recommendation is to devote more study to the perspective of genocide perpetrators and the profiles of religious actors who engage in rescue and resistance behavior. Studying what

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92 There are a multitude of stories of heroism by rescuers and of resistance by victims during the Holocaust; however,
génocidaires believe motivates their actions, religious or otherwise, can yield invaluable insights into genocide perpetration. This is not to say that all perpetrators of genocide are singularly motivated or that a perpetrator’s motivation might not be multifaceted and change during the course of a genocide. Moreover, early warning systems designed to detect genocide triggers may also benefit from studies of sexual violence and religion. For example, Taylor’s observation that after the 1990 RPF invasion of Rwanda, in the year and months leading up to the 1994 genocide, rapes and other crimes dramatically increased. In addition, the publication of sexually violent extremist literature also increased; these trends, in conjunction with other conditions such as economic collapse, can foreshadow genocidal violence.

A tandem approach to studying the perspective of génocidaires, one not explicitly addressed in this essay, is to increase the examination of the psychological and social profiles of individuals who engage in rescue behavior in order to isolate the variables that make it likely that a person will resist genocidal ideology and actions. Some research, such as that of Ervin Staub, attempts to outline factors in one’s childrearing and background experiences that foster altruistic behavior, and still other research, by the likes of Julius Landwirth, ask whether rescue behavior can be taught or not. Although rare, members of faith communities have engaged in rescue behavior. Analogous, to Staub and Landwirth’s work, I believe that studying the training and experiences of religious figures who have engaged in altruistic behavior during a genocide will allow us to identify qualities and strategies that can inform parochial education. This approach may also increase the likelihood of members of religious communities resisting genocide and rescuing victims or even engaging in a kind of community building that makes it difficult for genocidal ideology to gain traction among the faithful and wider citizenry. As genocide research continues to flourish, religious tensions and antagonisms should be one of many features of genocide worthy of investigation, alongside other commonly explored factors such as economic crisis, political tensions, and competition for resources. Indeed, the nexus of genocide and religion is complex, but it is as necessary to understand this dynamic as it is difficult to research. Religion and religious studies are fruitful avenues for genocide study not only in identifying how genocides are legitimated and potentiated, but also in how genocides can be prevented and mitigated.

Last, this investigation is of one particular genocide, but there is value in comparing genocides in order to identify not only their differences but also their similarities. The result then is not an identification of the pattern of genocide but rather a pattern of genocide, patterns that not only act as points of departure for comparing similar cases but also expose the limitations of comparison in highlighting where and how similarities break down. An element of this break down is what fuels a recent criticism of genocide research—the failure to research cases of conflict that exemplify a genocidal pattern but do not result in genocide. This consideration squarely affects much less scholarship exists on individual and group rescue behavior of more recent genocides (such as in Bosnia, Rwanda, and the Sudan), and less literature still that specifically focuses on the psychological and social factors that encourage rescue behavior. For recent, book-length treatments of the dynamics of rescue behavior, see Steven K. Baum, The Psychology of Genocide: Perpetrators, Bystanders, and Rescuers (New York: Cambridge University Press, 2008) and Andrew Michael Flescher, Heroes, Saints, and Ordinary Morality (Washington, DC: Georgetown University Press, 2003).


Elizabeth Neuffer, The Key to My Neighbor’s House: Seeking Justice in Bosnia and Rwanda (New York: Picador, 2001), 94. Neuffer notes that Rwanda once bore the moniker of “Switzerland of Africa” among its turbulent African neighbors because of Rwanda’s marked lack of violence, crime, prostitution, and unrest under the Habyarimana regime.

Taylor, Sacrifice as Terror, 157.


efforts to effectively forecast genocide. Moreover, definitional disagreements about genocide, the interdisciplinary nature of genocide studies, and the widely varied historical, geographical, and circumstantial contexts of genocides make meaningful comparisons across cases difficult. This difficulty is partly allayed by viewing various avenues of inquiry as complementary to and not necessarily in competition with each other; bringing together various approaches of research to bear on single cases can lay the groundwork for more robust and productive comparisons across cases.

**Conclusion**

Recognizing the potential of religion to prevent and mitigate genocide is to acknowledge the capability of religious discourse, actors, and institutions to be positive rather than negative forces in conflicts. The typologies of othering, justification, and authorization represent ways of teasing out how religious rhetoric, myths, and actors promote genocide by providing recognizable narratives of ultimacy and raising the stakes of conflict, as well as pointing toward a strategy for prioritizing how religious traditions and church officials can act as a bulwark against genocide: for example, by humanizing rather than demonizing the other, utilizing religious rhetoric to provide counter-narratives to ostensibly justified violence, exercising the moral reach of the church to condemn violence and promote reconciliation.

In addition to religious groups, institutions, and clergy assessing how their own religious traditions and clergy contribute to genocidal ideology and behavior, they can also partner with government and non-government organizations (NGOs) in reporting genocide triggers as part of an early warning system. One author argues that “religious groups are usually among the first people to learn of a religious persecution, especially against their own faith,” making the cooperation with religious groups, who have intimate local knowledge of their communities, and groups tasked with forecasting genocide particularly advantageous in preventing genocides.

A trigger identified by The UN Office of the Special Adviser on the Prevention of Genocide (which launched a project in February 2010) that may forecast genocide is incendiary speech. The project indicates that “inflammatory speech often precedes mass atrocities, especially genocide…and the outcome of their work] will result in (1) a blueprint for monitoring dangerous speech in situations at risk of genocide and mass atrocities, and (2) a methodology for gauging the dangerousness of specific speech acts.” As our discussion of religious rhetoric makes clear, such rhetoric can certainly constitute “dangerous speech.” Monitoring religious rhetoric (written and spoken) is particularly integral to early warning systems because it is often “the first publicly available indication of a group’s genocidal intentions…Rwandan ‘Hutu Power,’ and Serbian ultra-nationalism appeared years before the genocides those ideologies spawned.” In addition, local church officials can lend credibility as well as their local knowledge to NGOs in order to maximize the results of their activities. To date, it does not appear that such a forged partnership exists. The recognition of the capacity for religion to aid in genocide prevention, mitigation, and reconciliation is particularly important given the ineffectual, and at times nonexistent, international response to genocide.

For all that religion can accomplish in predicting genocide, without the political will, early warning systems can do nothing more than forecast potential genocide. Tragically, the Rwandan genocide could have been prevented or at least greatly mitigated if the international community had intervened. This makes it all the more imperative to bring to bear any and all resources, especially local ones, that are formidable enough to stymie, ameliorate, or even halt genocide once it commences. A critical part of these local resources are church officials and the institutional church; for example, Longman contends that “the involvement or resistance of religious institutions in genocide can have a profound impact on the success or failure of genocidal movements.”


100 Heidenrich, *How to Prevent Genocide*, 75 (emphasis added).

101 Timothy Longman, *Christianity and Genocide in Rwanda* (New York: Cambridge University Press, 2010), 17 (emphasis added).
Religion has and can continue to play a pivotal role in resisting genocide and in the healing process of victims of genocide, most notably by public condemnation of genocide and through heroic acts. This includes issuing official statements and engineering the sheltering or escape of victims of genocide, and in the aftermath of genocide, providing aid and lending support to reconciliation efforts. In this regard, one of the best known organizations is Catholic Relief Services (CRS). Yet it is likely that the most advantageous role religion can play in genocide is not in forecasting its perpetration, mitigating its effects, or assisting in post-genocide efforts, but in cultivating a cultural environment that reduces the possibility of genocidal propaganda taking root in the first place.

Post genocide, the identification of the systematic use of rape can bolster criminal court cases by adding any evidence presented to establish genocidal intent, acknowledging women’s suffering in a legal context. Morally there is also a place for religion in affirming the dignity of women who are victims of rape as well as rebuking perpetrators of rape—as a pastoral duty to bear witness. Carol Rittner, noting that both the former Yugoslavia and Rwanda had substantial Roman Catholic populations and that the Vatican leadership often publicly comments on issues of sex and sexual morality, expresses her utter disappointment with the Vatican for failing to provide comfort to rape victims and women who were forcibly impregnated as well as for failing to unequivocally condemn the men who engaged in sexual violence. As a Catholic and member of the Mid-Atlantic (USA) Community of the Sisters of Mercy, she laments that she is still awaiting the “great voice... in Rome” to offer words of compassion to women of the world who have been violated, infected with HIV/AIDS, and forcibly impregnated and left to care for the children of their genocide perpetrators. She writes:

I can only conclude that the leadership of the Roman Catholic Church, the Pope, and his cardinals, archbishops, and bishops, unlike the God of Abraham, Isaac, and Jacob in Exodus 3:7-10, failed to witness the affliction of God’s people (women) in Yugoslavia and Rwanda, failed to hear the cry of complaint God’s people (women) uttered against the men who used rape as a weapon of war and genocide in Rwanda and Yugoslavia, and failed, failed utterly to know well what God’s people (women) were suffering in the 1990s, and still suffer today.

The public condemnation Rittner calls for is a moral imperative for the Church that is conducive to the cultivation of a culture that does not tolerate rape in peace or wartime, and it could conceivably assuage some of the guilt, shame, and ostracism that sexual assault victims endure from their fellow coreligionists.

Regardless of the trajectory of genocide studies and whether a scholar’s work is primarily theoretical or not, I contend that the overarching goal of all approaches to genocide studies should ultimately have a pragmatic application: genocide detection, prevention, and mitigation. This is a commitment that enjoys agreement among pioneer scholars, such as Charny, and new scholars, such as Benita Sumita. Sumita argues that genocide studies should emphasize a “forward-looking perspective, one that distinguishes between academic [which tend toward explanatory models of genocide] and legal applications of the genocide framework [which tend toward models of prosecution], and seeks to advance genocide studies in a proactive and preventive way, rather than just as retrospectively.” This study is a contribution to this line of investigation. The typologies of the nexuses of religion and genocide and genocidal rape are strategies for accomplishing two aims. These tools are a first step to deciphering how religion and sexual violence buttress the intricate components of genocidal perpetration in service to the subsequent application of the insights that such an approach yields for genocide prevention, mitigation, and prosecution.

103 Ibid.
104 Ibid. (emphasis in original).
Bibliography


“Her name was not Seher, it was Heranuş…”: Reading Narratives of Forced Turkification in Twenty-First Century Turkey

T. Elal

Abstract: The process of Turkish state formation coincides with systematic large-scale massacres, persecution and exclusion of certain groups - namely Armenians, Rums, Jews, Assyrians and Kurds. However, accounts of the process of Turkish nation-building which deal with its destructive side often overlook the “Turkification” of many non-Muslim women and children in the wake of the First World War. This study aims to fill this gap by drawing on personal narratives and testimonies of forceful assimilation published in the last decade in Turkey. As any discussion on the Armenian Genocide was one that was silenced until not so long ago in Turkey, and historians working on the topic of the Armenian Genocide or mass persecution of Rums often discover that data is either inaccessible or ‘lost’, it is of even greater importance that the personal narrative of survivors be integrated into history writing.

Keywords: Turkification of non-Muslims, narrative as testimony, collective and redemptive memory

Introduction

In the period that stretches roughly from the 1890s through to the 1960s, the Ottoman Empire and Turkish Republic espoused nationalist as well as discriminatory discourses that came to provide the very myths and social imaginaries that construct Turkish identity, and organize and guide social and political action in Turkey today. The process of Turkish state formation coincided with the systematic persecution, exclusion and large-scale massacres of certain groups – namely Armenians, Rums (Anatolian Greeks), Jews, Assyrians and Kurds. However, accounts of the process of Turkish nation-building often focus on its constructive side or deal only with certain aspects of its destructive side. Even when such destructive aspects are studied – such as the Armenian and Assyrian massacres of the late nineteenth century, the Armenian Genocide of the World War I, the population exchange following the Treaty of Lausanne in 1923, or the 1928 Turkish language campaign –, the impact of the forced “Turkification” of many non-Muslim women and children in the wake of the First World War is often overlooked, constituting a forgotten chapter in the history of Turkish nation-building. This oversight has meant that the slow motion destruction of ‘those left behind’ has not been studied, and the ways in which the identity, autonomy and physical security of Armenian, Rum and Assyrian women and children was undermined during the life-long process that was forceful assimilation has not been fully understood.1

For example, accounts of how young Armenian and Assyrian girls were given the choice between life and death; i.e. assuming a Turkish identity or facing forced deportations, are numerous. In one such case, Yeghsa Khayadjanian from Harput, 15 years old in 1915, recalls how she and a group of other young Armenians “were given the choice between conversion and death.” 2 Significantly, they were not asked whether they wanted to become Muslims, but whether they would “become Turks”? These women would also be forced to repress other expressions of their connection to a non-Turkish past, including the use of languages other than Turkish and the enactment of specific practices. They also had to discard their given (Christian) names and take up Turkish names. For such women and children, any discussion of their prior lives would be topics prohibited in both the public and private domains. Therefore, the silencing and repression of one’s language, customs, religious identity and memories pertaining to their communities which had previously been part


2 Matthias Bjornlund, “A Fate Worse than Dying: Sexual Violence during the Armenian Genocide,” in Brutality and Desire: War and Sexuality in Europe’s Twentieth Century, ed. Dagmar Herzog (Houndmills: Palgrave Macmillan, 2008), 36. The distinction between ‘Muslim’ and Turkish’ is significant, especially as another dimension of Turkish nation-building entailed the refusal to acknowledge that the Kurds of East and Southeastern Anatolia belonged to a separate ethnic group to Turks. The early Republican period saw the labeling of Kurds as “mountain Turks” as well as the prohibition of Kurdish traditions (such as the celebration of the Zoroastrian New Year, nowruz) and use of the Kurdish language.

The crucial point was that Kurds were Muslims. Ironically therefore, the Turkification of Armenian and Assyrian women as treated in the present discussion was often carried out by Kurds in East and Southeastern Anatolia.

3 Ibid., 36.

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http://dx.doi.org/10.5038/1911-9933.10.3.1384
of the Anatolian landscape became one of the ways in which forced assimilations corresponded with the more direct violence of the massacres. Muslim families that adopted Armenian and Rum children, or took non-Muslim brides for their sons, became crucial agents in what amounted to a “centrally organized program of forced assimilation.” This silencing is compounded by the fact that whenever the assimilation of such Armenian and Rum women and children is acknowledged, the official position of the Turkish state and its organs is that these “Armenian [as well as Assyrian or Rum] women and children consciously and voluntarily became Muslims and broke off from other Armenians, Assyrians and Rums.”

However, the 2000s saw the survivors of these crimes – i.e. the very victims of forced assimilation – contest the official representation of the state by “bearing witness” to what had been previously silenced: The appearance of a new body of literature of private history and personal testimony of forced Turkification published in Turkish and in the form of biography, monological interview, and historical novel constituted a watershed in writing about the traumatic legacy of the atrocities committed across the Anatolian landscape at the very inception of the Turkish Republic. The present study argues that these recent narratives published by the victims of forced assimilation, their daughters and grandchildren must be treated as essential in gaining an understanding of the dimensions, functions and role of literary production in confronting official history. To this extent, this paper will examine primary sources written in Turkish and published in the last decade that explore these hidden histories and subsequent discoveries. These are, for the most part, stories of how an increasing number of Turkish citizens of the third generation have recently discovered that their grandparents were ethnically Armenian or Rum, and were forcibly converted to Islam and made to embrace “Turkishness” in order to avoid persecution. This issue was one that was silenced until not so long ago in Turkey, and historians working on the topic of the Armenian Genocide or mass persecution of Rums often discovered (and in fact, still do) that data is either inaccessible or lost. This is why, to quote from Fethiye Çetin, who published one of the first accounts relating the story of her own (Armenian) grandmother, “it is essential to tell these stories […] we need to hear the stories of our grandparents and families.”

By drawing on first-hand accounts, I herewith argue that the impact of the Turkification of non-Muslim Anatolian women and children has had significant repercussions across generations, and that the recent trend of publishing memoirs which tell the stories of that process highlights a decision to act in public, whereby a profoundly personal act takes up its place within a distinctly social framework, the framework of collective action.

Moreover, this significant gap in the literature which overlooks the impact of Turkification also downplays the fundamentally gendered aspect of the massacres of the Armenian, Assyrian and Pontic Rum populations of the Ottoman Empire. Historians such as Roger Smith, Claudia Card

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4 Ibid., 41.
6 Fethiye Çetin, Anneannem (İstanbul: Metis, 2004); Yorgos Andreadis, Pontos’taki Evim (İstanbul: Belge Yayınları, 2007).
7 İrfan Palalı, Tehcir Çocukları: Nenem bir Ermeniymiş (İstanbul: Su, 2005); Kemal Yalçın, Hayatta Kalanlar (İstanbul: Bir Zamanlar, 2008); Fethiye Çetin, Torunlar, (İstanbul: Metis, 2009); Erhan Başıyurt, Ermeni Evlatlar: Saklı Kalmış Hayatlar (İstanbul: Karakulu, 2006).
8 Yorgos Andreadis, Tamama: Pontos’un Yitik Kızı (İstanbul: Belge, Marenosrüm, 1993); Filiz Özdem, Korku Benim Sahibim (İstanbul: Yapı Kredi, 2007).
10 Fethiye Çetin, Anneannem.
and Armen Marsoobian have convincingly argued that males and females have often been affected by genocide in quite different ways, and that focusing on aspects such as gender is important if one seeks to fully understand the modes, motives, dynamics, and consequences of genocide and other mass crimes.\(^{12}\)

Due to the traumatic nature of the experience they relate, the present discussion also treats the works under study here as literatures of trauma.\(^{13}\) Therefore, the question of whether traumatic memory is inherited – and if it is, how it is framed – is a particularly pertinent one. According to the *Oxford English Dictionary*, trauma (in the non-physical sense) is a “psychic injury, especially one caused by emotional shock the memory of which is repressed and remains unhealed.”\(^{14}\) As Kathryn Robson points out, “trauma defies our attempts to comprehend and to assimilate it,” and makes “truth-telling” particularly challenging, if not impossible; for how is it possible to give voice to something that breaks through the mind’s coping strategies?\(^{15}\) It is in this context that scholars such as Cathy Caruth have argued that trauma is almost invariably “spoken in a language that is somehow literary.”\(^{16}\) However, in cases where witnesses and victims of forceful assimilation have been silenced, the family becomes an important site for memory, where women take on a particularly pivotal role (although not an exclusive one) in determining the nature of communicative memory. As the present paper argues, it is not a coincidence that it is close family-members who have recorded and published the accounts of witnesses and victims of forced Turkification. In a country like Turkey, acts of collective commemoration are usually directed at remembering the War of Independence (1919-1922), or sites such as Gallipoli as loci for collective mourning. Expressions of atrocities committed against Armenians, Rums and other minorities groups are certainly not suitable material for state-building mythologies. However, the recent upsurge of testimonies that address these atrocities, and the very fact that these works have generally elicited positive responses from readers across the country (and for the most part have not been subjected to direct censorship), suggest that there are important changes taking place in how certain members of society wish to readdress the atrocities of 1913-1916 and possibly, modify how the inception of the Republic is remembered collectively as a nation.

**Narrating “The Tragedy of Hidden Identities”: A New Genre in Turkish Literature**

In 2004, Fethiye Çetin, a Turkish lawyer and human rights activist, published *Anneannem (My Grandmother)*. This is the story of how, at the age of twenty-five, Fethiye Çetin discovers that her grandmother is Armenian; that her name is not Seher but Heranuş, and that she was not born in the Turkish village of Çermikli, but in the Armenian village Havav near the city of Elazığ in Eastern Anatolia. After an entire lifetime of silence and repression of the memories that pertain to her Armenian childhood, Çetin’s grandmother reveals to her granddaughter in 1979 the details of her Armenian identity, the family she lost during the forced deportations of 1915-1916, and how the social and cultural bulwarks which had sustained her community were destroyed by the policies...
of the Committee of Union Progress (CUP) in power at the time. Over the course of the months and years, Çetin’s grandmother gradually and increasingly opens up to her about her childhood, talking about her real parents, her Christian upbringing and Armenian schooling, as well as how she was forcibly taken from her family and “rescued” from death by a Turkish-speaking Muslim military officer and taken in by a Muslim couple who had no children of their own. As a consequence, at the age of nine Heranuş becomes Seher; learns to speak Turkish, becomes a Muslim and eventually assumes a Turkish identity. What initially motivates Heranuş to share the details of the past with her granddaughter is her wish that Fethiye Çetin track down her lost relatives who survived the deportations and massacres in 1915-1916 and moved to America.

However, for Çetin, the discovery of her grandmother’s Armenian identity and the violent nature of her break from that past is not an easy one to come to grips with. Her grandmother’s account of the events leading up to her separation from her family and subsequent conversion to Islam include vivid descriptions of the violence and cruelty that Armenians had to endure during the deportation. Çetin describes how, once her grandmother started recounting her memories of childhood, she faced a crisis in her own perceptions of who she was, and experienced a sudden break in her conceptualization of Turkish society: In her own words, “most of what I thought I knew until that day was in fact wrong […] all my values were being shattered by what I was hearing.”

She also expresses the overwhelming sense of shame she suddenly felt when she thought back on of how she had spent her entire school years reading nationalistic poems during school assemblies: “Next to the images that I played vividly in my mind – i.e. a crowd waiting to be deported in the courtyard of a church, children torn apart from their parents, the eyes of dead children staring at me – I remembered the nationalistic poems I read during every state festival. Next to the unblinking eyes of the dead, there I stood, reading poems of the nation’s glorious past.” My Grandmother is therefore not only the story of Heranuş and her reconnection with a past which had been denied to her for the most of her life, but also an account of how her act of remembrance and coming out leads to the reconstruction of Fethiye Çetin’s identity and a fundamental questioning of the official rhetoric of the Turkish state and its inception.

Almost immediately after the publication of Anneannem in 2004, a wave of other similar works appeared in the Turkish press: To name just a few, Tehcir Çocukları: Nenem Ermeniysmiş (The Children of the Deportations: My Grandmother was an Armenian) was published by İrfan Palalı in 2005; Hayatta Kalanlar (Those who Survived) by Kemal Yalçın in 2006; Korku Benim Sahibim (Fear is my Master) by Filiz Özdem in 2007; and Kara Kefen: Müslümanlaştırılımış Ermeni Kadınların Drami (Black Shroud: The Stories of Islamified Armenian Women) by Gülçiçek Günel Tekin in 2008. Fethiye Çetin then published a second account, Torunlar (Grandchildren) in 2008 for which she interviewed other women of the third generation: Çetin relates how these other women experienced and came to terms with their discovery that their grandparents were Armenian or Rum. All these works approach the subject of how Armenian and Rum women recount their experiences of the forced deportations, mass persecutions and subsequent marriage to Turkish-speaking Muslim men, or their adoption by Muslim families. They also address how their children and grandchildren deal with the confession that their grandparents are in fact not who/what they always claimed to be. These works also have in common that almost all these acts of remembrance are being carried out by women, and that these testimonies are almost exclusively passed on to daughters and granddaughters. Such accounts highlight how women’s experiences of genocide differed from those of men in terms of forms of victimization and their consequences. They also illustrate how women consequently took on the role of passing on their stories, whereby the cultural performances of testimonies of the

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17 Çetin, Anneannem, 52.
18 Ibid., 55.
past transcended the boundaries of the family unit and took up their place amongst the archives of memory that fill the vacuum of chapters in history that have not been written or have no platform.

I approach the questions I raise in the introduction through the consideration of the works I mention above. In addition, I refer to one other work, Yorgos Andreadis’ Tamama: Pontos’un Yitik Kızı (Tamama: Pontos’ Lost Daughter) which was published earlier than Çetin’s Anneannem, in 1993. This work initially appeared in Greek, and was then translated into Turkish in the same year. Here, Andreadis tells the story of a Pontic Greek girl who took shelter in the home of a Turkish family after being deported from her home in 1914, at the age of seven. In November 1914 Tamama’s entire village is evacuated from Espiye (near Trabzon) and made to march westwards as the Russians invade the Eastern parts of the Black Sea Region. Both of Tamama’s parents, her brother and her uncle die of typhus and harsh winter conditions on the road. By the time they reach Sivas, some two hundred kilometers from Espiye, the majority of the population of the village has perished because of the harsh conditions of the deportation.21 In Sivas, Tamama is taken in by Mustafa Oktay, a Turkish military officer, who lives with his sixteen year old daughter Ayşe. Tamama ‘becomes’ Raife, learns Turkish and converts to Islam; the Pontic Greek orphan is erased from history to be replaced by Raife, a Turkish speaking, Muslim Turk. Like Çetin’s grandmother, the fictional Tamama wishes to reconnect with her surviving family members in her old age (following a stroke) which is what makes her speak to her nieces and nephews about her past, and thus the quest to locate distant relatives begins.

Significant is that, for Andreadis, the fictional story of Tamama is grounded in memories of a distant landscape he calls his ancestral homeland. Elsewhere, in a semi-biographical work, Pontos’ taki Evim [My House in Pontos] published in 2005, Andreadis has stated that although he was born and raised in Greece, and does not set eyes on Anatolia until he is in his mid-twenties, he identifies more as an Anatolian refugee than as Greek. Andreadis’ family was moved from Anatolia to Greece during the Population Exchange between Turkey and Greece in 1923.22 Andreadis spends the first eighteen years of his life labeled a refugee from a place he is now a stranger to, but in the meanwhile grows up with the vivid descriptions narrated to him by his grandmother Afroditi of the life his parents and grandparents led and the grand houses they once owned in that distant land, Pontos.23 The stories his grandmother tells him of Pontos are so deeply engraved in his mind that upon his return to his family’s homeland (near the present-day city of Trabzon) he recognizes that a casino now stands on the spot the Aya Grigoriu Church once occupied. He knows that the square opposite the school his grandmother Afroditi has described countless times was once called “Gavur Meydanı” (The Square of the Infidels).24 What Yorgos labels a return is in fact his first visit to Trabzon. However, he is familiar with his homeland in very tangible ways, and this is a familiarity that comes solely from communicative memory, i.e. personal interaction with his grandmother by means of verbal communication. Interestingly, the house and the land from which this family was “forcefully made to leave” before he is born is what he most identifies with; much more so than his home in Greece, where his family are treated as second class citizens, living in barracks on an unnamed street with other Anatolian refugees.25 Like Tamama, Yorgos too is a lost child of that landscape.

Tamama was published in 1993, and awarded the prestigious Abdi İpekçi Prize in Literature in the same year. Although it speaks openly about the harsh conditions of the deportations, how people were abandoned by Turkish soldiers to die, and how the old and weak were murdered on the side of the roads, Yorgos Andreadis’ work elicited mostly positive responses, and its readers demanded that other such works which engaged with the tragedy of the deportations be produced. However, it was only some ten years after the publication of Tamama, when Çetin’s Anneannem
appeared in 2004 that a plethora of similar works would follow, engaging the human tragedy of the 1913-1916 deportations and murders through personal narratives like never before in Turkey. Significantly, these works were no longer fiction grounded in reality, but the voices of men and women relating stories “as it once was.”

Individual Narrative as Collective Politics and Collective Trauma

The question of whether personal narrative can work as collective (and redemptive) politics is a critical and contentious issue within literary, testimonial and wider cross-cultural examinations of genocide and mass persecution. For example, certain scholars and critics of Holocaust fiction “express distrust of literary devices in narratives” and have argued that literary narrative can only serve to distract from the “harsh realities of the ghettos, the concentration camps, and death.” These scholars have argued that the use of literary devices in narratives, such as the use of metaphor in personal narratives, can only serve to distract from the horror of the events witnessed. In this context, Alvin Rosenfeld has insisted on the central problem of language in narrating the brutality and inhumanity of the Holocaust, which forever surpassed the ability of language to represent it: “There are no metaphors for Auschwitz, just as Auschwitz is not a metaphor for anything else. Why is that the case? Because the flames were real flames, the ashes only ashes, the smoke always and only smoke.” However, testimonial writings and the personal narrative have increasingly entered the realm of mainstream literary and historical discussion, and have found a platform in many contexts of mass persecution and genocide. For example, Yvonne Unnold who writes on the Latin American testimonio has argued that given that “truth and reality forms a central element [in the personal narrative] and since this genre aims at […] serving as a sociopolitical tool,” it is able to attach authenticity value to its representations of history.

In this backdrop, I believe that the nature and timing of the publication of the works under scrutiny is significant in understanding their purpose and how these were conditioned by states of minds outside their own. These works are much more than the private stories of individual women; in each context the act of publishing these personal narratives represents a decision to act in public, where, due to the lack of any official recognition of these tragedies, they assume a similar role public memorials would have taken on under normal circumstances. War memorials are “places where people grieved, both individually and collectively.” But what happens if there are no memorials to visit to mourn, no public spaces that emphasize the losses endured and if the framing of memory relevant to these events through language is denied to the witnesses of the crimes? Although the voice that speaks in personal narratives asserts the individuality of a certain experience, and imposes personal feelings and responses to the events in question, narratives collectively produce a new genre altogether: They confirm what one another say and create space where dialogue can take place between different agents. The different agents in question in this case would be the victims, their family members, civil society, and the Turkish state. Personal memory becomes testimony, whereby communicative memory ultimately redefines cultural memory.

Why was it that it was only in the mid-2000s that these works finally found a platform? Debates on the Turkish state’s responsibility of the Armenian Genocide and its refusal to recognize that these crimes took place have been on the political agenda for a long time, both on the national and international level. Writers, journalists and priests in Turkey have been arrested for recognizing the Armenian, Rum and Assyrian Genocides for over three decades and continue to be penalized for writing on these topics. However, it is certainly possible to refer to a “memory boom” that has

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26 I would like to thank one of the reviewers of this article who drew my attention to this very central issue, and for making very useful suggestions where this question was concerned.
30 Unnold, Representing the Unpresentable, 45.
32 Hynes, Personal Narratives, 206.
taken place in the last decade, almost a century on from the atrocities of 1913-1916. One possible answer to “why now” is that there is finally enough distance between then and the present for the audience to treat these as belonging to an era that does not affect any of their living relatives or acquaintances. These issues can be discussed for the first time without holding responsible anyone in living memory. By the 2000s, those directly responsible for these crimes as well as their immediate family were no longer alive.

Second, communicative memory is after all, temporal memory that disappears after the person carrying out the act of remembrance dies. Those witnesses who are involved in memory work do not necessarily rehearse past events in order to provide interpretations of these atrocities and the historical process they happened in; they do so in order to “struggle with grief, to fill the silence, to offer something symbolic for the dead.” The 2000s also coincided with the death of the last of these agents of remembrance who possessed communicative memory. However, once this information is transmitted to others and those born in generations after them, communicative memory becomes cultural memory.

Cultural memory is not fixed – and neither is the voice of the narrator in memoirs – however, these testimonies become carriers of cultural (if not collective) memory because they are the inventions of individuals within a group coming together in acts of remembrance: They record, publish, read and discuss in the public arena. Each agent takes on a different role: the grandmother narrates, the granddaughter records what she hears, a publisher prints the work and others come together to read and discuss content. Sometimes, the state acts, arrests or publically denounces the accounts in question. Significantly however, the content of memory takes on a collective and therefore political meaning. The family may be the largest space situated between the individual and state, but the act of publishing these personal accounts moves these memories beyond the family, out of the shadows and into the public domain.

Cultural trauma occurs when members of a collectivity “feel they have been subjected to a horrendous event that affects their group consciousness ineradicably, marking their memories forever and changing their future identity in fundamental ways.” The essential point here is the concept of changing future identity, which is inextricably linked to how memory work is carried out after the so-called traumatic events take place. For example, in Those who Survived, Kemal Yağan records the interviews he held with survivors of the Armenian and Rum Genocides. In one instance, one assimilated Armenian woman describes how, before the 1915 massacres when aggression and discrimination against non-Muslims in Eastern Anatolia were on the rise, she witnessed her brother, Agop, being dragged out of their house by a group of Turkish men and beaten up in the village square for everyone else to witness and watch. Agop had supposedly stolen a turkey from the nearby village: “I looked around to see whether any of our neighbors would help […] but everyone watched as my brother was beaten half to death for no apparent reason. We were helpless as a few people from the crowd screamed “infidels, you hide buckets of gold but still steal without shame!” She then describes how this event was the “beginning of the end”; that the bonds that had held Armenians and the Turks together in a sense of communality had been severed forever by way of the act of witnessing this single violent event, for both the bystanders and victims alike. By attributing such symbolic meaning to the memory of the violence

34 Jay Winter and Emmanuel Silvan, eds. War and Remembrance in the Twentieth Century (Cambridge: Cambridge University Press, 1999), 27.
35 I am borrowing from Jan Assmann who maintains that “cultural memory begins where communicative memory ends.” Although everyone can take part in commemorative acts of remembrance, cultural memory work is more differentiated and exclusive in character because not every member of a community can legitimately influence the content of cultural memory. For Assmann, national archives are an illustrative example of reservoirs of cultural memory. I argue here that written accounts of survivors of Turkish atrocities have now transcended commemorative memory to become cultural memory, serving as a form of archival source. See, Jan Assmann, “Collective memory and cultural identity,” New German Critique, no. 65 (1995).
of that day, this personal narrative highlights how traumatic memory is a metaphor for what is in fact a language of mourning. Personal narratives touch on traumatic events that could perhaps best be described as being commemorative acts that go back in time to reaffirm one’s human values, and acquire some sense of redemption: This is the expression of traumatic memory.

Collective trauma on the other hand, occurs when the basic tissues of a groups’ social ties are fundamentally impaired, resulting in the destruction of a sense of communality, damaging the bonds that attach people together. This is perhaps one of the most striking subject matters that binds each of these personal narratives: The witnessing and experiencing of the violence towards non-Muslim groups who had lived in communities side by side with Turks and Kurds for over centuries left a permanent mark on the survivors of these crimes, as well as its perpetrators (even if they were guilty of passively observing).

In Çetin’s Torunlar (Grandchildren) – which consists of a series of recorded interviews – a Turkish woman, Sima describes her surprise at discovering that there were students in her class called Tanya, Arto and Rafi. Her parents had enrolled her at a school in Istanbul after they moved there from a small village in Western Anatolia: “I thought they must be very European. I had been completely unaware that there were Jews and Armenians from Anatolia […] I was therefore shocked to learn that my maternal grandmother’s mother had been Armenian, from a village in the East of Turkey where there were entire villages of non-Muslims.” Once she approaches her father’s family about the 1915 deputations and massacres, she notices how, although “no one denied that these were tragic events,” there was resistance to talk about the vacated houses of hundreds of thousands of Armenians and Rums, and how these properties and lands had been seized by their Turkish neighbors. Sima comments on how “no one is prepared to say ‘I seized such and such property and became rich,’ it is always ‘others’ who have committed such acts […] but you can see and sense their guilt.”

The question of guilt as wrapped up in cultural trauma is an interesting one. Friedlander discusses how the feeling of guilt among Germans in post-World War II Germany was transformed over time: When German and Jewish contemporaries of the Nazi period –

Contemporary adults, adolescents or children, even the children of these groups – are considered, what was traumatic for the one group was obviously not traumatic for the other. For Jews of whatever age, the fundamental traumatic situation was and is the Shoah; for Germans, it was national defeat (including flight from the Russians and loss of sovereignty) following upon national exhilaration. To that, however, a sequel must be added, regardless of its psychological definition.

The sequel is that over time, increasing information becomes available to Germans and the international community, and the question becomes one of dealing with the stain of genocide as well as the potential shame and guilt that comes with the obligation of recognizing these crimes. This seems applicable to the Turkish case. For example, when Yorgos Andreadis describes his visit to his ancestral home Trabzon for the first time in 1970s, he writes of an encounter with a group of young men, more or less his own age, who approach him to ask where he is from in a mixture of English, Turkish and Greek (once he shares with them that he was born in Greece). In response, he points emphatically to the ground and declares: “From here.”

Reportedly, a few of the men do not seem to understand the significance of this response, whereas the rest of the

38 Jeffrey C Alexander, Cultural Trauma, 9.
39 Fethiye Çetin and Ayşe Gül Altınay, eds., Torunlar (Istanbul: Metis, 2009), 135.
40 Ibid., p.138.
42 Andreadis, Pontos’taki Evim, 60-61. What I find striking about this account is that the men who approach Andreadis, speak some form of Greek, which must mean they spoke Pontic, a dialect of Greek. This account dates back to the 1980s, and it is significant that members of the third generation are still familiar with the language.
group “looked uncomfortably to the ground and did not know what to say.” Denial is inextricably linked to feeling of guilt and collective trauma, where the perpetrators and/or passive observers, as well as the generations that were born after them bear the marks of the violent way in which social ties of communities were fundamentally impaired. Another example is Sude, the protagonist in Fear is my Master – which is the story of Filiz Özdem, who finds out that her grandfather was in fact Armenian following his death – and who declares “my [paternal] grandmother did not wish for me to look for answers about my [maternal] grandfather, because she knew what I would find would cause embarrassment.” Both her mother (who discovers her own father’s Armenian identity at the same time as Sude) and Sude realize that Sude’s grandfather must have had no choice but to marry his wife (their mother/grandmother), and denied the right to talk about the circumstances under which he had accepted these terms. Sude is not told that this is the case, but assumes that it must have been so. In a similar narrative, Burhan Aydın, whose mother Feride – an Armenian woman “rescued” by a Turkish man in 1915 who then becomes her husband – states the following:

I think that because my mother did not want to remember those horrific times she never spoke of what had happened. It’s likely that my mother witnessed the murders of her parents, as well as her brothers and sisters and escaped to the mountains. Why else would a young woman hide up in the mountains all by herself? […] I grew up with very little knowledge relating to my mother’s family.

Although she has no evidence to support this, Burhan Aydın comes to the conclusion that her mother must have witnessed the murder of her family after finding out that her grandmother had been found alone in the mountains. Significant here is how in the absence of memory, Filiz Özdem and Burhan Aydın make new memories to fill that void, framing events in the way they think it must have happened.

The consequences of collective trauma in the backdrop of the arguments of this essay are twofold: First, by denying the reality of others’ suffering and suppressing expressions of those memories, the Turkish nation was able not only to diffuse its own responsibility for this suffering but also projected the responsibility of its own suffering on others. In other words, the refusal to take any accountability over the question of the Armenian, Assyrian and Greek deaths has provided the Turkish state with a homogenizing discourse: The Turkish people cannot be – and is not – responsible for the deaths of the other, i.e. Armenian and Greeks. This not only enables state discourse to separate the two camps of Turks and non-Turks sharply into a definitive them and us, but also rallies undivided support over one single issue. As Selim Deringil has highlighted, “there is no other issue in Turkey today, other than that of the question of an Armenian Genocide, which manages to rally the entire Turkish nation behind it.” Therefore, the “Armenian question” and the state’s denial to accept any responsibility in either Armenian, Assyrian or Greek suffering becomes a nodal point in the process of the homogenization of the Turkish people-as-one.

The second issue at hand is the question of how the concealment of vast numbers of Armenians, Assyrians and Rums who took on Turkish identities, and the inability to speak of these atrocities resulted in the transmittance of a fractured perception of self across generations. One passage in the Fear is my Master highlights how Sude faces a crisis in her sense of identity because she feels that she no longer knows who her grandparents’ really were, and that her maternal ancestors are “forever lost” to her:

No one knows their names, and no one calls their names… Who knows what attributes they have passed on to me? Perhaps the way I flick my hair to the side and how I sleep at night

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43 Ibid., p. 62.
44 Filiz Özdem, Korku Benim Sahibim (Istanbul: Yapı Kredi, 2007), 54.
46 Alexander, Cultural Trauma and Collective Identity, 1-2.
47 Selim Deringil, Boğaziçi University Lecture, 2 May 2011.
with my left knee hug tight resembles the mannerisms of some dead person whose name I do not know. Perhaps my clumsy walk and the way I fall in love is like someone I do not know [...] to whom am I indebted for my patience?48

The passage I quoted earlier from Çetin’s My Grandmother also signals a similar sort of crisis. Çetin feels that “most of what I thought I knew until that day was in fact wrong [...] all my values were being shattered by what I was hearing.”49 Both Çetin and Sude feel disconnected from their ‘former’ selves; memory and identity are, after all, fundamentally bound to one another. Each individual remembers as part of a social group and our memories are almost always rehearsed in the past “in reference to the individual memories of other people; that is, those persons who are significant at different levels for that individual.”50 What happens when the validity of such rehearsed memories is challenged by an alternative set of realities that one has no access to? Sude and Fethiye Çetin, as well many other men and women in these narratives, feel that they have been deceived by the memories they have previously formed.

However, in Sude’s case there is no chance of her forming new memories, (unless she fills in the gaps by inventing new ones) because her grandfather is dead and there are very few people she can talk to about who he was and what had happened to him. When Sude expresses her wish to find out more about her maternal grandfather’s history, her paternal grandmother declares: “Why has this foolish girl become infatuated with her family’s maternal side, why does she question the past so? If she wishes to inquire on family history, she can do this by looking in to her father’s side of the family!”51 However, Sude feels as if “a branch of the family tree is broken; I wish to learn more of that broken branch.”52 Sude needs to make new memories; and Çetin feels that she has betrayed her grandmother and herself by taking part in “false” collective acts of remembrance by reading nationalistic poems in Turkish; whereas Nazlı, whose account was recorded by Gülçüçek Günel Teken, expresses huge regret at never probing her own grandmother to recount her memories. Nazlı knew of her grandmother’s “Armenian past”, yet did not understand the significance of what this meant until after her death. As a consequence, Nazlı never finds out what her grandmother’s real name was. She states that “I have asked others who knew her […] would you believe it? No one knew. I don’t know what my own grandmother’s name is [...] I feel incredible regret.”53 These women’s legacy to their children and grandchildren seems to be a sense of collective trauma. In other words, they are faced with a form of shock when they realize that their communities no longer exist as an effective source of support, and that a significant part of the self has disappeared upon the discovery that many of their rehearsed memories shared within their communities no longer represent their family history and by extension, their selves. This ultimately means that many of their exchanges of information, values and memories – be it at school, at work, or amongst members of their Turkish family – no longer contribute to their present selves.

In the case of all the narratives under scrutiny in this essay, the memory work being carried is very much intertwined with what Emmanuel Silvan calls “grief work”,54 in that all these memories pertain to a past that is particularly painful and fraught with death and loss. Why, then, did these women choose to overcome the silence that they have so dutifully kept throughout the years? Why do their children and grandchildren choose to repeat the stories that they have been told? Two separate themes connect these memoirs and could help explain the reason behind their coming out. The first is the fear of being forgotten and/or forgetting, as well as the wish to reconnect with relatives that may still be alive. In My Grandmother, Çetin’s grandmother initially shares her secret only to ask that her granddaughter track down members of her family in America. However, once

48 Özdem, Korku, 80.
49 Ibid., 53.
50 Winter and Silvan, War and Remembrance, 27.
51 Özdem, Korku Benim Sahibim, 54.
52 Ibid., 54.
53 Teken, Kara Kefen, 34.
54 Emmanuel Silvan, “Private and Public Remembrance in Israel,” in War and Remembrance, 179.
Çetin is able to get in touch with Heranuş’s brother in New York, Heranuş declares that she has no
desire to speak or see her brother, or other members of her family. Her assertion that “Who am I to
them? They have long forgotten me” is only challenged when Çetin informs her that Heranuş’s
brother has named his daughter after his lost sister: He has named her Heranuş. Upon hearing this
news, Heranuş weeps, uttering “so they have not forgotten me after all.” Çetin remarks on how
for the very first time in her life, she heard her grandmother sing to herself on that very day. In
Tamama, Andreadis describes how Tamama starts asking for her relatives and speaking Greek on
her deathbed, obliging Ayşe – her Turkish sister – to inform her own son (who we are told is like a
son to Tamama who never married) that his godmother is in fact Rum. In both cases, these women
would probably have chosen to keep the silence which was essential in ensuring that that they
avoid discrimination, stigma or even worse, had it not been the need to reconnect with the past
by seeing and speaking to members of the families of their former selves.

The other reason why these stories are passed on is the wish to make known to a general public that these atrocities took place. One other narrator in Kara Kefen, Taner – whose mother was
Armenian – asserts that “We never could understand her. We never asked her why she wept.
[… ] Now that I know the fate that befell her, I want others to know what we never asked her.” Yorgos, through Tamama, expresses his wish that everyone know that “what befell [them] was so
catastrophic that a seven year-old was willing to abandon her only living relative, a sister, for a single
slice of bread.” Therefore, it seems that the act of narrating serves both the purpose of rebuilding
ties as well as that of socio-political testimony. The effort of collective individual testimony, as
is the case in Çetin’s Grandchildren, Tekin’s Black Shroud, and Kemal Yalçın’s Those who Survived
demonstrates how survivors and their children and grandchildren become witnesses, linking the
private and the public. However, note that although the direct victims of these atrocities take on
the role of witnesses by narrating these stories, the need to publish these accounts is one that is felt
most acutely by the third generation. This kind of memory work takes on a particularly significant
meaning as they serve the purpose of resurrecting an otherwise vanishing universe that has so far
not been given a place in Turkish collective memory. Whether these testimonies, and the memory
of genocide and suffering they transmit become part of collective memory in Turkey is not possible
to determine just yet, but these works are certainly being read, circulated and discussed. They
have also encouraged others with similar stories and testimonies across the country to appear on
television, write in newspapers, journals and give speeches in schools and universities. I maintain
that these personal accounts have been effective in providing a public space in which victims as
well as citizens of the Turkish Republic are coming together to mourn the crimes committed at the
very inception of the Republic. They also serve to unsettle the official definition of “fixed” Turkish
identity, which has thus far systematically excluded other ethnic expressions from partaking in the
making of the nation.

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55 Çetin, Anneannem, 69.
56 Ibid., 54.
57 Ibid., 70.
58 I do not consider silence to be an inability to remember, or the expression of how traumatic memory is irretrievable. The
victims of the genocides have not gone through a collective amnesia. In two separate accounts, one in Black Shroud and
the other in Grandchildren, examples of how some of these women chose not to speak about the atrocities they
witnessed is drawn on. Burhan Aydan, whose mother Feride (he does not know her Armenian name) used to refuse
to talk about how her brother and parents had perished in 1915 saying “those days are in past, do not ask about them.”
(Tekin, Kara Kefen, 99). However, she did eventually talk about her family and life prior to 1915. In another account,
Zerdüşt’s grandmother used to tell her “I do not speak about those days because, they are in the past, and thank God that they
are in the past.” (Çetin, Torunlar, 94). The point here is that the memory of the events is there, as is the choice to discuss
these. Some women simply chose not to.
59 Tekin, Kara Kefen, 5.
60 Andreadis, Tamama, 105.
61 That these works are being widely read is demonstrated by the number of time these publications have run out of print
and were then reprinted: My Grandmother has been rerun nine times; Fear is my Master had been reprinted three times;
and Black Shroud; My Grandmother was an Armenian and Grandchildren have all been rerun twice.
Conclusion

To what extent can these forms of memory, recorded as personal narrative and then published for a greater audience outside that of the immediate family, be integrated into history writing, if at all? Catherine Merridale comments on how historians, in their focus on the “destruction of social memory and how it is linked with starker instances of censorship and denial” in countries such as Soviet Russia – and for the purpose of this essay – Turkey, have overlooked how private and personal stories have often been preserved. Although refusal to speak publically about Turkish atrocities committed against non-Muslim minorities in Anatolia, dubbed by some as silence, has been the predominant trend in Turkey, the last decade has ushered in certain changes. The upsurge of memoirs written by granddaughters and grandsons of the victims, as well as Armenian, Rum and Turkish writers who have sought out other carriers of memory to record their narratives, have resulted in the publication of a wide-range of works dealing exclusively with the memories of survivors of these crimes.

The Turkish state has gone to great lengths to deny any responsibility for the mass killings of non-Muslim minorities across the Anatolian landscape, and has repeatedly refused to recognize the Armenian Genocide. It has also denied access to or destroyed the material basis for any meaningful debate or discussion on how approximately one fifth of the civilian population of Anatolia perished during World War I, and has by extension attempted to destroy the social memory that pertains to these events. Moreover, in the absence of any formal recognition of the dead, those who survived were denied the social recognition of the violent and unnatural character of these deaths. Such recognition must be seen as a crucial stage in the process of coming to terms with loss individually and as members of a society as a whole. The lack of archival material accessible to the general public – and to some extent, historians has created a vacuum in the historical explanation of the persecution and elimination of Armenian, Assyrian and Rum minorities. Until archival material can be used more freely by members of the public, this vacuum can therefore only be filled with the memory of those who bore witness to these events, and whose testimony can be transmitted to a broader audience in the form of literary testimony.

Let us pause and consider Primo Levi’s works on the Holocaust, such as If This is a Man or The Black Hole of Auschwitz. As a writer and communicator of how he survived Auschwitz and how he then tried to come to terms with surviving when so many other millions had not, he did what so many others had not been able to: He bore witness to an event that millions of others could never do, and became a carrier of memory. Levi’s role has been likened to a self-imposed responsibility to write, so that humankind is reminded of the Holocaust and such crimes never repeat themselves again. Whether or not Levi was successful in ensuring that a crime as horrific and large-scale as the Holocaust never occurs again is beyond the scope of this essay. However, his personal accounts have certainly worked towards recognition of the horrific nature of the violence that was inflicted on the Jewish people and has become an important part of cultural memory and imagination pertaining to the Second World War.

Following the publication of Annecknem in 2004, a number of Turkish newspapers promoted this work by reporting extensively on its content matter. By writing about Annecknem, many journalists discovered that it was possible to talk about the death marches, and the human misery and cost of

62 Catherine Merridale, “War, Death and Remembrance in Soviet Russia,” in War and Remembrance, 63.
63 Greek and Armenian historians alike have tended to treat the first persecutions of the Greeks in 1913-1914 and the Armenian Genocide of 1915 as entirely separate phenomena. For observers of the Armenian Genocide, the fear that any contextualization and historical comparison will diminish and relativize the Armenian genocide’s significance seems to motivate such differentiation. However, I will treat the forced deportations of Rums and the systematic killings of Armenians as fundamentally similar aspects of the CUP’s policies of violent Turkification, which were interconnected policies of ethnic cleansing and genocide aimed at the homogenization of the Ottoman Empire. Matthias Bjornlund also raises this point in “The 1914 Cleansing of Aegean Greeks as a Case of Violent Turkification,” Journal of Genocide Research, 10:1 (March 2006), 41-57.
64 Although a precise count of the number of killings cannot be given, it is generally agreed that one fifth of the population of Anatolia ‘disappeared’ during the course of these organized deportations. See, Richard G. Hovannisian, ed., Remembrance and Denial: The Case of the Armenian Genocide (Detroit: Wayne State University Press, 1998).
65 Jay Winter, Sites of Memory, 5-9.
66 Nicholas Patruno, Understanding Primo Levi (South Carolina: University of South Carolina Press, 1995), 8.
the mass persecutions which took place in Anatolia during the World War through Çetin’s narrative and through Heranuş’s words. For example, Celal Başlangıç, writing for Radikal, wrote of the death marches Heranuş witnessed; about the “truth that had been hidden for decades” and concluded the article with the sub-heading “Please forgive us.” Such declarations in the media were made possible – perhaps for the first time – with the publication of Anneannem, which was followed by publication of other similar testimonies. Yeni Şafak, a newspaper close to the government, responded to Başlangıç’s article, and criticized his piece. Here Alper Görmüş questioned how genuine Heranuş/Seher could have been in her desire to reconnect with her family: “With whom did Seher Hanım wish to resume relations at the end of her long ninety-five year life? [...] When these supposed events took place her father was in America looking to start a business anyway, [are we to believe] that this woeful story is borne of her longing for two long lost brothers?”

Significant here is that regardless of either outlet’s stance on this contentious subject, the publication of personal narratives and testimonies ignited a public discussion concerning the accounts of the witnesses. Moreover, that these witnesses were not historians, politicians, representatives of foreign states or human rights activists, but ordinary Turkish citizens humanized the debate as never before. This, then, brings us to the role individual testimony plays, especially when similar works are published collectively whereby they acquire a platform via which these survivors and their stories finally attain some sort of sanction and recognition from society. The survivor and their families need to assert their identity through public testimony whereby they invoke from their audience the respect, empathy and compassion that has so long been denied them.

The present paper has also attempted to illustrate how mainstream literature on the Armenian and Rum massacres has been gendered, often overlooking how men and women have been exposed to different forms of violence: It is not a coincidence that all the victims-turned-witnesses that have carried out the memory work in question have been grandmothers, and that they have chosen to interact with their daughters and granddaughters (much more so than their sons and grandsons) by means of verbal communication. The positive reactions these personal accounts elicited from readers across Turkey, and the fact that books such as My Grandmother, Grandchildren, Those who Survived and Black Shroud have all been reprinted and rerun several times, is testimony that the memory work being carried out by the witnesses of the Anatolian persecutions goes beyond the level of the individual. The silence which has been kept for so long is now finally, albeit gradually, being broken: To what success is yet to be seen.

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69 Wieviorka, 140.


Abstract: This article describes the construction of a historical GIS (HGIS) of the Armenian genocide and its application to study how the genocide unfolded spatially and temporally using stage models proposed by Gregory Stanton. The Kazarian manuscript provided a daily record of events related to the genocide during 1914-1923 and served as a primary source. Models outlining and describing the stages of genocide provide a structured and vetted approach to studying the spatial and temporal aspects of the genocidal process, especially genocide by attrition. This article links HGIS to a qualitative, historical source and describes the uncertainties that arise when mapping historical events. While the genocide literature is abundant in areas related to theory and practice, examples of explicitly spatial analyses are lacking. Our contribution aims at filling this gap.

Keywords: Armenian genocide, genocide stages, genocide by attrition, geographies of genocide, Historical GIS

Introduction

The term genocide describes destructive actions undertaken with the purposeful intent to destroy a specific group of people based on some perceived difference – usually racial or religious. Although this definition excludes cultural and political genocide, it serves as a starting point to describe processes designed to annihilate a group of people. Indeed, genocide pioneer Raphael Lemkin himself advocated for recognition of the importance of culture to the heritage of nations and called for international protection of cultures as well as peoples. Lemkin asserted that genocidal processes not only destroy groups of people, but also eradicating cultural markers, such as the languages, place names, and signs and symbols of the targeted group. While Lemkin’s broad views concerning the nature of genocide were not instantiated into international law, recently there has been a renewed scholarly interest in studying genocides as broader phenomena and shedding light on obscured or hidden genocidal histories. One of these previously obscured, yet relatively massive genocides, the Armenian genocide, serves as the focus of this research. In the early twentieth century over one million Armenians were killed, along with tens of thousands of Christian Greeks and Assyrians in present-day Turkey. In this study, we use the theory of the stages of genocide outlined by Stanton to explore what spatial and temporal patterns emerge from the Armenian Genocide as narrated in what is known as the Kazarian Manuscript.

Rosenberg argues that the link between genocide processes and perpetrator acts needs to guide research to expand further the field of genocide studies and possibly aid in the prevention of mass killings. In her study, Rosenberg focuses on the under-theorized concept of genocide by attrition, defined as a slow process of annihilation which relies primarily on indirect methods of destruction.

http://dx.doi.org/10.5038/1911-9933.10.3.1410
In contrast to outright mass extermination, genocide by attrition allows a more passive role for perpetrators, who place victims into circumstances whereby disease, harsh climates, starvation, and dehydration cause massive casualties.\textsuperscript{8} Examples of activities that produce genocide through attritive processes include the enactment of discriminatory laws, policies, sanctions, and property confiscations aimed at isolating a segment of the population. Further, ambiguities in these laws and policies often confer broad discretion to mid-level perpetrators, who, stoked by discriminatory animi, wield such power to disastrous effect in pursuing the overarching goal of annihilation. A theoretical approach to studying the inner workings of genocide as a process is more easily conceptualized by defining stages that capture the progression of events that produce genocide.\textsuperscript{9}

Geography can contribute to the understanding of genocide processes in several ways,\textsuperscript{10} including through a spatial analytical approach, which we adopt in our research. Some genocide research focuses on why mass murder occurs or on the detection and prevention of genocide, rather than how genocide progresses across territories.\textsuperscript{11} Shaw, among others, urges a restructuring of genocide studies toward a focus on the structures or processes that produce genocidal outcomes, rather than the subjectivity of perpetrators.\textsuperscript{12} In other work,\textsuperscript{13} we assign perpetrators to a macro, meso, or micro level of participation\textsuperscript{14} at geographic scales ranging from the national to the regional, to the province, district, and ultimately, village. The geography of genocide involves a myriad of power struggles and acts of resistance, as well as killings, aimed at achieving the ultimate objective of creating a utopia in place, for example, a nation to cause or facilitate violence in order to achieve a homogenous state. By analyzing genocidal processes through the lens of geographic scale, we hope to understand how perpetrators implemented genocide spatially and in stages in the pursuit of the development of a homogenous social order idealized by the Turkish government.

In our model, perpetrator roles fall into one of three levels\textsuperscript{15} at a plurality of scales. The macro-level includes government policy and decision-making processes at the national scale that ultimately lead to the destruction of a targeted population. The meso-level, or mid-level, includes active participation in the interpretation and enforcement of policies, procedures, and dictates at the regional, province, district, and village scales by organized groups such as, in the Armenian case, bands of government-sanctioned civilians known as \textit{chetes}, often made up of Kurds.\textsuperscript{16} The micro-level involves individuals at the local or village scale that react violently towards individuals identified as the “other,” in genocidal rhetoric, including at times friends and neighbors. By combining these perpetrator levels and geographic scales in the context of a stage model of


\textsuperscript{15} Ibid.

\textsuperscript{16} Kazarian, \textit{A Chronology}, entries for January 8, 1915 and April 16, 1915.
genocide, the processes of genocide at varying spatial and temporal scales may be brought into sharper focus.

The technical and intellectual foundation for this application is derived from developments within the disciplines of geography and geographic information science (GIScience), including the emergence of historical geographical information systems (HGIS). Cole and Graham argue that prior to recent scholarship in geography, academics neglected spatial research and analysis of the Holocaust. We see a similar blank spot in scholarly geographic literature concerning the Armenian genocide. From this starting point, we aim to address this gap in the literature by adapting the stage model of genocide to produce a spatial analysis of the Armenian genocide. We seek to highlight the potential for—and the difficulties with—multi-disciplinary projects between HGIS and genocide studies. In recent scholarship, geographers have used applications and techniques to explore modern genocide including GIS, remote sensing, and virtual globes. Examples of genocide research using GIScience include Yale’s Genocide Studies Program using remote sensing in Darfur, Madden and Ross’s work combining GIS with personal narratives to describe the mass atrocities in Uganda, Verpoorten’s work on excess mortality in Rwanda, and recent scholarship on the spatiality of the Holocaust. These developments parallel a trend toward incorporating qualitative source material into the traditionally quantitative methods of GIS that continues to grow within geography and GIScience. These examples help guide our methods and techniques for exploring the use of HGIS and personal narratives in the field of genocide studies.

Genocide Stages as Structure

Given the limited existing literature on the spatial processes involved in the production of genocide, our methodology relies on the defined and structured stages of genocide. Writing in the context of the Holocaust, Fein outlines five distinct stages as they relate to victims, which she argues occur sequentially: definition or identification, deprivation of rights and freedoms, segregation from the rest of the population, isolation, and finally, concentration. These five stages, Fein argues, preceded the actual mass extermination of the Holocaust. For a more articulated and satisfactory model (Table 1), we turned to the work of Gregory Stanton. Based on years of analysis of mass killings, including the Holocaust and other genocides, Stanton frames the progression of genocidal perpetration according to eight clearly defined stages: classification, symbolization, dehumanization, organization, polarization, preparation, extermination, and denial. In subsequent work, Stanton extends these original eight stages to include two additional ones—discrimination and persecution—bringing the total to ten discrete stages. Similar to Fein’s model, Stanton argues that early stages occur before later stages; for instance, classification and

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18 Schimmer, “Tracking the Genocide in Darfur.”

19 Madden and Ross, “Genocide and GIScience.”


23 Fein, Accounting for Genocide.

24 Stanton, “The Eight Stages of Genocide.”

25 Ibid.

26 Stanton, “The Ten Stages of Genocide.”
symbolization precede the preparation and extermination stages. However, Stanton also argues that all stages operate at various levels continuously throughout the duration of mass killing processes. We found this argument, and the ten-stage model, convincing and therefore rely on Stanton’s ten stages of genocide to describe the progression and escalation of hostilities toward Armenians as perpetrated in and around present-day Turkey during the years 1914 to 1923. More specifically, our objective is to gain insight into the Armenian genocide by employing a spatial analytical perspective. During this period, the Turkish government implemented plans for the removal and destruction of ethnic minorities who remained within their borders following the rise of Turkish nationalism.

**Stages of the Armenian Genocide**

The beginning stages of genocide include the identification of a minority, however defined, that is perceived as being somehow different from the dominant group. Genocides thus begin with a classification (stage 1) phase, during which an us versus them mentality plays upon and amplifies preexisting social differences between the majority and minority groups (Table 1). When the slogan, “Turkey for Turks” began being used, this deceptively simplistic statement placed non-Turk ethnic groups squarely outside the accepted and dominant group. This call for a homogenous Turkey served to escalate violence toward various target groups perceived as being non-Turks.

The next stage stems from this classification process (stage 2) and consists of the exaggeration of stereotypes and the provocation of fear through symbols and propaganda. The Turks described Armenians and other targeted minority groups as internal enemies of the nation, characterizing them as unreliable, and prone to violence in order to stir fear and mistrust among their neighbors. Discrimination (stage 3) involves restrictions, often enforced through the enactment of prejudicial laws, designed to curtail the freedoms and liberties of the identified group. This stage includes illegal searches, seizures, and confiscations, as well as boycotts and closures of businesses. Local Turks targeted Armenian businesses for looting and burning, and seized Armenian schools and churches for garrisoning Turkish troops. Such discriminatory acts are then justified through the dehumanization (stage 4) of the targeted group who, using propaganda and symbols, is characterized as sub-human vermin who are sources of disease. The dehumanization stage is a crucial segue in the escalation of violence because it helps assuage the guilt of individual perpetrators, who would likely otherwise be reticent to persecute and murder people who were once neighbors and friends. These four stages target, identify, and marginalize a group of people in anticipation of ridding society of them.

The next three stages focus on policy and preparation from the top-down. Organization (stage 5) functions as a means for the state (or other authority structure) to issue genocidal orders – explicit or implied – to militias and other groups. In the Turkish context, the government ordered certain villages and districts be cleared of Armenians, but did not specify how, leaving the details to bands of armed militia. This ambiguity in instruction also provided a means of denying culpability after the fact if needed. Polarization (stage 6) serves to divide victim groups labelled as pariahs from society, through extremist activities, hate speeches, and continued propaganda. In the Turkish context, this stage involved the instilling of fear in the large moderate Turk population that otherwise likely opposed the targeting of their friends and neighbors. Preparation (stage 7) involves the planned and physical separation of victims, both from each other and from the general population. This stage outlines the processes involving the organized and methodical means of destruction of a group of identified victims. It includes the compiling of lists of individuals to arrest, routes for the movement of people, and planned methods of extermination.

The next two stages involve an escalation of physical violence against the targeted victim group. Persecution (stage 8) involves the intentional mistreatment of the targeted demographic. We consider this stage to routinely involve the production of genocide by attrition and in Turkey, this involved the spread of starvation, dehydration, illness, and disease amongst Armenians and other targeted social groups, that accompanied beatings and forced marches. This stage aids in the process of extermination (stage 9). Extermination describes the rapid and intentional mass murder of victims or, in a sense, the creation of spaces and places absent of the perceived other. Table 1 outlines Stanton’s ten stages and includes a definition for each stage.
Sources and Methods

Geographical Sources

We searched numerous map collections, including those of the Library of Congress and the Perry Castañeda Library at the University of Texas, for a map of Turkey dating between the mid-1910s and the mid-1920s that was suitable for digitization, with accuracy and completeness levels appropriate for our purposes. Our search proved fruitless for the years 1910 to 1920, but we were able to locate suitable maps from before 1900 and after 1930. Figure 1 shows the administrative boundaries of the Ottoman Empire in 1899 according to a map from the Library of Congress collection.27 We used this map to compare the historical and current boundaries of Turkey.

For the period 1914 to 1923, we relied on Armenian genocide literature as a secondary source to aid us in establishing the boundaries of the areas most affected by the genocide; however, even within this relatively limited literature, we discovered disagreements in the location of provincial boundaries. For example, Hewsen’s authoritative historical atlas of Armenia explicitly acknowledges vagueness and inaccuracies where data were missing or were incomplete.28 Hovannisian’s work includes a map of historic Armenian homelands, but its boundaries are difficult to read and at times tentatively placed, and the map itself only shows the eastern provinces.29 Akçam’s book on the Armenian genocide does not include maps,30 but a 2006 monograph by the same author opens with a map by Ara Sarafian from the Gomidas Institute; however, as with other maps, the boundaries appear uncertainly drawn.31 The Armenian National Institute’s maps illustrating the Armenian genocide are by far the most detailed, but they primarily show the eastern provinces, and again with a certain degree of uncertainty.32 Melkonian describes historical Armenia, from

32 Armenian National Institute, “Map of the 1915 Armenian Genocide in the Turkish Empire,” accessed March 11, 2016,
Tbilisi to Erevan, as holding a population of 1.1 million Armenians, which coincides with sources claiming that the eastern provinces of Turkey contained the highest concentration of this population. In comparison, in his memoir, el-Ghusein claims that the number of Armenians living in the entire Ottoman Empire did not exceed 1.9 million. These examples highlight the uncertainty and ambiguity of sources related to the provincial boundaries of the Ottoman Empire and the Armenian population in present-day Turkey at the time.

Due to the scarcity of primary geographic sources for the years 1914 to 1923 and the lack of agreement amongst secondary sources, we combined maps created after the fact with readily available contemporary GIS datasets. Taking advantage of free downloadable files from DIVA-GIS, we then built a GIS of the entire region that includes modern-day Turkey, Syria, Iraq, and surrounding countries. In the end, we created our own base map for use in the HGIS, acknowledging a degree of uncertainty in the location of provincial boundaries where appropriate (Figure 2). Our reconstruction is based on modern-day GIS layers of the region, maps from the literature, and maps from the pre-genocidal era, such as the 1899 map from the Library of Congress collection referenced above. In our reconstruction, we placed an emphasis on ensuring that villages referred to in the Kazarian manuscript fell within the correct province.

Data Sources
Making use of a rich collection of qualitative sources such as memoirs, oral histories, interviews, and diaries, adds another dimension of detail to quantitative research of the type commonly associated with GIS. In this case study, we use the historical manuscript written by Haigazn K. Kazarian.

Figure 1. Ottoman Empire Administrative Divisions (1899).
which covers the years 1914 to 1923 as a source to study the spatio-temporal patterns of the stages of the Armenian genocide. Kazarian worked as a journalist in Constantinople during the Armenian genocide and, later, served under the British with access to Turkish government documents. In its original form, the manuscript consists of two main components: dates and narrative descriptions of events recorded for each date. Kazarian recorded his perception and interpretation of events based on newspaper articles; government edicts, decrees, and speeches; and personal accounts from people returning to Constantinople from the countryside. The Armenian National Institute in Washington, D.C. stands firmly behind the validity of the Kazarian manuscript as a reliable source as do the Armenian Genocide Resource Center of Northern California and the University of Minnesota Center for Holocaust and Genocide Studies, which both make the manuscript available as a teaching resource. Kazarian himself wrote extensively on the Armenian experience in Turkey, and scholars continue to reference him in their research.

For our work, we began by entering the web version of the translated manuscript into Microsoft Excel. We then added a geographical dimension by assigning the events described in the narrative to one or more of six distinct geographical scales—village, district, province, region, national, and global. We also assigned each event to a perpetrator level of participation at the

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38 Kazarian, A Chronology.

39 Rouben P. Adalian (Director of the Armenian National Institute) in telephone conversation with the author, March 2012.

micro, macro, and meso levels as explained earlier in the article. Finally, we added latitude and longitude coordinates to the villages mentioned in the database and assigned the events described in the manuscript to the appropriate genocide stage according to Stanton’s formulation (Figure 3). Once we began doing this, however, it quickly became apparent that rarely could an event be encapsulated using only one stage; in fact, some events required as many as six stages for adequate description. This, of course, confirms Stanton’s point that multiple stages occur concurrently within a broad chronological narrative. Further complicating our work, some events included more than one village, province, district, etc.; we handled this problem by creating one entry in the dataset for each location mentioned during the description of a certain event. For example, some events started at one location, traveled through a second one, and ended up somewhere else. In this instance, we created three entries for one single event, each listing its location in the appropriate geographical scale. Some entries described events that occurred simultaneously in two or more locations; we handled these types of events in the same manner just described. We did experience a relative degree of uncertainty with the data, as is usually the case with historical documents used to create geographical databases. For example, if an event was described at the district, regional, or province scale, we treated it as affecting the district, region, or province as a whole, since specific locations were not available. This mode of analysis applies to the national scale as well. If an event occurred on a national scale, then we treated it as if it occurred uniformly across Turkey. We acknowledge the shortcoming of this technique but felt the contribution outweighed the uncertainty and relative inaccuracy.

Analysis and Geovisualization

To gain a deeper understanding of the stages of the Armenian genocide, we grouped them into three phases – A, B, and C: where we categorized phase A to include classification (stage 1), symbolization (stage 2), discrimination (stage 3), and dehumanization (stage 4). This phase serves to create, identify, and isolate the perceived other. Phase B includes organization (stage 5), polarization (stage 6), and preparation (stage 7), and works to define phase A and implement phase C. Phase C consists of both persecution (stage 8) and extermination (stage 9), which results in the destruction of the perceived other. We then graphed these phases by perpetrator level (Figure 4),

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41 See Finkel and Straus, “Macro, Meso, and Micro Research.”

noting a clear spike during 1915. This was to be expected as 1915 is the generally accepted beginning year of the Armenian genocide, however, we found activity at all three levels beginning in 1914 (Figure 4 and Table 2). If other genocides follow suit, it is possible to look for early indicators of genocide processes in anticipation of preventing the mass murder of targeted groups.

For the first nine stages at all six scales, we accumulated 2243 total events (Table 3). As stated earlier, we assigned up to six stages per event. For example, on October 17, 1914, the entry reads, “bands of chetes begin looting, violating women and children, and large-scale murdering in Erzerum province.” We assigned discrimination (stage 3), dehumanization (stage 4), organization (stage 5), preparation (stage 7), persecution (stage 8), and extermination (stage 9) to this single event that occurred at the province scale. This entry describes looting (stages 3 and 8), with the Armenian population singled out for harassment and persecution, as well as the violation of women and children (stages 4 and 8), which also served to dehumanize and persecute the victims. Organized and government-sanctioned bands of chetes perpetrated the violence (stage 5) in preparation (stage 7) for an escalation of violence that resulted in extermination (stage 9). This description of events corroborates el-Ghusein’s description of witnessing women and children lying, dead or dying, along the road between Urfa and Erzerum. This early entry indicates multiple stages of genocidal processes working together in synthesis during a single event. In other words, we record extermination, a later stage in the model, by a meso-level perpetrator at the province scale, early in the Armenian genocide.

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**Table 2. Data by Phases.**

<table>
<thead>
<tr>
<th>Year</th>
<th>Macro</th>
<th>Meso</th>
<th>Micro</th>
</tr>
</thead>
<tbody>
<tr>
<td>1914</td>
<td>A 18  B 38  C 5</td>
<td>A 24  B 33  C 21</td>
<td>A 9  B 28  C 8</td>
</tr>
<tr>
<td>1915</td>
<td>A 72  B 138  C 70</td>
<td>A 78  B 90  C 93</td>
<td>A 296  B 389  C 348</td>
</tr>
<tr>
<td>1916</td>
<td>A 25  B 42  C 22</td>
<td>A 13  B 20  C 19</td>
<td>A 61  B 73  C 69</td>
</tr>
<tr>
<td>1917</td>
<td>A 6  B 10  C 2</td>
<td>A 5  B 2  C 2</td>
<td>A 7  B 6  C 7</td>
</tr>
<tr>
<td>1918</td>
<td>A 8  B 23  C 14</td>
<td>A 3  B 7  C 3</td>
<td>A 5  B 8  C 4</td>
</tr>
</tbody>
</table>

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43 Kazarian, A Chronology, entry for October 17, 1914.
44 el-Ghusein, Martyred Armenia.
At the village scale, we accumulated 1339 events that equated to 59.7 percent of the total number of events recorded. The high percentage of events at the village scale indicates that genocidal processes targeting and identifying victim groups was especially prevalent at this level. At the district scale, the percentage falls to a mere 3.43 percent of the total events indicating that this was a less important geographical scale, with comparably low rates at the regional (2.68 percent) and global (5.3 percent) scale. However, both the provincial (12.17 percent) and national (16.72 percent) levels record a substantial number of events. Of note, in this analysis as well as others, genocide appears to jump or skip geographical scales.

Next, we take a closer look at the first nine stages across all scales.

Classification (stage 1) makes up 20.15 percent of the total events and comes in as second only to organization in the Kazarian manuscript. One example of a stage 1 entry at the village scale is that dated October 10, 1914 which reads: “In Zeitun, all the Armenian notables are called to a meeting; about three score attend and are immediately arrested.”

We also assigned discrimination (stage 3), organization (stage 5), and persecution (stage 8) to this entry showing how stages can form a symbiotic, mutually reinforcing relationship in the production of genocide. Because these stages intertwine so closely, we cannot disentangle them easily. We also see that macro-level perpetrators provide orders to meso-level perpetrators who carry out their instructions at the village scale. This entanglement of scales and perpetrators is typical of genocidal processes and also occurred frequently during the Holocaust.

Symbolization (stage 2) makes up a little over 1 percent of total events, which is in stark contrast to the Holocaust, an event in which Nazi propaganda played a key role. In the Armenian case, even the minimal amount of symbolization produced was more insinuated than blatant. For example, on September 30, 1914, Kazarian’s entry reads: “The government distributes arms to the Muslim residents of the town of Keghi in Erzerum province on the excuse that the Armenians there were unreliable.” Here, we also assigned organization (stage 5), polarization (stage 6), and preparation (stage 7) to this entry. Early on (again, this is before 1915) in the genocide process, we see macro-level perpetrators (the government) arming and inciting micro-level perpetrators (individuals) at the village scale.


Kazarian, A Chronology, entry for October 10, 1914.

See in particular, Knowles, Cole and Giordano, Geographies of the Holocaust.


Kazarian, A Chronology, entry for September 30, 1914.

Ibid., entry for February 21, 1915.
4), organization (stage 5), persecution (stage 8), and extermination (stage 9) to this entry. With this event, we observed macro-level and meso-level perpetrators operating at the village level. The meso-level militias also functioned with impunity given to them by the government.

Dehumanization (stage 4) makes up a little over 1.5 percent of the total events and includes rape, torture, and hangings that served to demoralize victims and lessen them as human beings in the eyes of the general population. On April 3, 1915, the entry reads: “(Easter week) mass arrests and a search for weapons are carried out in Marash and Hadjin, with the seizure of all arms, including household knives; numerous rapes during the house searches are reported.”51 Because this event mentions two villages, we count it twice in the database – once for the village of Marash and once for the village of Hadjin. In addition to dehumanization (stage 4), we assigned classification (stage 1), discrimination (stage 3), organization (stage 5), and persecution (stage 8) to the event. Interestingly, the perpetrators of these actions are not clearly identified, and could either be the national military (macro-level), chetes militias (meso-level), or the local police and citizens (micro-level). As we see from this example, it is possible for all three perpetrator levels to operate at the village scale.

Figures 5a – 5d illustrate these first four stages at the village scale. The symbol size represents frequency, thus the larger the symbol, the more occurrences of that stage at that location. Classification occurs across all provinces, but especially in the eastern provinces as expected. However, both symbolization and dehumanization occur primarily in the eastern provinces and do not extend to the rest of the country. Discrimination occurs in the eastern provinces with some diffusion to the other provinces.

Organization (stage 5) makes up over a quarter of the total events at 28.18 percent. As expected, this stage shows a clear and active pattern of government (macro-level) involvement in the overall process of genocide, including in the capitol city of Constantinople. The stage includes arrests, custody, deportations, and the intent to annihilate carried out by any or all of the perpetrator levels. For example, the entry for June 3, 1915 states: “Ayub Bey, an arch-assassin, leaves Adana for Aleppo in connection with organizing massacres.”52 Based on the entry, we also assigned polarization (stage 6) and preparation (stage 7) to the event. This stage is where processes of genocide by attrition become most prominent and intent is ambiguous at best. Without explicit orders from the top, lower level perpetrators interpret these orders as they saw fit. Deportation alone does not imply murder; however, when perpetrators interpret deportation to mean long, hard marches through severe climates and hundreds of miles with no food, water, or supplies, then large-scale death naturally is produced.

Polarization (stage 6) makes up only about two percent of the total events. One example of polarization includes this entry from January 5, 1915:

The Turkish government publicly charges that Armenian bakers in the army bakeries of Sivas were poisoning the bread of the Turkish forces; the bakers are cruelly beaten, despite the fact that a group of doctors proves the charge to be false by examining the bread and even eating it; as this marks an attempt on the part of the government to incite massacre, the government does not rescind the charge.53

We also assigned classification (stage 1), symbolization (stage 2), organization (stage 5), and persecution (stage 8) to this entry. At the village scale, we see an assertion of macro-level control in an attempt to incite violence against a targeted group by all levels of perpetrators.

Preparation (stage 7) makes up almost 12 percent of the total events. This stage includes any event that indicates the potential destruction of the Armenians. For instance, January 12, 1915 reads: “Ahmed Muammer, the governor-general of Sivas province, orders the destruction of Tavra-Koy and other strategically located villages around the city of Sivas to make future defense impossible.

51 Ibid., entry for April 3, 1915.
52 Ibid., entry for June 3, 1915.
53 Ibid., entry for January 5, 1915.
for the Armenians; inside the city of Sivas strategically located buildings were requisitioned."\(^{54}\) We assigned organization (stage 5) and persecution (stage 8) to this event as well. Again, we see the government’s top-down production of genocidal processes carried out at the village scale. This event also provides an example of ambiguity. We do not know the exact villages included in addition to Tavra-Koy and Sivas. Consequently, we do not include them in our database or analysis.

Persecution (stage 8) makes up about 15.5 percent of the total events. This stage includes any indication of escalation of violence, especially physical violence, against the victims as opposed to material and property damage and destruction. On May 10, 1915, the entry reads: “The Armenian refugees from Zeitun found in Marash, who had previously been spared deportation, are removed to the Syrian Desert.”\(^{55}\) We also included classification (stage 1), organization (stage 5), preparation (stage 7), and extermination (stage 9). Although this entry does not specifically mention murder, this offers another poignant example of genocide by attrition. The insinuation here is that most Armenians will not survive the deportation process to the harsh Syrian desert; thus, their numbers will be greatly reduced upon arrival, whereupon the survivors were promptly executed. Morgenthau describes scenes of victims dead or dying from violence, starvation, and exhaustion along the road in his memoir.\(^{56}\) He argues that Turkish policy specifically provided for

\(^{54}\) Ibid., entry for January 12, 1915.

\(^{55}\) Ibid., entry for May 10, 1915.

Lastly, extermination (stage 9) places third in the overall percentage with 15.5 percent of total events. On March 1, 1916, the entry reads: “The Interior Ministry is informed from Aleppo that the Armenians who fled from Mardin had been killed.” We also assigned classification (stage 1) and organization (stage 5) to this entry. This event illustrates the depth of government involvement at all scales, but especially at the village scale. Figure 7 shows the dispersion of extermination at the village scale. Extermination is a widespread stage and illustrates the intensity of the killing across the country.

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57 Kazarian, A Chronology, entry for March 1, 1916.
Discussion
In this article, we examine the spatio-temporal patterns of the Armenian genocide by stages. This allows us to conduct a structured investigation of the event and informs our understanding of possible clustering and diffusion processes that occurred during the genocide. This approach is designed to complement previous analyses organized around subjects such as the number of deaths by location, population, demographics, or the effects of specific polices. Moreover, these types of analyses are not conducive to the type of holistic approach we are interested in applying to the Armenian genocide.

The stage model of genocide offers several advantages. First, stages are a coherent method for describing the progression of genocide and allows for the exploration of large datasets of the type described in our case study. These stages help us organize and categorize the steps undertaken to destroy a targeted section of the population intentionally. Second, analysis by stages permits us to consider the genocide in its entirety from start to finish, unlike the recording of death statistics by location, which offers only a glimpse of the larger destruction of victim groups that took place dynamically over significant periods of time. By deconstructing genocide into smaller, quantifiable stages, we gain a unique view when compared to the whole-event perspective. In addition, this dissection is vital because it still allows us to present genocide as a complex process and to account for the dynamics of genocide by attrition. Our approach permits a perspective where the intent to kill, expressed or implied, is as fundamental to the process of genocide as the firing squad. We are thus able to examine where and when genocide by attrition processes start and how they diffuse across the country. We also assess the varying roles of perpetrators from the macro to micro levels, while still acknowledging the general progression of genocidal stages as events unfold. Third, there is no precedent in the literature for using a stage model in spatial analyses of genocide, but there have been calls for a deeper understanding of the structure and processes of genocide events. While each genocide is unique, there are fundamental similarities that allowed for the construction of general models. By deconstructing the whole event into stages based on location, we can open a dialog about how the processes are catalyzed, how they progress, and perhaps, what interrupts or disrupts them.

Our analysis shows clearly that all stages operate at varying levels throughout a genocide event. We saw clear examples of extermination early in 1914 while still seeing signs of classification much later in the genocide. Stanton’s argument that his proposed stages interact and overlap dynamically then holds true, and we can argue there is no sequence of stages, but rather intensity levels that vary to construct genocidal processes. Within this context, it is clear that the stage of organization plays a quite significant role, thus exemplifying the key role that government participation plays in genocidal processes and the recurring theme of top-down authority structures bringing about genocide. Furthermore, in the Armenian case we witness the vital roles mid-level and meso-level perpetrators play in carrying out the genocidal directives of a central government. Seemingly, it
takes the effective cooperation of all three perpetrator levels to implement and see through the extermination of a select group of people, with perpetration at the village or local geographical scale being especially key.

When assigning stages to events, we noticed that some events described in the Kazarian manuscript did not easily conform to Stanton’s model. Cultural genocide appears very frequently in the events described, yet we lacked a stage to describe them. For instance, we see examples of Armenian monasteries burned, crosses destroyed and replaced by crescents, Turkish emigrants replacing Armenian villagers in ancestral homes, and forced Islamization. \(^\text{59}\) El-Ghusein describes Turkish emigrants from Roumelia moving into Zeitun to replace the Armenians, \(^\text{60}\) and there is also the widespread case of Armenian orphans turned over to Turkish families. All of these events contribute to the erasure of a culture from the landscape, and their effects persist long after actual killing events cease. Therefore, we advocate the addition of a stage to the current ten-stage model, encompassing and capturing events designed to destroy the culture of victim groups in order to describe more fully the Armenian genocide.

We found other events that Kazarian described that no stage adequately captured, including the roles of bystanders and roles of victims that the literature argues are under-represented and under-studied. \(^\text{61}\) Within the manuscript, we see victims encouraging cooperation with the demands and abuses, and we see dissent and violence perpetrated against the Turks. \(^\text{62}\) For example, el-Ghusein describes a scene at Urfa where the Armenians refused to surrender their weapons and resisted arrest by killing several of the soldiers. \(^\text{63}\) Balakian further corroborates participation by bystanders, such as United States Ambassador Morgenthau, and acknowledges resistance by Armenian victims in Zeitun. \(^\text{64}\) Perhaps a set of victim indicators could help with the anticipation of the escalation of violence toward mass murder and genocide.

Bystanders on the global scale play a very active role in Kazarian’s manuscript, especially with World War I as the backdrop to the Armenian genocide. We see examples of German attempts at controlling the carnage as well as ambassadors and soldiers reporting atrocities to their superiors, although Morgenthau reports that the Germans did little to stop the killing, at times even actively encouraging the maltreatment of Armenians. \(^\text{65}\) Instances of newspaper reports and aid from the global community to Turkey are also mentioned in Kazarian’s manuscript. \(^\text{66}\) Overall, the global community appeared critical of the Turks’ treatment of Armenians and other minority groups; however, the Turkish government largely ignored such protestations and continued to proceed with their genocidal actions.

**Conclusion**

This article employs a mixed methods approach by combining HGIS quantitative tools and a qualitative historical manuscript to augment the current literature on genocide and mass murder events. This approach helps bridge a divide in the quantitative-versus-qualitative narrative by benefiting from the strengths of each while attempting to minimize their weaknesses. Geographers and historians benefit from the emergence of HGIS and, through a multidisciplinary approach, gain a better understanding of genocidal events—such as the Holocaust\(^\text{67}\)—through the integration of a spatial component to explore and expand causal relationships. \(^\text{68}\) This project presents a

\(^{59}\) Kazarian, *A Chronology*, entries for December 23, 1914; April 8, 1915; May 22, 1915; and January 24, 1916.

\(^{60}\) el-Ghusein, *Martyred Armenia*.


\(^{62}\) Kazarian, *A Chronology*, entries for September 11, 1914; February 15, 1915; March 9, 1915; and March 14, 1915; and April 17, 1915.

\(^{63}\) el-Ghusein, *Martyred Armenia*.


\(^{65}\) Morgenthau, *Ambassador Morgenthau’s Story*.


\(^{67}\) Knowles, Cole and Giordano, *Geographies of the Holocaust*.

\(^{68}\) Jordi Marti-Henneberg, “Geographical Information Systems and the Study of History,” *Journal of Interdisciplinary History*.
geographer’s method to a comingled geohumanities topic using GIScience techniques to study the validity of a stage-based approach to genocide when describing the processes and structures of genocidal events. We approach HGIS projects with full awareness of our presuppositions, and are determined to allow the empirical spatial data to guide our analytical process, regardless of whether the results align with or contradict our preexisting understandings of the Armenian genocide.

Our examination of the Armenian genocide is based on the Kazarian manuscript\(^\text{69}\) and our extraction of geospatial information from this personal narrative is framed according to Stanton’s stage model of genocide.\(^\text{70}\) The mixed-method approach to a spatial understanding of the Armenian genocide contributes to the literature in more than one way. Kwan and Ding argue that GIS techniques serve to validate the information garnered from qualitative sources such as historical documents and manuscripts.\(^\text{71}\) Our visualization of stage events during the Armenian genocide substantiates evidence in the literature demonstrating that Turkish efforts concentrated the brunt of their efforts to eliminate the Armenian population within the eastern portion of Turkey. We also observed widely diffused processes at work, in particular the stage of organization (stage 5), which was prevalent across scale and perpetrator-levels.

A process-based understanding of genocide helps guide our research, as encouraged by Rosenberg, especially the concept of genocide by attrition.\(^\text{72}\) In our study, we found evidence of genocide by attrition in Kazarian’s manuscript: the process of issuing government orders to clear an area, for example, lends itself to a means of deniability at the macro-level through interpretation by mid-level or meso-level perpetrators who allow disease, distance, dehydration, starvation, and harsh environments to exterminate their victims. Genocide by attrition thus provides a framework that helps us identify intent where denial abounds.\(^\text{73}\)

In this article, we illustrate one method of exploring genocide in conjunction with HGIS by using a case study. Case studies typically examine one incident or example of an event at a certain time. In the social sciences, researchers use case studies often and extensively, and we argue that case studies are becoming an increasingly useful tool in multi-disciplinary research.\(^\text{74}\) However, case studies do present their own set of disadvantages: for example, drawing definitive conclusions from a single case study is difficult, if not often impossible. But, as Yin argues, a single case study can add to the literature by challenging, extending, or confirming theoretical assumptions.\(^\text{75}\) Case studies provide a reliable and valid method of studying phenomena, and they offer an alternative to a group focus, or in our case, a whole-event focus.\(^\text{76}\)

Using a case study in HGIS is predicated upon the availability of large datasets and is a long, complicated, and often tedious process. The datasets, however large they might be, are necessarily incomplete and contains an unavoidable element of uncertainty and inaccuracy, with the associated problems of drawing specific conclusions from them. For this reason, we recommend using geographic datasets of historical events, such as the Armenian genocide, to make general observations about a specific event: HGIS is for the identification of spatio-temporal patterns rather than the localized knowledge of a single fact. We, therefore, argue that a handful of errors does not change the overall patterns observed in our analysis of the Armenian genocide as recorded in the Kazarian manuscript; rather, the results of the analysis provide a framework within which single facts can be placed with the objective of examining how individual events relate to other events, both temporally (see Figure 4) and spatially (see Figures 5, 6, and 7). The Kazarian manuscript

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\(^\text{69}\) Kazarian, A Chronology.


\(^\text{72}\) Rosenberg, “Genocide is a Process.”

\(^\text{73}\) See Fein, “Genocide by Attrition”; Rosenberg, “Genocide is a Process.”

\(^\text{74}\) See e.g. Knowles, Cole and Giordano, Geographies of the Holocaust.


\(^\text{76}\) Bent Flyvbjerg, “Five Misunderstandings About Case-Study Research,” Qualitative Inquiry 12, no. 2 (2006), 219-245.
provides a glimpse into 1914 Turkey through the eyes of an Armenian journalist that documented events he read or heard about; as such, it can be employed both as documentary material and as a case study that allows us the usefulness of genocide stage models.

Stage-based models break down genocide events into processes or phases in an attempt to move towards eventual prevention. Shaw argues for a focus on this structure for genocide research.\(^7\) In this study, we observed notable acts of violence that occurred before the historically recognized start of the Armenian genocide in 1915. By monitoring pre-cursor events in places at-risk for genocide and reacting without hesitation, prevention may become feasible.\(^8\) Furthermore, by combining perpetrator-level activities with Stanton’s stage-based model of genocide we concluded that the village scale was the most significant scale for the diffused processes involved in the removal and destruction of minority ethnic groups in Turkey. Most importantly, we found that all three perpetrator-levels worked across multiple geographic scales to carry out the genocide event. Each perpetrator thus played a crucial role in the overall process toward the common goal of creating a homogenous state.

As with other HGIS projects, uncertainty and ambiguity pervades our historical data and sources.\(^9\) However, we believe that despite this lack of certainty, certain general spatial and temporal conclusions can be drawn concerning the Armenian genocide. These conclusions relate to the visualization and spatial relationships between processes involved in this genocide, relevant locations, and the period of time during which it took place.\(^10\) Through HGIS, we compiled historic source material into geospatial databases that are expandable, verifiable, and sharable for further research possibilities. In this article, we have not analyzed the full scale of the forced migration events that took place during the Armenian genocide due to length constraints. In future work, however, we plan on delving into a deeper analysis of this mass forced migration including the flow of migration along routes through the desert and the various effects of this migration on the victims. We intend to further explore the role of genocide by attrition through these forced marches using witness testimony to further corroborate the Kazarian manuscript and verify areas of uncertainty or ambiguity within the current dataset. We argue that collaboration is an essential part of successful HGIS projects and advocate for more multi-disciplinary research to foster an exchange of ideas and techniques.

**Bibliography**


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\(^7\) Shaw, “From Comparative to International Genocide Studies.”


\(^9\) See generally Gregory and Ell, *Historical GIS*; see also e.g. Burleson and Giordano, “Extending Metadata Standards.”

\(^10\) Marti-Henneberg, “Geographical Information Systems.”


Barbora Hola
VU University Amsterdam
Amsterdam, The Netherlands

Hollie Nyseth Brehm
The Ohio State University
Columbus, Ohio, USA

Abstract: This article compares sentencing of those convicted of participation in the 1994 genocide in Rwanda. With over one million people facing trial, Rwanda constitutes the world’s most comprehensive case of criminal accountability after genocide and presents an important case study of punishing genocide. Criminal courts at three different levels—international, domestic, and local—sought justice in the aftermath of the violence. In order to compare punishment at each level, we analyze an unprecedented database of sentences given by the ICTR, the Rwandan domestic courts, and Rwanda’s Gacaca courts. The analysis demonstrates that sentencing varied across the three levels—ranging from limited time in prison to death sentences. We likewise find that sentencing at the domestic courts appears to have been comparatively more serious than sentencing at the ICTR and at the Gacaca courts, which calls into question the consistency of sentences across levels of justice and should be explored in future research.

Keywords: punishment, genocide, Rwanda, ICTR, Gacaca, sentencing, transitional justice

Introduction

On April 6, 1994, unknown assailants assassinated Rwandan President Juvénal Habyarimana by shooting down his plane. The plane crash and the resulting assassination served as what many experts term the “genocidal spark,” and extreme violence subsequently unfolded across the country. The violence largely subsided by mid-July, when the Tutsi-led Rwanda Patriotic Front brought an end to the genocide. Within just a few months, between 500,000 and one million people had been killed, hundreds of thousands of people had been victims of sexual violence, and millions were displaced. While political elites within the Hutu-dominated government orchestrated and led this violence, many civilians also took part in the genocide. By some estimates, several hundred thousand Rwandan civilians participated in the killings, and an even greater number participated in the destruction of property.

In the aftermath of the genocide, Rwanda and the international community grappled with how to bring suspected perpetrators to justice. In November 1994, the United Nations Security Council issued a resolution creating the International Criminal Tribunal for Rwanda (ICTR) in order to try those responsible for war crimes, crimes against humanity, and genocide. Due to limited resources and a very limited mandate, however, the ICTR was unable to prosecute the hundreds of thousands of people suspected of involvement in the genocide. Instead, the Tribunal tried only a limited number of relatively high-ranking individuals, such as representatives of the government or powerful clergy and business elites. This highly selective focus meant that the new government of Rwanda was left with hundreds of thousands of suspected génocidaires within the country. After deliberation, the Rwandan government decided to try these individuals through two separate court systems: 1) the existing domestic court system, which was progressively meant to try suspected participants who had relatively high levels of responsibility, and 2) a local court

system called Inkiko Gacaca, which was given authority to try the majority of participants in local trials throughout the country.

This article compares sentencing of those convicted of genocide and other crimes at these three different judicial systems—the ICTR, the Rwandan domestic courts, and the Rwandan Gacaca courts. With approximately one million people facing trial, Rwanda arguably constitutes the world’s most comprehensive case of criminal accountability after genocide. It thus presents an important case study of punishment following genocide. Yet, to our knowledge, few studies compare these three court systems, and no studies examine sentencing laws and practices across the three systems.

In what follows, we assess sentencing laws and practices at the ICTR, the Rwandan domestic courts, and the Gacaca courts through the analysis of an original, unprecedented database. We begin by briefly introducing the three court systems and outlining their development over time. We then describe the database, its limitations, and the descriptive analysis we employ to compare sentencing. Next, we provide an overview of the sentencing laws at the ICTR and in Rwanda, including the factors that were considered during sentencing according to positive law and case law. Finally, we compare the severity of sentences given by the three justice mechanisms.

This analysis demonstrates that sentencing varied across the three levels—ranging from limited time in prison to death sentences and indicating that those convicted of genocide are not necessarily subjected to similar or severe sentences. We likewise find that sentencing at the domestic courts was comparatively more serious than sentencing at the ICTR and at the Gacaca courts, suggesting that those deemed most responsible and tried at the ICTR were not subjected to the most severe penalties. This calls into question the consistency of sentencing of genocide-related crimes across the three levels of justice. Finally, we find that sentencing laws and practices for genocide-related crimes in Rwanda became less retributive over time, which we link to highly interconnected principled (e.g., reconciliation) and pragmatic (e.g., overcrowded prisons) reasons.

Three Levels of Justice After Genocide

People accused of committing crimes during the 1994 genocide and the 1990-1994 civil war in Rwanda were prosecuted, tried, and sentenced at three levels of justice: (i) the International Criminal Tribunal for Rwanda (ICTR); (ii) the domestic courts in Rwanda; and (iii) the local Gacaca courts. We begin by reviewing each of these court systems.

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4 It is important to note at the outset that almost all of those tried and convicted by these different justice mechanisms were members of the majority Hutu ethnic group. All people indicted at the ICTR operated in support of the interim government and Hutu extremist policies. Carla del Ponte, who was the Chief Prosecutor between 1999-2003, publicly announced her intention to indict members from the Rwanda Patriotic Front (RPF), who have remained in power following the genocide, but was allegedly prevented from doing so by threats from the Rwandan government to cease any cooperation with the Tribunal. Her successor, Hassan B. Jallow, was not eager to prosecute RPF crimes, as he did not want to alienate the Rwandan government (Filip Reyntjens, Political Government in Post-Genocide Rwanda (New York: Cambridge University Press, 2013), 245). The same holds true within Rwandan domestic courts and Gacaca courts, but data on ethnicity are not available. According to Human Rights Watch, very few members of the
International Criminal Tribunal for Rwanda

A fraction of those deemed most responsible for the violence were tried at the ICTR. The ICTR was established by the United Nations Security Council on November 8, 1994, in order to “put an end to [genocide and other systematic, widespread and flagrant violations of international humanitarian law]; […] bring to justice [those] responsible […] and […] contribute to the process of national reconciliation and to the restoration and maintenance of peace.” Its jurisdiction was limited to crimes committed in Rwanda and neighboring states between January 1, 1994, and December 31, 1994.

Despite initially supporting the establishment of an international tribunal, Rwanda voted against the Security Council Resolution establishing the ICTR, citing four main reasons: the ICTR’s restrictive temporal jurisdiction (i.e., not including events that occurred before 1994); its location outside of Rwanda and related lack of opportunity for Rwanda to influence the functioning of the Tribunal and the selection of its officials; the fact that sentences would be served outside of Rwanda; and, finally, the exclusion of the death penalty as a possible sentence. Nevertheless, the Tribunal was established in Arusha, Tanzania, and issued its first indictment on November 22, 1995. The first judgment at the ICTR, and the first conviction for genocide ever issued by an international court, was delivered on September 2, 1998. Jean-Paul Akayesu, a former teacher, school inspector, and mayor of Taba commune, was sentenced to life imprisonment for his participation in killings and acts of sexual violence during the genocide.

In total, 53 judges from various countries served at the ICTR, either in one of the three trial chambers or in the appeals chamber. Judges were selected by the UN General Assembly from lists submitted by the Security Council for a term of four years and were eligible for re-election. More than three quarters of the ICTR judges were men, and most judges were from Africa (34 percent) and Europe (34 percent).

The ICTR was operational for over twenty years and closed its doors on December 14, 2015, after delivering its last verdict in the Butare case against six defendants, including Pauline Nyiramasuhuko, the former Minister for Family Welfare and the Advancement of Women and the only woman convicted of genocide at the ICTR.

In total, the ICTR indicted 90 individuals for war crimes, crimes against humanity, and/or genocide. It prosecuted government ministers, regional and local politicians, military leaders, and members of the Interahamwe militia that was active during the genocide. A number of prominent businessmen, clergymen, and representatives of media that spread hate propaganda were also indicted. In total, 73 individuals were tried and received a verdict; and of these, 14 were acquitted and 59 were convicted. Almost all ICTR defendants had their cases referred to domestic courts or in the appeals chamber. Judges were selected by the UN General Assembly from lists submitted by the Security Council for a term of four years and were eligible for re-election. More than three quarters of the ICTR judges were men, and most judges were from Africa (34 percent) and Europe (34 percent).

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RPF have been tried by the domestic courts. Specifically, fewer than 40 RPF soldiers were tried in domestic courts, and most received comparatively lenient sentences. The Gacaca courts did not try any members of the RPF, as the laws governing the courts omitted reference to war crimes, which made clear that Gacaca was not to try RPF crimes (Human Rights Watch, Rwanda: Justice after Genocide, 20 Years On (New York: Human Rights Watch, 2014), 12). A limited number of individuals were also tried by courts on the basis of universal jurisdiction in several European countries and Canada.

6 Ibid., Preamble.
7 Gahima, Transitional Justice in Rwanda, 86-87.
10 Art. 12(3) ICTR Statute.
11 The MICT and the ICTR websites state that the ICTR “indicted 93 individuals for genocide and other serious violations of international humanitarian law committed in 1994” (see doi: http://unictr.unmict.org/sites/unictr.org/files/publications/ictr-key-figures-en.pdf > accessed January 26, 2016). However, this figure is misleading, as it includes the two individuals convicted for contempt of the Tribunal and as one individual, Georges Ruggiu, is listed twice (once under those transferred to serve a sentence and again under those who have already served their sentence).
12 The remaining 17 defendants had their cases referred to domestic courts in France or Rwanda, had their indictments withdrawn, or never received a final judgment due to death or remaining at large. For a more detailed discussion of those indicted by the ICTR, see Barbora Hola, Alette Smeulers, “ICTR and Rwanda – Facts and Figures,” in Elgar...
convicts—52 out of 59 (88 percent)—were found guilty of genocide, and all were convicted of participation in killings and other offenses against persons.14

**Domestic Courts in Rwanda**

The domestic courts trying *génocidaires* in Rwanda were part of a pre-existing court system that had been operational long before the genocide occurred. As the crime of genocide did not exist within Rwanda’s criminal code, however, Rwanda enacted a law, known as Organic Law 08/96, to regulate genocide-related prosecutions.15 The Organic Law (OL) established Specialized Chambers within the existing domestic courts to try genocide-related crimes.16 The Specialized Chambers were given jurisdiction over genocide and crimes against humanity committed since October 1, 1990 (as well as offenses set out in the Penal Code committed “in connection with the events surrounding the genocide and crimes against humanity”).17

The OL initially categorized offenders into four categories. Category 1 suspects included planners and organizers of the genocide, those who committed crimes through a position of state authority, notorious murderers who killed with a particular zeal and cruelty, and perpetrators of sexual violence. Category 2 encompassed those who participated in killings, while Category 3 included those who committed other forms of physical violence. Finally, Category 4 suspects included those who participated in crimes against property, although subsequent OLs dealing with genocide-related trials modified the groups falling under each category. Most notably, the OL 16/2004—which also governed functioning of the *Gacaca* courts—reduced the number of categories to three.18 Category 2 and 3 defendants—those who participated in crimes against persons—were merged into one category (Category 2), and those who committed offenses against property became Category 3.19 Punishments were to be commensurate with the crime committed, such that those in Category 1 were to receive harsher punishments than those in Category 2.

Despite the new laws, the Rwandan judicial system was in ruins in the aftermath of the genocide, as it lacked qualified personnel and material infrastructure.20 Tens of thousands of genocide suspects were detained in prisons and improvised detention facilities with deplorable conditions and little access to basic hygiene, food, or healthcare.21 By 1998, an estimated 120,000 inmates accused of genocide-related crimes were awaiting trial in the overcrowded prisons.22 However, the pace of justice was slow. Many nongovernmental organizations lamented the initial
genocide prosecutions’ low standards, including a lack of fundamental fair trial guarantees, corruption, and poor implementation of the right to defense.\textsuperscript{23}

Substantial changes were implemented over time, culminating in the 2004 judicial sector reform. The Specialized Chambers that had been created to try genocide-related crimes were abolished in 2000, and the national courts where the chambers had been located were given the authority to try genocide cases.\textsuperscript{24} Specifically, following the 2004 judicial reform, fifteen courts had jurisdiction over genocide-related crimes: the Supreme Court, five High Courts, and nine Higher Instance Courts (as of 2008, the number of Higher Instance Courts—now called Intermediate Courts—had increased to twelve). The decisions of the Higher Instance/Intermediate Courts could be appealed to the High Courts, and under certain circumstances, a request for review could even be lodged at the Supreme Court. Arguably, the standards applied in genocide-related trials improved as a consequence of these reforms.\textsuperscript{25}

As official court statistics regarding the initial genocide prosecutions are unavailable, it is difficult to provide an accurate overview of cases tried by the domestic courts. According to Martin Ngoga—the Deputy Prosecutor General of Rwanda at the time—approximately 4,122 individuals were judged by the end of 2001.\textsuperscript{26} Jones reports that an additional 2,335 individuals were tried in 2002 and 2003,\textsuperscript{27} and the United Nations suggests that the Rwandan domestic courts had tried over 10,000 individuals by mid-2006.\textsuperscript{28} In 2005, the vast majority of genocide-related cases were transferred to the Gacaca courts, however, and the domestic courts only retained jurisdiction over Category 1 cases.\textsuperscript{29} Consequently, as of 2005, the number of the cases tried by the domestic courts dropped to no more than a few hundred.

\textit{Gacaca Courts in Rwanda}

Finally, as noted above, cases were also tried in localized Gacaca courts due to the enormity of the caseload of suspected perpetrators. Gacaca courts date back to before Rwanda was colonized.\textsuperscript{30} Gacaca means “grass” in Kinyarwanda, and, as the name implies, traditional hearings took place outside in school yards, empty market places, and other public spaces within Rwandan communities. Respected men presided over these hearings,\textsuperscript{31} which typically dealt with petty crimes and emphasized restitution and community reconciliation.\textsuperscript{32} After the genocide, however, the institution changed significantly.\textsuperscript{33} The new courts—called Inkiko Gacaca (shortened hereinafter

\begin{footnotes}
\footnotetext{24}{Art. 96 OL 40/2000 Setting Up Gacaca Jurisdictions and Organizing Prosecutions for Offences Constituting the Crime of Genocide or Crimes against Humanity Committed Between October 1, 1990 and December 31, 1994, adopted on January 26, 2001.}
\footnotetext{27}{Jones, \textit{The Courts of Genocide}, 88.}
\footnotetext{29}{In 2008, the vast majority of Category 1 cases were transferred to Gacaca courts, and only those deemed the most responsible for the violence were to be tried at domestic courts.}
\footnotetext{31}{Phil Clark, \textit{The Gacaca Courts, Post-Genocide Justice and Reconciliation in Rwanda: Justice without Lawyers}, (New York: Cambridge University Press, 2010), 52.}
\footnotetext{32}{The Gacaca courts became an officially sanctioned court system for common crimes in the 1940s.}
\footnotetext{33}{As detailed by the Government, the Gacaca courts had five key objectives. These include the following: (1) identifying the truth about what happened during the genocide; (2) increasing the speed of ongoing trials; (3) fighting a culture}
\end{footnotes}
to Gacaca)—had direct links to the state, which mandated their creation through the same Organic Laws that are noted above.

Per Organic Law, Rwandans elected lay members of their communities to preside over the Gacaca courts as judges known as inyangamugayo, which loosely translates to “trustworthy person” or “person of integrity.” Legal training was not required to serve in this capacity. Rather, inyangamugayo had to be 21 years old, could not have prior criminal convictions or have participated in the genocide, and could not have held a position of authority within the government at the time of election. More than 250,000 men and women were chosen through a series of community elections and were subsequently briefly trained.

Gacaca courts were operational at both the cell (akagari) and sector (umurenge) levels of Rwandan geographic administration. Courts at the cell level were responsible for trying people who were accused of Category 3 crimes (i.e., crimes against property), while courts at the sector level were responsible for Categories 1 (as of 2008) and 2 as well as appeals. In total, there were 9,013 cell courts, 1,545 sector courts, and 1,545 courts of appeal.35 Each level of court consisted of a general assembly, a bench of judges, a president, and a coordinating committee. Community participation was a duty,37 and members of the community were expected to attend all trials, which typically occurred on a weekly basis. These Gacaca court trials took place in communities throughout Rwanda until June 2012, when the courts closed. According to the official report of the National Service of Gacaca Courts, the Gacaca courts prosecuted 1,003,227 individuals in 1,958,634 cases during this time.38

Methodology

To assess punishment laws and practices at the ICTR, the Rwandan domestic courts, and the Gacaca courts, we rely upon content analysis of the positive law and case law as well as descriptive analyses of the severity of trial sentences given by the courts. We begin by providing an overview of the laws governing sentencing. This legal analysis draws upon the ICTR Statute, its Rules of Procedure and Evidence, the ICTR case law, and the Rwanda’s Organic Laws, which governed both the domestic court trials for genocide as well as the Gacaca court trials.

After briefly analyzing judges’ sentencing discretion per law, including whether judges were instructed to take any aggravating and/or mitigating circumstances into account when determining sentences, we turn to a comparison of the sentences given in each of the three court systems. This comparison relies upon descriptive statistics of the sentencing outcomes at each level, and we restrict our analysis to defendants who committed comparable crimes. Given the position of authority and the relative involvement of many of the defendants at the ICTR, they would have all been classified as Category 1 defendants in Rwanda. Therefore, we first provide a comparison of sentences issued by the ICTR, sentences issued by domestic courts in Category 1 cases, and sentences issued by the Gacaca courts in Category 1 cases. As we detail below, the domestic courts also tried Category 2 defendants,39 and we thus also compare Category 2 sentences in the domestic courts and in the Gacaca courts.

36 Lawyers did not participate in the trials, ostensibly to avoid adversarial proceedings, and there were no prosecutorial teams.
39 Again, after the establishment of Gacaca, the OL provided the domestic courts with jurisdiction to deal only with Category 1 cases, and all other cases were to be transferred to Gacaca. Surprisingly, however, the majority of cases we collected at domestic court decided after 2005 concerned Category 2 defendants. In some instances, judges dismissed the cases on this basis; in other instances, however, they proceeded to rule on the case irrespective of the fact that the case was classified as Category 2. As such, it is possible that some of these individuals were classified as Category 1 by the Gacaca and transferred to the ordinary courts, which re-categorized these defendants as Category 2 but proceeded with trials notwithstanding.
To compare across these three jurisdictions, we focus on trial judgments, meaning we do not take appeal decisions into account. Although the Gacaca data include appeals trials (which constituted 14 percent of all trials held by the courts), it is not possible to match first trials with subsequent appeals with certainty at this point in time. Thus, we compare first trials across the three jurisdictions in order to achieve the most consistent comparison possible. This accords well with the data collected at the domestic courts, which were mostly trial judgments, and allows us to assess sentences given at the same instance in the judicial process rather than comparing a first sentence in Gacaca against an appeals judgment in the domestic courts or the ICTR. Beyond this, sentencing primarily occurred during the trial phase at each of the three jurisdictions; and as a minority of convicted individuals sought appeals, taking appeals into account would also necessitate an analysis of the factors that determined a successful appeal, which is beyond the scope of this article.

While a person could only appear once at the ICTR or in the domestic courts, someone could have multiple trials in the Gacaca courts. For instance, if a person was accused of a Category 1 crime and a Category 2 crime, he or she was tried in two separate cases. Similarly, if people were accused of crimes in more than one sector, they were tried in separate cases in each sector. While it is possible to collapse cases across people (results available upon request from the second author, Hollie Nyseth Brehm), Gacaca courts typically did not engage one another but rather made sentencing decisions separately. Because of this, we analyze each person’s distinct trial separately rather than combining sentences. For instance, if someone was sentenced to 19 years in one court and 17 years in another, they would appear twice in the dataset, as this most accurately captures sentencing decisions.

Data
To assess punishments given by the ICTR, we coded and analyzed all trial chamber judgments issued by the ICTR during its mandate. These judgments are published in English on the Tribunal’s website. We distinguish between life imprisonment sentences (the maximum) and determinate sentences, which we further divided into 6 categories: 1-5 years, 6-10 years, 11-15 years, 16-20 years, 21-25 years, and more than 26 years. In total, the ICTR trial chambers convicted and handed out sentences to 64 individuals.

The case files used to analyze the practices of domestic courts in Rwanda were collected during fieldwork in Rwanda in 2014 and 2015. As genocide-related cases are archived in physical copies at the respective courts that decided each case, we visited each of these courts and sought access to its archive. However, the case files at individual courts were often missing or incomplete. Some,

40 Many of the individuals who appealed the judgment had multiple trials, and abbreviated Gacaca records did not note which appeal corresponded to which judgment, unfortunately.
41 At the ICTR, however, over 80 percent of trial judgments (60 cases) were appealed. In less than half of these appeals (29 individuals, or 48.3 percent), the Appeals Chamber confirmed the decision of trial judges, and there was no change in the overall verdict (conviction or acquittal) or sentence length. In 27 instances (45 percent), the Appeals Chamber modified the trial verdict to the benefit of the defendant by either lowering the sentence (22 cases) or acquitting the individual (5 cases). In four cases (6.7 percent), the suspects received a higher penalty upon appeal.
43 In order to secure maximal comparability of the data, the fieldwork initially aimed to collect only cases decided by Rwandan domestic courts after the establishment of Gacaca in 2005, as sentencing at both Gacaca and domestic courts was governed by the same OLs. We obtained access to cases involving 353 of the individuals tried between 2005 and 2014.
44 According to the Supreme Court’s annual reports, the domestic courts decided cases involving 567 individuals in the period between 2005 and 2012. (See The Republic of Rwanda: Supreme Court: RAPORO, Y’IBIKORWA BY’URWEGO RW’UBUCAMANZA, 2004-2011, 2011-2012, 2012-2013, on file with authors.) The difference in the reported and collected cases decided by domestic courts as of 2005 could be ascribed to over-reporting in the official statistics and/ or weak archiving practices. Thus, given the difficulty in obtaining complete records, we decided to modify our strategy and began collecting all genocide-related cases made available to us, irrespective of the year of the verdict.
for example, contained only an appeal or a review judgment without a first instance decision or only the trial judgment without any subsequent decisions. We have, nonetheless, collected and coded all judgments that were made available to us. This means that we seldom gained access to all documents mapping the complete trajectory of all individuals through the justice system (i.e., indictment, trial judgment, appeals judgment, and eventual review), though the majority of the documents collected were trial judgments. In total, we collected and coded cases concerning 651 individuals tried between 1995 and 2014. In addition, we coded all judgments published by Avocats Sans Frontières concerning the cases of 528 individuals decided between 1997 and 2005. We have thus collected case files concerning 1,179 individuals tried at domestic courts. Out of these, we have analyzed 871 individual verdicts issued by first instance courts. For the remaining 308 individuals, we collected only the appeals or review judgments; they are consequently excluded from our analysis in order to facilitate comparison with Gacaca data.

With respect to Gacaca judgments, we draw upon official records that were kept by the National Service of Gacaca Jurisdictions. This unit was the administrative arm of the Gacaca courts, and they compiled records from all trials, including the complete judgment for each case. Millions of these records were kept in official notebooks, which are currently being archived in Kigali. This process will take years, though Gacaca employees also transferred abbreviated forms of court records into thousands of Excel files that contain information about all individuals accused of participating in the genocide, including but not limited to whether they were found guilty, the punishment, and the category of crime. We obtained the Excel files for each administrative region within Rwanda. These abbreviated court records from 10,558 courts were then compiled into a single database of Gacaca files. For our analysis, this includes 63,828 cases with a guilty verdict in Category 1 and 254,806 cases with a guilty verdict in Category 2. Note that we do not include those convicted of crimes against property (Category 3 as of 2004 according to the OL 16/2004 as amended), as these crimes differ substantially from the crimes that were to be tried at the ICTR and in the domestic courts.

The data on the Rwandan domestic trials and on the Rwandan Gacaca court trials are unique, as we are part of the only research team that has gained access to and compiled these data. That said, several caveats must be discussed prior to our analysis. First, some have suggested that the government of Rwanda has a particular interest in controlling or manipulating information about genocide perpetrators, which could influence data on both the domestic courts and the Gacaca courts. We have seen no evidence to suggest that any of the data we analyzed were subject to such manipulation; we obtained these data in a disorganized state and assembled our datasets from scratch. Nonetheless, like other court systems, court systems in Rwanda—and, specifically, the Gacaca courts—were also subject to corruption. For example, communities sometimes discovered that the judges they had elected to preside over Gacaca court trials had participated in the violence, and revenge or petty arguments may have motivated some of the cases. We do not doubt that these and other concerns are valid, but they are also unlikely to compromise the large-scale analysis of sentences.

Finally, less than 0.5 percent of Gacaca cases resulting in a guilty verdict did not include the sentence or included a nonsensical sentence and are thus excluded. Missing data for the domestic courts are of larger concern. Again, as opposed to the ICTR and the Gacaca courts, there is no centralized database of genocide-related cases decided by the domestic courts. Compared to official

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45 This number excludes appeals courts, which are not considered in this analysis.

46 As explained above, the data from the Gacaca courts are person-cases. Thus, if four people were involved in a crime, they would each be listed once for that crime, totaling four cases even if those cases were tried concurrently. Additionally, if one person committed two different crimes, he or she appears twice in the database. As the courts did not take other crimes committed into account when deciding sentences in discrete cases, we would keep both cases in this example in the database in order to most accurately examine the sentences that were given across all cases.

47 To be clear, some of the Gacaca court judgments were published online and have been used to assess participation in the genocide. However, only a fraction of the judgments were made available in this manner.


49 Phil Clark, The Gacaca Courts, 119.
Sentencing Laws at the ICTR and in Rwanda

Before assessing these data, we begin with an analysis of the sentencing laws. The two most important legal documents governing the functioning of the ICTR were its Statute, which was appended to UNSC Resolution 955, and the ICTR Rules of Procedure and Evidence (RPE), which was adopted on June 29, 1995, and regularly amended afterward. The Statute and the RPE, however, contain only very basic guidelines regarding sentencing. Article 23 of the ICTR Statute limits available sentences to imprisonment. When determining the penalty, judges were instructed to take into account factors such as the gravity of the offense and the individual circumstances of the convicted person. The Statute does not define what the assessment of gravity entails or which individual circumstances could be considered relevant, however. The Statute also instructed judges to consider the general practice regarding prison sentences in the courts of Rwanda, though no sentencing tariff is provided for crimes under the Tribunal’s jurisdiction.

The RPE likewise provides limited clarification regarding how sentences should be determined. Specifically, Rule 101 limits the range of applicable sentences, with a maximum sentence of life imprisonment. Judges were also instructed to take into account any aggravating and/or mitigating circumstances when determining sentences. However, no list of aggravating and mitigating factors is provided. Only two potential mitigating factors—“superior orders” and “substantial cooperation with the Prosecutor”—are explicitly mentioned. Consequently, the ICTR judges had much sentencing discretion.

Despite this broad maneuvering space for sentence determination, judges developed a relatively consistent approach to sentencing in case law over time. In fact, a common set of general sentencing principles and individual sentencing factors was emphasised by the ICTR judges across all cases. The starting point of sentence determination and the litmus test for sentence severity was, according to the ICTR judges, the gravity of the offence. In this respect, the principles of proportionality, totality, and gradation were the governing criteria: a penalty was to reflect the totality of the crimes committed by a person and be proportionate to the gravity of his or her crimes while taking into account his or her position in the overall conflict and role in the particular crimes. For the purposes of sentencing, gravity was primarily determined in concreto by examining the particular circumstances of the case. In most cases, the concept of gravity was interpreted as

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51 Art. 23(1) ICTR Statute. The ICTR judges ruled, however, that national practices should serve solely as a point of reference and should not be treated as binding. Cf. Prosecutor v. Nahimana, Barayagwiza, Ngeze, Appeals Chamber Judgment, November 28, 2007, ICTR-99-52, para. 1063. As discussed below, however, the sentencing approach of the ICTR and within Rwanda seemed to be based on comparable tenets, which might be the result of the ICTR judges implicitly taking inspiration from Rwandan laws.

52 Art. 6(4) ICTR Statute.

53 Rule 101(B)(i) RPE.


56 Over time, the ICTR judges seem to have rejected the notion of abstract hierarchy between individual categories of international crimes. In early jurisprudence, genocide was denoted as the crime of crimes, and judges argued that for the purposes of sentencing, genocide as a category of international crime was considered more serious than
encompassing two aspects: (i) the magnitude of harm caused by the offender as represented for example by the scale of the crime, the number of victims, and the extent of victims’ suffering; and (ii) the form and degree of the accused’s participation in the crime (in other words, the offender’s culpability).

After evaluating the gravity of crimes, the ICTR judges further individualized the sentence by assessing aggravating and mitigating circumstances. Only those circumstances directly related to the charged offences and to the offenders when they committed the offence were accepted in aggravation. Conversely, mitigating factors did not need to relate directly to the offences, and judges typically discussed the offender’s personal circumstances, including but not limited to his or her character, family circumstances, or behavior prior to the genocide. Over the years, the Tribunal accepted a wide range of factors in aggravation/mitigation of a sentence. The most common aggravating factor cited by ICTR judges was the abuse of a position of authority, leadership, influence, or trust, while assistance to victims was cited most frequently in mitigation.

As most of the crimes tried at the ICTR were very serious and often entailed the deaths of hundreds or thousands of victims—and as all would have likely resulted in the severest sentences in domestic jurisdictions—the ICTR judges seemed to differentiate between serious criminal acts and even more serious criminal acts. This differentiation was primarily conducted by applying the principle of gradation, which involved the evaluation of the defendants’ culpability as manifested by their position in the state hierarchy and the role that they played in particular crimes. The severest sentence of life imprisonment was consequently reserved for the most serious offenders, such as those who planned, led, or ordered atrocities and those who committed crimes with particular zeal or sadism. Accordingly, judges often reiterated that offenders receiving the most severe sentences previously held senior positions of authority, such as ministers in the government.

As opposed to the almost unfettered sentencing discretion at the ICTR, the Rwandan OLs limited the sentencing discretion of judges at the domestic courts and the Gacaca courts to a considerable extent. As noted above, as of 2000, the OLs uniformly regulated genocide-related prosecutions at both the Rwandan domestic courts and the Gacaca courts. The laws contain fixed mandatory sentences and narrow sentencing tariffs with a very limited margin of appreciation provided for judges to take into account the particularities of each case.

The first genocide prosecution law, the OL 08/96, introduced the categorization of genocide suspects and gradation in sentence severity depending on the defendant’s category. Per this
law, Category 1 defendants (those seen as particularly responsible or cruel) were liable to the death penalty with no possibility of sentence reduction or mitigation.\textsuperscript{66} The mandatory sentence for Category 2 offenders (those who participated in killings) was life imprisonment. Category 3 suspects (including those who participated in acts causing personal injuries short of death) were to be given penalties stipulated for similar offences by the Penal Code of Rwanda. Finally, Category 4 suspects (those who committed offenses against property) were not to be subjected to incarceration and were instead to pay reparations. OL 08/96 also stipulated a possibility for Category 2 and 3 defendants to confess and plead guilty, which, if accepted by the court, would lead to a significant reduction in their sentence. For example, a Category 2 defendant who pled guilty could be given either 7 to 11 years (if the guilty plea took place prior to prosecution)\textsuperscript{67} or 12 to 15 years (if the defendant confessed during the trial, illustrating that time of confession was also to be taken into account).\textsuperscript{68}

This first genocide prosecution law set the scene for the subsequent developments in sentencing structures for convicted génocidaires in Rwanda. In 2000, the most important changes were introduced by the OL creating the Gacaca courts.\textsuperscript{69} Due to the new court system, a majority of genocide cases (all cases concerning Category 2, 3, and 4 defendants) were to be transferred to Gacaca.\textsuperscript{70} The OL on Gacaca was subsequently amended several times,\textsuperscript{71} most substantially in 2004,\textsuperscript{72} 2007\textsuperscript{73} and 2008.\textsuperscript{74} In essence, however, the strict regulation of sentencing remained; there were mandatory sentences depending on offender categorization, and very limited discretion was provided to the judges.

As noted above, the subsequent OLs modified the groups falling under each category and, as of 2004, re-categorized genocide suspects into three categories by combing Categories 2 and 3. In addition, the severity of the mandatory sentences was progressively reduced in the years following OL 08/96. Category 1 defendants also became eligible for sentence reduction if they confessed, and the traditional sanction of incarceration was offset by alternative sanctioning mechanisms such as community service (Travail d’Intérêt Général, known as TIG) or suspended sentences. As of 2000, Category 2 defendants who were accused of killing and confessed and Category 3 defendants convicted of injuring a person were to serve only half of the pronounced sentence in prison, and the rest was to be commuted to community service.\textsuperscript{75} Rwanda also formally abolished the death penalty in 2007 and substituted it with a sentence of life imprisonment or life imprisonment with special

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\textsuperscript{66} Ibid., Art. 14.

\textsuperscript{67} Ibid., Art. 15.

\textsuperscript{68} Ibid., Art. 16. The Rwandan government introduced the notion of confession and the possibility of a significant reduction in sentences tied to confession in order to motivate the tens of thousands of defendants who were detained in overcrowded prisons and ad-hoc detention centers to come forward, confess their crimes, and assist the government in easing prison overcrowding and reducing the backlog of genocide-related cases.


\textsuperscript{70} Again, in 2008, the majority of Category 1 defendants were transferred to Gacaca jurisdictions, leaving the domestic courts to try only planners and organizers as well as leaders at the national and prefecture (region) level.

\textsuperscript{71} For example, OL 33/2001, which was adopted in 2001, modified OL 40/2000.


\textsuperscript{75} Cf. Art. 69, 70 OL 40/2000; or 73, 78, and 80 of the OL 16/2004, as amended.
provisions.\textsuperscript{76} Effectively, however, the death penalty had already been abolished in 1998. While the death penalty was stipulated in the OL and regularly given as a sentence in the Specialized Chambers, as we further address below, there is only record of 22 individuals who were executed in April 1998.

These changes, including the progressive introduction of less retributive sanctions, could be explained by the fact that the Rwandan government also emphasized other non-retributive goals of transitional justice with the introduction of the \textit{Gacaca} courts. These goals included but are not limited to the involvement of the broader population in dealing with the past, truth finding, reconciliation, societal reconstruction, and reintegration of defendants. In addition to these principled reasons, highly interconnected practical considerations such as a backlog of cases at the Specialized Chambers, overcrowded prisons, or having a large proportion of the adult Hutu male population in detention could arguably also explain the progressive changes in punishment structures.

Table 1 outlines the sentencing structures for Rwandan domestic courts and \textit{Gacaca} courts as amended and modified in 2008 after the adoption of OL 13/2008.\textsuperscript{77} The rows indicate the category of a defendant according to the OL, and the columns are further divided based on sentences stipulated (i) for adult defendants who did not confess (Column 1); (ii) for adult defendants who confessed (Column 2); and (iii) for minors at the time of genocide, again depending on whether they confessed (Column 3). The categorization of defendants determined not only the sentence severity but also whether a case was handled by the \textit{Gacaca} courts (Cat. 1 C, D, and E, Cat. 2, and Cat. 3) or tried at ordinary courts (Cat. 1 A and B).

Similar to the first OL on genocide-related prosecutions, suspected \textit{génocidaires} were placed into categories that corresponded to mandatory sentences or sentence ranges. The categorization depended on the defendant’s role in the crime, whether the defendant held a position of authority, and the type of offense. Category 1 defendants (broadly those organizing atrocities, those in positions of authority, and perpetrators of sexual violence) were to receive the most severe sentences. The remaining Category 2 and 3 offenders were divided depending on whether the crimes they participated in were targeting people (Category 2) or property (Category 3), with a clear decrease in sentence severity depending on the type of crime committed. Each category also includes accomplices, who were defined as individuals who had provided any form of assistance to commit offenses specified in each category.\textsuperscript{78} The OL leaves the individual terms further undefined and thus provides those implementing the laws with relatively broad discretion on whom to classify as an organizer and on the meaning of terms such as “notorious murderer.” Indeed, according to OL 16/2004, the \textit{Gacaca} courts were competent to categorize offenders and to compile lists of offenders for each Category.\textsuperscript{79} As the categorization of an offender was meant to be tied to sentence severity, this discretion suggests that the legal straightjacket imposed by the OLs was not as tight as it might have originally seemed, at least when it comes to sentencing. Judges and \textit{inyangamugayo} were able to circumvent limitations on their sentencing discretion by exercising greater discretion in the offender categorization stage or by re-categorizing cases.

\textsuperscript{76} OL 31/2007 Relating to the Abolition of the Death Penalty. In the cases where the death penalty had been pronounced before the adoption of OL 31/2007, and in all legal texts containing the death penalty as a punishment, life imprisonment or life imprisonment with special provisions was substituted for the death penalty (Art. 3, Art. 6). Given that crimes against humanity and genocide are subject to life imprisonment with special provisions (Art. 5, para. 3), those sentenced the death penalty likely had their sentence changed to life imprisonment with special provisions.


\textsuperscript{78} Art. 53 OL 16/2004.

\textsuperscript{79} Art. 34 OL 16/2004, Ibid. The list of Category 1 suspects was published by the Chief Prosecutor of the Supreme Court periodically since OL 08/96. Initially, the information regarding who to put on the list of suspects was forwarded by local administrative and judicial authorities (see Alison Des Forges, \textit{Leave None to Tell the Story, Genocide in Rwanda} (New York: Human Rights Watch, Second Edition, 1998), 751). After the \textit{Gacaca} courts began, the information was forwarded by the \textit{Gacaca} courts.
Table 1. Offender Categorization and Sentencing Structure in the Rwandan OL16/2004 (as Amended by OL 10/2007 and OL 13/2008, with numbers indicating stipulated sentences in years in prison).

<table>
<thead>
<tr>
<th>Offender Categorization</th>
<th>NO CONFESION</th>
<th>CONFESSION*</th>
<th>MINOR (at the time of crimes)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Before Being Listed**</td>
<td>After Being Listed</td>
<td>No Confession</td>
</tr>
<tr>
<td><strong>CAT. 1</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A) Planners/organizers</td>
<td></td>
<td></td>
<td>Life in prison</td>
</tr>
<tr>
<td>B) National/prefectural leaders</td>
<td></td>
<td></td>
<td>with special provisions</td>
</tr>
<tr>
<td>C) Inciters/supervisors/ringleaders</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>D) Sub-prefectural/ commune leaders</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E) Perpetrators of sexual violence</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>CAT. 2</strong></td>
<td></td>
<td></td>
<td>30 years in prison or life</td>
</tr>
<tr>
<td>A) Notorious murderers</td>
<td></td>
<td></td>
<td>25-30</td>
</tr>
<tr>
<td>B) Torture</td>
<td></td>
<td></td>
<td>12-15</td>
</tr>
<tr>
<td>C) Dehumanizing dead body</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>D) Killers</td>
<td></td>
<td></td>
<td>7-12</td>
</tr>
<tr>
<td>E) Injury with intent to kill</td>
<td></td>
<td></td>
<td>12-15</td>
</tr>
<tr>
<td>F) Injury with no intent to kill</td>
<td></td>
<td></td>
<td>1-3</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>CAT. 3</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A) Property offences</td>
<td>Reparation***</td>
<td>Reparation</td>
<td>Reparation</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Reparation</td>
</tr>
</tbody>
</table>

* To have a confession accepted, a defendant had to provide a detailed account of the crime that included eventual witnesses, victims, and the damage caused; identify his or her co-perpetrators; and apologize to the victims or their families. If the confession did not adhere to these stringent requirements, it could be rejected. The defendant would then be sentenced as if he or she did not confess (see Article 54 of OL 16/2004). In addition, the moment of confession—specifically whether a defendant confessed before being put on the list of suspects or only afterward—mattered for sentence severity.

** According to the OL 16/2004 (Article 34), the Gacaca courts at the cell level were responsible for compiling and categorizing lists of suspects responsible for crimes committed within their cells. Those put on Category 3 lists were then tried by the same cell level Gacaca court. Lists of Category 2 suspects were to be forwarded to sector level Gacaca courts, and lists of Category 1 suspects were to be forwarded to the Public Prosecution.

*** Note that there were numerous types of sanctions linked to Category 3 offenses, though we do not include these sanctions— which mostly involved paying fines to victims and/or their families—here because Category 3 is not part of our analysis.

Beyond the offender categorization, the severity of mandatory sentences stipulated in the OL was also largely dependent on two types of mitigating excuses that could have led to a considerable sentence reduction: (i) confession and guilty plea, and (ii) minor age of a defendant at the time.

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81 Art. 72, 73 OL 16/2004 as amended.
of the genocide (offenders between 14 and 18 years old were considered minors).82 Judges in domestic courts and in Gacaca courts were also able to adjust a sentence within the predetermined ranges if mitigating or aggravating circumstances were present.84 The OL does not provide a list of relevant mitigating circumstances and left it to the discretion of judges to accept relevant mitigating circumstances, however.85 In contrast, the OL explicitly stipulates the following factors as aggravating: (i) a position of authority at the level of a cell or a sector;86 and (ii) the combination of multiple offenses falling within the same category committed by a defendant.87 In such cases, judges were directed to hand out the most severe penalty envisaged within the defendant’s category.88

Overall, this overview demonstrates that at the ICTR and in Rwanda, it was the culpability of the offender that was to primarily influence sentence severity. Culpability was to be assessed based on the position of authority (those exercising state authority were to be considered the most culpable), the particular role in the offenses committed (organizers, planners, and leaders of the massacres were to be considered the most culpable), and the manner of execution (those who committed crimes with a particular cruelty and zeal were to be considered most culpable). The type of underlying offence and its gravity arguably was to influence the sentence severity only secondarily. In addition, a significant mitigating factor for genocide-related sentences, especially in Rwandan law, was a confession. This was justified by the fact that punishment of genocide was meant not only to condemn the crimes and those responsible but also to fulfill other societal functions such as truth finding or promoting reconciliation.

**Sentencing Practices/Outcomes at the ICTR and in Rwanda**

In order to compare sentencing of genocide, it is not sufficient to analyze the law itself. Rather, it is also vital to understand how the laws were implemented in practice by judges and inyangamugayo. Put another way, the laws we have reviewed do not necessarily dictate practice, and judges and inyangamugayo—especially those in more decentralized courts—may have departed from these sentencing guidelines. Consequently, this section contrasts the severity of sentences issued at the ICTR, the domestic courts, and the Gacaca courts. We first focus on the most serious cases—Category 1 trials in domestic courts, Category 1 trials in the Gacaca courts, and those tried the ICTR. We then compare Category 2 trials at the domestic courts and at Gacaca.

**ICTR and Category 1 Offenders at Domestic Courts and Gacaca Courts**

Table 2 provides an overview of case outcomes in each jurisdiction based on the data that we described above. As seen in the table, the conviction rates at the ICTR, domestic Rwandan courts, and Rwandan Gacaca courts were relatively similar. Approximately 71 percent of initial ICTR trials ended with a guilty verdict, as compared to 76 percent of domestic court trials and 75 percent of Gacaca trials of Category 1 suspects. The remaining cases were acquitted or, in the case of the ICTR and the domestic courts, dismissed, transferred, or never held. Gacaca trials were unique in that defendants were tried in absence if they were unable to be present; in these cases, judges were able to take community testimony into account in their judgments. In the subsequent analysis, we examine only those who were convicted, and we present our findings in percentages in order to facilitate comparison across jurisdictions.

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82 Those who were less than 14 at the time of the genocide were not to be prosecuted but were to be sent to training camps instead (Organic Law 13/2008).
83 Art. 78 OL 16/2004 as amended.
84 Art. 81 OL 16/2004 as amended.
85 Rugege and Karimunda, *Domestic Prosecution of International Crimes*, 90-91. The authors also provide examples of situations where judges accepted remorse or cooperation with the court as mitigating circumstances. In addition, the Manuel Explicatif sur la loi organique portant creation des juridictions Gacaca also lists possible mitigating circumstances for Gacaca judges, such as vulnerability of a defendant, undue influence, or saving lives.
86 Art. 52 OL 16/2004 as amended.
87 Art. 77 OL 16/2004 as amended.
88 In contrast to the ICTR, where incarceration was the only possible sentence, the OLs in Rwanda also stipulate an additional penalty, which is the withdrawal of civic rights. The extent and duration of withdrawal was to depend on the category of the offender. Art. 76 OL 16/2004 as amended.
Consequently, the proportion of indeterminate sentences in the domestic courts is much higher than those in the ICTR or the Gacaca courts. This is partially due to the fact that most of these verdicts included in our database were handed out in the earlier years of the justice process, when the OL 08/96 governed genocide prosecutions. TheOL 08/96 stipulated the death sentence as the mandatory sentence for all Category 1 defendants. The subsequent laws, however, provided judges with a possibility to hand out either life imprisonment or a death sentence for Category 1 offenders who did not plead guilty, as shown in Table 1.

As seen in Table 3, despite the relative parity in the conviction rates across jurisdictions, sentences varied widely. The median sentence at the ICTR was 25 years, followed by 14 years in the domestic courts’ Category 1 trials and 19 years in the Gacaca courts’ Category 1 trials. The fact that the ICTR’s median sentence length is the highest is to be expected, as this court tried those who played comparatively larger roles in the violence. That said, the Gacaca courts’ median sentence is 5 years longer than the median sentence in the domestic courts. While this suggests that determinate sentencing at the Gacaca courts was harsher than sentencing at the domestic courts, this number must be analyzed alongside the sentences for life in prison and the death penalty. As with determinate sentences, the ICTR had the highest percentage of life sentences: 42.2 percent of all cases tried at the ICTR resulted in a life sentence. This is contrasted against 12.2 percent in domestic courts and 16.5 percent in Gacaca, though an additional 66.0 percent of cases for Category 1 offenders in the domestic courts resulted in the death penalty. To be clear, the vast majority of these cases were eventually converted into life sentences, though we report them as the death penalty in Table 3 to comport with our focus on initial verdicts.

Table 2. Convictions and Acquittals at the ICTR and in Rwandan Domestic and Gacaca Court Trials.

<table>
<thead>
<tr>
<th></th>
<th>Convicted</th>
<th>Acquitted</th>
<th>Dismissed/Transferred/At Large</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>%</td>
<td>Number</td>
<td>%</td>
</tr>
<tr>
<td>ICTR</td>
<td>71.1</td>
<td>64</td>
<td>10.0</td>
</tr>
<tr>
<td>Domestic Courts*</td>
<td>76.0</td>
<td>662</td>
<td>15.8</td>
</tr>
<tr>
<td>Gacaca Category 1</td>
<td>75.4</td>
<td>63,828</td>
<td>24.6</td>
</tr>
</tbody>
</table>

*While the domestic courts were meant to try Category 1 offenders, Category 2 and 3 offenders were also tried in these courts. In this table, we include all trials with first instance verdicts. However, in Table 2, we restrict the data presented to Category 1 trials and also analyze Category 2 trials below.

Table 3. General Sentencing Outcomes in the ICTR and in Rwanda*

<table>
<thead>
<tr>
<th></th>
<th>Median Sentence</th>
<th>Range</th>
<th>Determinate Sentence (DS)</th>
<th>Life Sentence</th>
<th>Death Penalty</th>
<th>TIG**</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Years</td>
<td>Years</td>
<td>%</td>
<td>%</td>
<td>%</td>
<td>%</td>
</tr>
<tr>
<td>ICTR</td>
<td>25</td>
<td>6 to 35</td>
<td>57.8</td>
<td>42.2</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>Domestic Category 1</td>
<td>14</td>
<td>2 to 30</td>
<td>21.8</td>
<td>12.2</td>
<td>66.0</td>
<td>-</td>
</tr>
<tr>
<td>Gacaca Category 1</td>
<td>19</td>
<td>1 to 30</td>
<td>83.5</td>
<td>16.5</td>
<td>NA</td>
<td>13.1</td>
</tr>
</tbody>
</table>

* We have data on 147 Category 1 trials from the domestic courts, which are shown here. The remaining trials were Category 2 trials, which are not included here but which we further explain below.

** Judges and inyangamugayo in both domestic courts and Gacaca courts were instructed according to Art. 73 OL16/2004 to convert half of a pronounced determinate sentence to community service (TIG) for Category 2 offenders who confessed or who participated in physical violence without the intent to kill. It seems that a similar practice was also adopted for Category 1 offenders at Gacaca courts, though we do not have data regarding conversion of prison sentences to TIG in the domestic courts.

Consequently, the proportion of indeterminate sentences in the domestic courts is much higher than those in the ICTR or the Gacaca courts. This is partially due to the fact that most of these verdicts included in our database were handed out in the earlier years of the justice process, when the OL 08/96 governed genocide prosecutions. The OL 08/96 stipulated the death sentence as the mandatory sentence for all Category 1 defendants. The subsequent laws, however, provided judges with a possibility to hand out either life imprisonment or a death sentence for Category 1 offenders who did not plead guilty and reduced determinate sentences for those who pleaded guilty, as shown in Table 1.**

Restricting our analysis to determinate sentences, Figure 1 depicts the sentence lengths in each of the three jurisdictions. Specifically, the figure illustrates the percentages of determinate sentences falling between 1-5 years, 6-10 years, 11-15 years, 16-20, 21-25 years, and 26 years and above. The majority of those convicted at the ICTR and at Gacaca courts received determinate sentences, compared to only 32 defendants (22 percent) tried at the domestic courts included in our sample. Given the very limited number of these cases, these data must be interpreted with caution.

As seen in the figure, a small percentage of prison sentences given by the Gacaca courts and by the domestic courts were less than five years, while no sentences at the ICTR were this low. More than 10 percent of trials with determinate sentences given by both the ICTR and the Gacaca courts were between 6 and 10 years in prison, though the domestic courts had very few sentences in this range. The Rwandan domestic courts cases in our sample had the highest percentage of Category 1 trials—over 71 percent—resulting in a prison sentence between 11 and 15 years. In contrast, the highest percentage of those who received determinate sentences at the ICTR (29.7 percent) and at Gacaca (30.5 percent) were given relatively severe sentences (26 or more years in prison).

As of 2000, only Category 1 defendants who pleaded guilty or who were minors at the time of genocide were eligible for determinate sentences in Rwanda. In our sample of domestic court cases, 30 defendants confessed and two were minors at the time of the genocide. Additionally, all 30 defendants who pleaded guilty did so before being included on the list of genocide suspects and thus before the prosecution started. We do not have data on the proportion of people who confessed in the Gacaca courts, though we anticipate that the number of confessions was comparatively much higher in Gacaca courts given the public setting, the emphasis placed on conversation, and pre-trial sensitization efforts. That being said, the results suggest that the majority of Category 1 defendants at the Gacaca courts may have pleaded guilty only after being included on the list of genocide suspects, which would thus result in 25-30 years imprisonment if imyangamugayo followed the OLs.

In contrast, the ICTR judges regularly handed out relatively severe determinate sentences to those who did not plead guilty. Life imprisonment, as the maximum sentence, was reserved only...
for the most serious offenders convicted of crimes of the most heinous nature. This suggests that the ICTR judges may have been comparing those tried at the Tribunal against each other (rather than against all who participated in the genocide) and thus may have differentiated sentence length depending on culpability relative to other ICTR defendants.

Notably, Figure 1 also illustrates that judges in domestic courts and *inyangamugayo* in the Gacaca courts deviated from sentencing guidelines. Per the OLs, Category 1 defendants (who were not minors) could receive a sentence between 20 years and life in prison. The majority of determinate sentences for Category 1 crimes in our database, however, fall below 20 years, with many sentences at not even half the length dictated by law. It is impossible to determine the reasons for this divergence, as judges in Rwanda hardly presented any sentence-related reasoning in their judgments. Rugege and Karimunda observe a similar trend in their qualitative analysis of early genocide-related cases decided at domestic courts, noting that “Rwandan judges were too lenient in handling cases of genocide […] and in some cases the discretion [of judges] was either misused or even abused in meting out overly lenient sentences…”

**Category 2 Offenders at Domestic Courts and Gacaca**

Although we focus on Category 1 crimes in order to facilitate comparison between the ICTR, the domestic courts, and the Gacaca courts, we conclude by briefly analyzing Category 2 sentences in the domestic courts and in the Gacaca courts. We have data on 509 Category 2 trials with guilty verdicts in the domestic courts and 254,806 Category 2 trials with guilty verdicts in the Gacaca courts. The outcomes of these trials are shown in Table 4.

Almost 96 percent of Category 2 guilty verdicts in the Gacaca courts came with a determinate prison sentence, while only 56 percent of those in the domestic courts did. In line with this, over 42 percent of Category 2 cases with guilty verdicts at the domestic courts resulted in a life sentence, compared to only 2 percent of Gacaca court Category 2 cases. Gacaca courts did have a slightly higher median sentence length, though a full one-third of these sentences were commuted into a community service (Travail d’Interet General, or TIG). Taken together, this suggests that the Gacaca courts were comparatively more lenient with Category 2 sentencing. However, the more severe sentences at domestic courts may also be explained by legislative changes in the OLs, a progressive reduction of sentence severity over time, and the fact that the majority of Category 2 defendants in our domestic courts database were tried before the enactment of the OL 16/2004. Instead, almost 78 percent of the Category 2 cases tried at domestic courts in our sample were adjudicated under OL 08/96, which stipulated a mandatory sentence of life imprisonment if a defendant did not confess. In 2004, the OL 16/2004 provided for determinate sentences ranging from 5 to 30 years for Category 2 offenders (again depending on confession and their age).

In 2007, due to the inclusion of three sub-categories that were initially classified as Category 1 in Category 2 (i.e., notorious murderers, those who committed torture, and those who committed acts dehumanizing dead bodies), life imprisonment as an alternative to 30 years of imprisonment was again reintroduced as a possibility for Category 2 defendants in these subcategories. Consequently, due to these legislative changes entailing modification of the categories and prescribed sentences, we cannot conclusively say that Gacaca courts were more lenient than domestic courts, though future analyses of sentences over time will be able to address such questions.

92 Art. 72 OL 16/2004 as modified by OL 13/2008. According to the OL 40/2000 (the law which preceded the 2004 OL), the minimum sentence for Category 1 defendants was 25 years.
94 As noted above, the OL 08/96 initially divided all defendants into four categories. This was changed in 2004 when the OL 16/2004 combined Category 2 (those who participated in killings and those who caused injuries but acted with the intent to kill) and Category 3 (those who caused injuries and did not have the intent to kill) into a joint Category 2 encompassing all those who participated in offences against persons. Since our database also includes cases of Category 3 defendants decided under the OL 8/96, we have also included these in our analysis, though they would be Category 2 defendants under the final classification scheme. Thus, these cases are referred to as Category 2 in this article.
95 Art. 14 OL 08/96.
Figure 2 illustrates determinate sentences for Category 2 guilty verdicts at the domestic courts and Category 2 guilty verdicts at the Gacaca courts. For both court systems, the distribution of determinate sentences is relatively similar. In fact, the domestic courts and Gacaca courts mirror each other in the proportion of determinate sentences that were 10 years or less, which were generally reserved for those who were convicted for causing an injury without intent to kill. As with Category 1 crimes, the domestic courts had a comparatively higher percentage of determinate sentences—over 46 percent—in the 11 to 15 year range. By contrast, Gacaca courts had higher percentages of sentences over 15 years, though there is also great similarity in the general distribution of sentences. While these differences might be related to the prevalence and timing of confessions, they may also indicate that Gacaca judges favored the imposition of determinate sentences over life imprisonment, even for those defendants who did not confess. This hypothesis would, however, require additional research, as we are unable to assess it on the basis of our data.

Table 4. Category 2 Sentencing Outcomes in Rwandan Domestic and Gacaca Courts.

<table>
<thead>
<tr>
<th></th>
<th>Median Sentence</th>
<th>Range</th>
<th>Determinate Sentence (DS)</th>
<th>Life Sentence</th>
<th>Death Penalty</th>
<th>Other Sentence*</th>
<th>TIG</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Years</td>
<td>Years</td>
<td>%</td>
<td>%</td>
<td>%</td>
<td>%</td>
<td>%</td>
</tr>
<tr>
<td>Domestic Category 2</td>
<td>13</td>
<td>1-30</td>
<td>56.4</td>
<td>42.4</td>
<td>0.8</td>
<td>0.4</td>
<td>-</td>
</tr>
<tr>
<td>Gacaca Category 2</td>
<td>15</td>
<td>3 months - 30 years</td>
<td>95.8</td>
<td>2.0</td>
<td>NA</td>
<td>2.2</td>
<td>32.7</td>
</tr>
</tbody>
</table>

* Other sentences typically included paying victims or victims' families for property that was stolen.
This section has demonstrated that at all three levels of jurisdiction, judges employed a large variety of sentences to punish those convicted of genocide. Genocide—“the crime of crimes”—was certainly not punished with only the most severe sentences, which many would assume. Even though it is impossible to make conclusive claims due to the limitations of our data, it would seem that the most severe sentences were handed out at domestic courts in Rwanda. This, however, might also be explained by the fact that most of cases in our sample tried at domestic courts were decided under the OL 08/96, which dictated mandatory death sentences for Category 1 defendants and life imprisonment for Category 2 offenders who did not confess. Over time, the laws progressively introduced more lenient sentences for both groups, which was likely geared toward encouraging confessions. Unfortunately, we cannot evaluate whether an increasing number of defendants took advantage of these sentence reductions and pleaded guilty. However, given the intense sensitization campaigns and societal pressures on detainees to confess, we might also expect that to be the case.

**Conclusion**

This article aimed to compare sentencing laws and practices of those convicted of participation in the 1994 genocide in Rwanda. As over a million individuals were tried, the aftermath of the Rwandan genocide constitutes the most comprehensive case of criminal justice after atrocity. Three levels of criminal courts—an international, a domestic, and a localized—adjudicated genocide-related crimes, which makes the Rwandan case unique and a worthy case study of judicial responses to genocide.

We have shown that the sentencing of genocide developed into a rather sophisticated system internationally and domestically. At the ICTR, judges exercised much sentencing discretion and developed a sentencing approach relying on several factors to determine punishments. Apart from the seriousness of the crimes underlying convictions, the ICTR judges used the culpability of the defendants to distinguish the most serious offenders for the purposes of sentencing. The level of culpability was assessed by examining whether and how the defendant exercised authority and the role and degree of his/her involvement in atrocities. In Rwanda, the OLs governing the genocide-related trials introduced rather detailed sentencing guidelines and mandatory sentences. Offenders were divided into categories primarily depending on their level of culpability. Similar to the ICTR, the level of culpability was determined by the level of authority and the degree of the defendant’s involvement in atrocities. The severity of mandatory sentences stipulated in the laws was gradated depending on the categorization of the defendant, which in turn depended on his/her level of culpability. Additionally, both domestic and Gacaca courts gave significant weight to those who confessed and apologized for their crimes, resulting in reduced sentences. In this sense, punishment for genocide in Rwanda did not only serve a retributive purpose, which was the main sentencing aim according to the ICTR judges\(^9\); it also incorporated other transitional justice goals, including truth-telling, reintegration of the offenders into their communities, and societal reconciliation according to the governing laws.

This article is also the first of its kind to compare sentencing practices across the three jurisdictional levels. Based on an unprecedented database, we have provided an overview of sentencing outcomes at the ICTR, Rwandan domestic courts, and the Gacaca courts. Due to the limitations of our data, we were only able to present basic descriptive statistics, and the results must be interpreted with caution. Again, while we gained access to the entire population of cases decided at the Gacaca courts and the ICTR, the domestic court cases were very difficult to collect, and the data are consequently rather limited. Keeping these limitations in mind, the analysis nonetheless demonstrated that sentences for genocide ranged from the most lenient to the most severe punishment within each of these court systems. It was certainly not the case that all of those found guilty were subjected to the most severe sentences.

Additionally, our results indicate that the domestic courts in Rwanda handed out more severe punishments compared to sentences issued at the ICTR and at the Gacaca courts. The vast majority

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\(^9\) See, for example, the most recent empirical study of the ICTY and ICTR sentencing, where the authors argue that the ICTY and ICTR sentences are exclusively predicted by factors relating to gravity and aggravating factors. Joseph W. Doherty and Richard H. Steinberg, “Punishment and Policy in International Criminal Sentencing: An Empirical Study,” *The American Journal of International Law* 10, no. 1 (2016), 49-81.
of cases at the domestic courts in our database were tried under the first OL 08/96 governing genocide prosecutions, which mandated very severe sentences. In this respect, sanctions envisaged for genocide-related crimes stipulated in the OL and applied by judges in Rwanda became less and less retributive over time. One of the reasons for this fade of retributivism might be the fact that next to eradicating the culture of impunity, Rwanda increasingly emphasized societal reconstruction, reconciliation, and the reintegration of perpetrators. These goals also explicitly governed the functioning of the Gacaca courts. In addition to these principled reasons, however, very pragmatic considerations—such as extremely overcrowded prisons, a backlog of genocide cases, and the economic and social repercussions of having a majority of the adult Hutu male population incarcerated—also likely contributed to these developments. The initial retributive sentiments underlying the first genocide laws combined with the fact that our domestic courts database includes predominantly early cases could thus be an explanation for relatively more severe sentences at domestic courts.

Notwithstanding, our results provide the first empirically-based indication that sentences issued at the ICTR seem to have been more lenient compared to those issued by domestic court in Rwanda. Since the ICTR tried those deemed most responsible for the most serious crimes committed during the genocide, this finding is largely counter-intuitive. In the early years of the ICTR’s existence, many scholars speculated about the dangers of sentencing disparities between the ICTR and domestic courts and criticized the ICTR’s initial sentencing as unfairly lenient. Our study is the first of its kind to provide an empirical foundation for these claims by systematically evaluating sentencing practices across the entire mandate of the Tribunal. Future research should further explore consistency of sentences across the three levels of justice and analyze the development of sentencing practices over time. Our analysis constitutes the first of its kind attempting to systematically analyze and compare punishment after the genocide in Rwanda and can serve as the starting point for further discussions and analyses of accountability mechanisms and punishment after atrocities.

Bibliography


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Laws and Statutes

Case Note: Case of Vasiliauskas v. Lithuania in the European Court of Human Rights

Stoyan Panov  
University of Freiburg  
Freiburg im Breisgau, Germany

Introduction and Facts of the Case

Lithuania was incorporated in the USSR under the name “the Lithuanian Soviet Socialist Republic” in 1944. In 1949, an all-partisan organization fighting for the independence of Lithuania was formed. From mid-September 1951, Mr. Vasiliauskas had been working as an operation agent of the MGB, the precursor of the KGB, on the territory of the Lithuanian SSR. On January 2, 1953, Mr. Vasiliauskas took part in an operation against two Lithuanian partisans of the Movement of the Struggle for the Freedom of Lithuania, the brothers J.A. and A.A, who were shot and killed in the Šakių area in Lithuania. After the January 2, 1953 operation, Mr. Vasiliauskas was promoted to a senior operational agent and was awarded and decorated at least 24 times in his 25-year service in the KGB.

In 2001, Vasiliauskas, along with another co-defendant, were charged with the crime of genocide perpetrated against the pair of Lithuanian partisans as representatives of a political group under Article 71(2) of the Lithuanian Criminal Code.1 In 2004, the Trial Court in Lithuania convicted Vasiliauskas for the crime of genocide against political, national and ethnic groups under the newly amended Article 99 of the Criminal Code of 1998; and he was sentenced to six years’ imprisonment, suspended on health grounds. On September 21, 2004, the Court of Appeal upheld his conviction and, on February 22, 2005, the Supreme Court of Lithuania followed suit. The Supreme Court found that “the 1998 amendments to the Criminal Code established the elements of the crime of genocide, and included in them acts aimed at physical extermination of some or all of the members of a social or political group. This characteristic of the crime of genocide remained in Article 99 of the Criminal Code.”2

The Grand Chamber of the European Court of Human Rights (ECtHR) was seized of the issue of whether under Article 7(1) of the European Convention on Human Rights (ECHR) there was a sufficiently clear legal basis in the applicable law in 1953 for Vasiliauskas’ conviction in Lithuania. In particular, the ECtHR was tasked to examine whether the domestic conviction for genocide matched the offence and could have been foreseen by Vasiliauskas at the time of his participation in the operation of January 2, 1953, which resulted in the deaths of J.A. and A.A. The ECtHR decided in favor of Vasiliauskas by nine to eight votes that there was a violation of Article 7 of the ECHR.

Procedure and Claims of the Parties

Article 7(1) of the ECHR contains the *nullum crimen sine lege* principle, namely that “no one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national or international law at the time when it was committed.”

Mr. Vasiliauskas’ main argument was that the wide interpretation of the crime of genocide applied by the various court instances in Lithuania had no basis in public international law, in particular his conviction under Article 99 of the Lithuanian Criminal Code. Article 99 of the Lithuanian Criminal Code of 21 April 1998 defines the crime of genocide as “a person who, seeking to physically destroy some or all of the members of any national, ethnic, racial, religious, social or political group, organizes, is in charge of or participates in killing…them…shall be punished by imprisonment for a term of from five to twenty years or by life imprisonment.” (emphasis added)

The applicant, Mr. Vasiliauskas, claimed that prosecution for the killing of persons belonging to a political or social group was wider than what the Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention) allowed for. The applicant also contended that the genocide clause amended in 1998 was retroactively applied.3 Finally, he asserted that Article

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1 *Case of Vasiliauskas v. Lithuania*, European Court of Human Rights Grand Chamber Judgment, October 20, 2015, Application no. 35343/05, paras. 29 and 52.
2 Ibid., para. 35.
3 Ibid., para. 123.

http://dx.doi.org/10.5038/1911-9933.10.3.1456
7(2) of the ECHR is not applicable, as his conviction could not be qualified as genocide and, hence, it could not be qualified as “criminal according to the general principles of law recognized by civilized nations.”

The State representatives emphasized the specific nature of the resistance in Lithuania by organized military groups of partisans in the 1950s against the Soviet regime. The State asserted that by 1953 more than 500,000 Lithuanians had been affected by the terror politics of the Soviet regime by mass killings, deportations or imprisonments. The aim of the Soviet regime was “to destroy the former Lithuanian way of life and to replace it by a new Soviet order comprised of persons without nationality or ethnicity (homo sovieticus).” The murders of J.A. and A.A. could not only be regarded as murders of two members of a political group, but also as killings of persons belonging to two protected groups under the Genocide Convention, namely a national and an ethnic group, as the Soviet regime sought “to annihilate the culture, religion, language, politics and identity of the Lithuanian nation,” according to the State. The State claimed that the acts of the applicant constituted the criminal offence of genocide under conventional and customary international law in 1953 and it invoked as evidence UN Resolution 96 (I) of 1946 and the 1948 Genocide Convention to which the USSR was a party in 1953.

The Issue
Mr. Vasiliauskas’ conviction was based on legal provisions that were not in force in 1953 as Lithuania was not an independent state at that time. Therefore, according to the applicant, such domestic provisions were applied retroactively, and the ECtHR had to decide whether there was a violation of Article 7 of the ECHR, unless the Court could find that the applicant’s conviction was based upon international law as it stood at the relevant time of the commission of the alleged acts of genocide.

The Court’s Assessment
The ECtHR began the analysis of Article 7 of the ECHR by ascertaining that a criminal offence must be defined in law, which prescribes a penalty, and that the principle must not be extensively construed to the accused’s detriment. The offence must be clearly defined in national and/or international law “where the individual can know from the wording of the relevant provision... what acts and omissions will make him criminally liable.” The principle comprises of two elements—accessibility and foreseeability. The Court defined its task in the particular case as examining “whether there was a contemporaneous legal basis for the applicant’s conviction and, in particular, [whether] the result reached by the Lithuanian courts was compatible with Article 7” of the ECHR.

Accessibility
The ECtHR ruled that the domestic convictions of Mr. Vasiliauskas were based on retroactive applicability of Article 99 of the Criminal Code as the legal provision was not in force in 1953. Hence, this would constitute a violation under Article 7 of the ECHR, unless the international law at the time of the commission of the act in 1953 allowed for such conviction. The ECtHR examined the relevant international agreements to which the USSR was a party in 1953. The USSR signed the Genocide Convention on December 16, 1949 and the Convention came into force on January 12, 1951. Therefore, the Court did not have trouble in finding that the crime of genocide was clearly recognized as an international crime in 1953, and the prohibition of genocide was “sufficiently accessible to the applicant.”

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4 Ibid., para. 133.
5 Ibid., para. 135.
6 Ibid., para. 142.
7 Ibid., para. 154.
8 Ibid., para. 161.
9 Ibid., para. 166.
10 Ibid., para. 168.
Foreseeability and “In Part” Interpretation

The crux of the case is whether it was foreseeable under international law in 1953 that the act for which the applicant was convicted could be qualified as genocide, and whether J.A. and A.A., with their prominent positions within the Lithuanian partisan movement, could fall under the protection of the national and ethnic groups. The ECtHR reiterated the possibility for wider and narrower interpretation in international and national law of the crime of genocide. The ultimate test in deciding what interpretation is applicable is the foreseeability element, as established by the Court in the Jorgić case, for “the scope of the concept of foreseeability depends to a considerable degree on the content of the instrument in issue, the field it is designed to cover and the number and status of those to whom it is addressed.”11 The ECtHR also cautioned that there is a particular obligation on persons in official capacity, such as Vasiliauskas, to proceed with a high degree of caution when pursuing their occupation.

The ECtHR affirmed that it is legitimate and foreseeable for a successor State, such as Lithuania, to initiate criminal proceedings against individuals who have committed crimes under the former regime and “successor courts cannot be criticised for applying and interpreting the legal provisions in force at the material time during the former regime, but in the light of the principles governing a State subject to the rule of law and having regard to the core principles on which the Convention system is built.” 12 This is particularly exigent when the case concerns the right to life, “a supreme value in the Convention and international hierarchy of human rights and which right Contracting Parties have a primary Convention obligation to protect along with the obligation on the State to prosecute war crimes.”13 The Grand Chamber unsurprisingly reached the conclusion that domestic courts cannot convict the accused on retroactively applied broader interpretation of the crime of genocide passed later in time; although, domestic authorities are allowed to legislate broader scope of genocide in general.14 The same reasoning regarding retroactivity was also provided by the Lithuanian Constitutional Court, which in March 2014 ruled that the retroactive prosecution for genocide of a political or social group, when the crime was committed prior to the amendments of the Lithuanian Criminal Code in 1998, was unconstitutional.

Then the ECtHR examined the definition of the crime of genocide as it stood in 1953. Article II of the Genocide Convention covers four protected groups of persons: national, ethnical, racial or religious, and does not explicitly refer to social or political groups. The ECtHR looked at the drafting history of the Convention by citing the ICJ’s Bosnia and Herzegovina v. Serbia and Montenegro case on the inclusion of the closed list of four specific groups. The ECtHR also invoked the Statutes of the ICTY, the ICTR and the ICC to conclude that “genocide is defined as acts committed to destroy a national, ethnical, racial or religious group, without reference to political groups.”15 The crime of genocide was clearly recognized under international law in 1953 as evidenced by the 1946 UNGA Resolution 96(I), the 1948 Genocide Convention which was signed by the USSR on December 16, 1949 and came into force with the twentieth ratification on January 12, 1951, along with the ICJ’s 1951 Advisory Opinion which emphasized that “the principles underlying the Genocide Convention are principles which are recognized by civilized nations as binding on States, even without any conventional obligation.”16 The ECtHR found that “at the relevant time the applicant, even with the assistance of a lawyer, could have foreseen that the killing of the Lithuanian partisans could constitute the offence of genocide of Lithuanian nationals or of ethnic Lithuanians.”17 Nonetheless, the ECtHR deviated with the finding of the Lithuanian courts that the Lithuanian partisans constituted a significant part of the national or ethnic group in 1953, thus excluding J.A. and A.A. of the protection of Article II of the Genocide Convention.

11 Ibid., para. 157.
13 Ibid.
15 Ibid., para. 170.
16 Ibid., para. 80.
17 Ibid., para. 181.
The main issue was whether the two killings of J.A. and A.A. could be considered to fall into the protected national and/or ethnic group along with belonging to a political group. The ECtHR focused on what is meant by the term “acts committed with intent to destroy,...in part, a national, ethnical, racial or religious group, as such” in the elements of the crime of genocide under Article II of the Genocide Convention. The majority recalibrated its focus to finding whether before a conviction the demanding proof of specific intent, *dolus specialis*, is coupled with showing that the targeted group for destruction in its entirety or in substantial part was met. Based on the jurisprudence of the ICTY, ICTR, and ICJ, the ECtHR found that in 1953 it was foreseeable that the term “in part” contained a substantiality requirement, namely a numerical size of the targeted part of the group *along with the prominence of the targeted individuals within the protected group*. Nonetheless, the ECtHR reached the conclusion that the principles and interpretation in the cited jurisprudence as regards the prominence part could not have been foreseen by the applicant in the particular case to be included in the “in part” term in 1953. However, could the murders of the Lithuanian partisans as a significant part of the nation pass the threshold of the impact that their extermination would have on the survival of the national or ethnic group of Lithuanians as a whole?

There is no doubt that genocide could be discerned in the annihilation of a vast number of members of the protected group(s) coupled with the *dolus specialis* of the perpetrator. Moreover, the specific genocidal intent could consist of “the desired destruction of a more limited number of persons selected for the impact that their disappearance would have upon the survival of a group as such.” The intention to destroy the group “selectively” is based on the notion that the numeric size of the targeted part of the group should not be the end of the inquiry in order to determine the substantive requirement, but “in addition to the numeric size of the targeted portion, its prominence within the group can be a useful consideration.” The intention to destroy at least a substantial part of a particular group means “a reasonably substantial” rather than a purely numerically-based “reasonably significant” concept. In this manner, if the evidence of an intention to destroy a reasonably substantial number relative to the total population of the group is not met, then the specific intent of the perpetrator “may yet be established by evidence of an intention to destroy a significant section of the group, such as its leadership.” In other words, if the quantitative criterion is not met, the intention to destroy “in part” may be established by the qualitative criterion of the significance of the targeted section of the group, such as the leadership “who by reason of their special qualities of leadership within the group as a whole, are of such importance that their victimization...would impact upon the survival of the group, as such.”

Such interpretation for taking into account the prominence of the targeted persons within the group as a whole was also applied by the ICJ’s 2015 *Croatia v. Serbia* decision. Another example is the killing of three Bosnian Muslim leaders in Žepa which “was a case of deliberate destruction of a limited number of persons selected for the impact that their disappearance would have on the survival of the group as such,” thus emphasizing to all other members of the group their collective vulnerability and defenselessness.

The ECtHR accepted the argument of the applicant that the purpose of the MGB’s policies in Lithuania were aimed at the extermination of the partisans exclusively as “a separate and clearly identifiable group, characterized by its armed resistance to Soviet power.” In this manner the ECtHR rejected the finding of the domestic courts that the victims came within the definition of genocide as part of a protected group by analogy as such interpretation is to the applicant’s

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18 Ibid., para. 177.
21 *Prosecutor v. Sikirica*, Judgment on the Defence Motion to Acquit, September 2, 2001, IT-95-8, paras. 65 and 76.
22 Ibid., para. 77.
detriment and the conviction would be rendered unforeseeable. Hence, the positions of J.A. and A.A. were rejected to be prominent enough to fall under the protection of Article II of the Genocide Convention.

Article 7 of the ECHR was interpreted differently in a joint dissenting opinion of Judges Villiger, Power-Forde, Pinto de Albuquerque and Kuris (Joint Dissenting Opinion). The four dissenting judges offered a detailed overview of the necessity to incorporate the assessment of the protected group(s) in light of the particular political, social and cultural context. The protected group is to be assessed on a case-by-case basis by taking into account the objective particulars of the social or historical context along with the subject perceptions of the perpetrator. The Lithuanian courts found that the sole existence of the partisans was the protection of the Lithuanian nation against the Soviet regime, which aimed at destroying its whole identity and, as such, the extermination policies of the Soviet authorities were targeting the nationality-ethnicity aspect. It should also be recalled that the purpose of the policies of the Soviet authorities centered “on the intent to destroy the fabric of a society through the elimination of its leadership, when accompanied by other heinous acts, such as mass deportations, could give a strong indication of genocide.”

The four dissenting judges noted that the partisans could not have survived for more than 10 years as a national movement without the support of the Lithuanian people, and that J.A. and A.A. were targeted as ethnic Lithuanian partisans due to their prominence in society. The partisan movement consisted of members who were “simultaneously a significant and emblematic part of the national group and whose very purpose was the protection of the Lithuanian nation from destruction by the Soviet regime and that their killing was, therefore, an act of genocide.” The Lithuanian partisans may be considered a significant part of the national group because of their prominence and emblematic character as a targeted part of the specifically protected group, the four dissenting judges concluded. The partisans were targeted as a distinct, significant part of a group to be eliminated rather than as mere individuals within the group. Otherwise, why would the MGB/KGB documents not show any attempt to capture or bring the suspects to court? Judge Power-Forde concluded in her separate dissenting opinion that the approach of the majority in the case was “excessively formalistic and rather blinkered approach of viewing the partisans solely through the lens of a ‘political group’ and of ending its analysis there.”

The foreseeability of the existence of the crime of genocide could include circumstantial evidence to show the specific intent “such as the physical targeting of the group or of their property; the use of derogatory language towards members of the targeted group; the weapons employed and the extent of bodily injury; the methodological way of planning, the systematic manner of killing.” It is important to note that the factual analysis of the Lithuanian Courts was not arbitrary but based on the archival documents presented before the domestic instances and the acknowledgement of the Russian Federation in 1991 that the peoples including the Lithuanians were subjected to repression including genocide under the Soviet era. The Dissenting Opinion also invokes the number of the 20,000 Lithuanian partisans who were killed between 1944 and 1953. The MGB issued clear instruction in 1953 for extermination as evidenced by the minutes of the MGB from March 1953, urging that “bandits and nationalist underground should be eradicated” and that “[the MGB unit’s] goal was to exterminate as quickly and possible the bandits, those who help them and

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28 Vasiliauskas v. Lithuania, GC Judgment, para. 36.
30 Ibid., para. 16.
31 Ibid., para. 24.
32 Vasiliauskas v. Lithuania, Judge Ziemele Separate Dissenting Opinion, para. 25.
33 Vasiliauskas v. Lithuania, Judge Power-Forde Separate Dissenting Opinion.
their contacts.” It is sufficiently clear that the criminal plan was to exterminate any vestige of the identification with the national and ethnic belonging of the Lithuanians. The dissenting judges disagree with the finding of the majority that the applicant could not have known that he risked being charged with and eventually convicted of genocide in light of his high position in the MGB at the time of the operation.

Had Mr. Vasiliauskas sought legal advice as a high operational agent of the MGB whose task was the extermination of the most resistant part of the Lithuanian nation, “it is likely that he would have been advised that what he was doing bore the essential characteristics of the crime of genocide as it stood under international law at the time.” The atmosphere of complete impunity that the MGB agents enjoyed in their operations, evidenced by the lack of any prosecution even under the acting criminal code of the Russian SFSR for the deprivation of life in the particular case, does not in any way affect the applicability and binding force of international law and the prohibition of genocide on the territory of the USSR. Coupled with mass deportations, imprisonment and repressions against the partisans’ families, the cluster of acts against the protected group of the Lithuanian nation and ethnicity should be considered in its entirety in order to appropriately interpret the provisions in the Genocide Convention. Judge Ziemele in a Separate Dissenting Opinion provided elaborate analysis of the historical context of the struggle of the Lithuanian national partisans against the Soviet authorities by concluding that “the extermination of Lithuanian nationalism was necessary to achieve the subjugation of the Lithuanian people to the Soviet regime and its ideology.”

In regards to customary international law, the ECtHR accepted that the scope of the crime of genocide could be different from the conventional provisions, although opinions are divided on this subject matter. Special attention was paid to the language of the 1946 UNGA Resolution 96(1) which called to protect “racial, religious, political groups and other groups” from genocide (emphasis added). The ECtHR provided three references to academic articles, which offer seemingly conflicting views on whether the customary prohibition of genocide included political or other groups in 1953. The Court sweepingly concluded that “there is no sufficiently strong basis for finding that customary international law as it stood in 1953 included ‘political groups’ among those falling within the definition of genocide” as “the scope of the codified definition of genocide remained narrower in the 1948 Convention and was retained in all subsequent international law instruments.” Such glossing over customary law is problematic as the ECtHR did not look in detail at the constitutive elements of customary law, namely state practice and opinio juris. The fact that the subsequent conventions codified a different scope of the protection does not necessarily mean that the customary law prohibition must have been identical in 1953. Custom and treaties are two separate sources of international law and the norms continue to co-exist and retain their separate existences, even if the relevant clauses are identical in content as stated in ICJ’s Military and Paramilitary Activities in Nicaragua case. The ECtHR should have looked into the state practice as in domestic judicial decisions during the relevant period from 1946 until 1953, as well as pronouncements of state officials.

By just referring to a few law articles or books, one could not fully entertain the notion that the ECtHR has effectively served its function as a regional judicial body to find evidence whether customary law, in regards to the scope of the prohibition of genocide and the corresponding criminalization, were narrower or wider in 1953 in comparison to Article II of the Genocide Convention. For example, the ECtHR could have examined the Eichmann case of 1962, where the Supreme Court of Israel refers directly to UNGA Resolution 96(I) as evidence that the crime of

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36 Vasiliauskas v. Lithuania, GC Judgment, para. 18.
37 Vasiliauskas v. Lithuania, Joint Dissenting Opinion, paras. 29 and 30.
38 Ibid., para. 30.
39 Vasiliauskas v. Lithuania, GC Judgment, paras. 71 and 72.
42 Vasiliauskas v. Lithuania, GC Judgment, para. 175.
genocide was recognized during and after the Second World War. Although there are contemporary instances of domestic jurisdictions enlarging the scope of the protected group to include social and political groups, the ECtHR could have elaborated more on the issue as regards the early period of the prohibition of genocide in late 1940s and early 1950s.\textsuperscript{43} Hence, it is difficult to discern how the majority in the particular case reached an opinion different from the established principle that there is no retroactive application of the substantive law when the conviction in the domestic courts in part is based on the rules existing at the time of the commission of the act.\textsuperscript{44}

The ECtHR concluded with the non-applicability of Article 7(2) of the ECHR by examining if the applicant’s acts at the relevant time were criminal according to the general principles of law recognized by civilized nations. The ECtHR recalled the original, exceptional purpose of Article 7(2) as being interlinked and interpreted in a concordant manner with Article 7(1) as laid down in the \textit{Tess v. Latvia} case. The ECtHR rejected the argument that the rule of non-retroactivity does not apply if the act was criminal under Article 7(2) as Article 7(1) contains the general rule of the prohibition of retroactivity and Article 7(2) “is only a contextual clarification of the liability limb of that rule.”\textsuperscript{45} Hence, if the applicant’s conviction could not be justified under Article 7(1), it cannot be justified under Article 7(2) of the ECHR.

\textsuperscript{43} \textit{Vasiliauskas v. Lithuania}, GC Judgment, para. 58.
\textsuperscript{44} \textit{Vasiliauskas v. Lithuania}, Ziemele Dissenting Opinion, para. 20.
\textsuperscript{45} \textit{Case of Maktouf and Damjanović v. Bosnia and Herzegovina}, European Court of Human Rights Grand Chamber Judgment, July 18, 2013, App. Nos. 2312/08 and 34179/08, para. 72.
Book Review: *A History of Rwandan Identity and Trauma: The Mythmakers’ Victims*

James J. Snow
Loyola University Maryland
Baltimore, MD, USA

*A History of Rwandan Identity and Trauma: The Mythmakers’ Victims*
Randall Fegley
Lanham, Lexington Books, 2016
169 Pages; Price: $80.00 Hardcover

Reviewed by James Snow
Loyola University Maryland

Only after the genocide of 1994 did Rwanda capture the attention of the world that lies beyond the Great Lakes region of East Central Africa. Even the genocide itself in which up to 1,000,000 Rwandans were slaughtered in just 100 days was ignored by the United Nations Security Council (UNSC), the United States, France, and Belgium. In the 22 years following the genocide there has emerged a vast body of literature and film focused on the genocide and its aftermath. Journalists, filmmakers, and aid-workers have produced thousands of documents concerned with the genocide. And while academic presses have published scholarly monographs on Rwanda, Johan Pottier worried in 2002 that filmmakers, journalists, and their kin dominated the conversation but may not have been in the best position to provide the context that would help to foster a deeper and more nuanced understanding of the traumas that antedated the genocide, the genocide itself, and the trauma that ensued long after the killing stopped.¹

Randall Fegley’s monograph, *A History of Rwandan Identity and Trauma: The Mythmakers’ Victims*, is a welcome contribution to enriching our understanding of the depth and complexity of the genocide. Although the main focus of the book is not the 1994 genocide, his analysis does provide worthwhile insights that have direct bearing on the trauma of 1994 and the struggles that plague Rwanda well into the present day. According to Fegley, the “book is not about atrocities, but rather the Rwandan identity and the internal and external myths that have confined and directed it,” and he argues that “the mythologies affecting the Rwandan experience have tended to emphasize deadly, political narratives.”² The lens of mythology is crucial to understanding how a people and a nation see themselves and construct the “Other.” Fegley fruitfully borrows Duncan Bell’s notion of a “mythscape”—“a discursive realm in which the myths of a nation are forged, transmitted, negotiated and reconstructed constantly,” and he is correct to point out that myths, as distinct from historical accounts of the past, are tremendously powerful in the construction of a national identity.³ And he astutely emphasizes that myths are not necessarily tied to the historical record; rather, they are often part of an oral tradition told by storytellers who take the liberty of seeing the past in terms of the present.

In his introductory chapter, in addition to offering a précis of the argument, Fegley offers a cursory overview of the country. While he is right to claim that the people and land that is Rwanda have been largely ignored, his four-page description is taken mostly from a U.S. Army publication from 1986 and the CIA World Fact Book. If the book is intended for a general audience unacquainted with Central Africa, the description is alarmingly brief and schematic. If the book is intended for scholars, they will already be familiar with this information.

In Chapter 1 Fegley points out that little is known of the early history of the area that was to become modern Rwanda and Burundi—countries with similar ethnic and linguistic demographics. Nevertheless, and as he shows, there is a well-entrenched mythology concerning the origins of

1 Johan Pottier, *Re-Imagining Rwanda: Conflict, Survival and Disinformation in the Late Twentieth Century* (Cambridge: Cambridge University Press, 2002).


the three ethnic groups: the Hutu majority, the Tutsi minority, and the relatively small group of Twa. According to the prevailing myth as told in the epic poems of the Ibitekerezo, Twa and Hutu occupied the area before Tutsi arrived from the north to establish order in the region beginning in the eleventh century. Gihanga—the “founding” Tutsi king of oral tradition—was venerated in Rwandan mythology well into the twentieth century, and with it a narrative of Tutsi superiority. The mythological narrative of Tutsi superiority was further codified during the colonial rule of the Germans and later the Belgians. With the advent of written history, the hegemony of the narrative of Tutsi superiority became even stronger with the invention of the Hamitic hypothesis. This hypothesis, promulgated by among others, Oskar Baumann and Charles Gabriel Seligman, claims that the Tutsi were descendants of the Hamites, a racially distinct and racially superior Caucasoid people who, the hypothesis claimed, descended from the north bringing civilization to East Central Africa.4

In Chapter 2, the longest of the five chapters, Fegley summarizes the complicated history of the rise of Hutu power beginning with the Belgian deportation of Mwami Yuhi Musinga in 1931 (in effect, marking the end of the Tutsi dynasty) through the 100 days of slaughter in 1994. Most of what is presented in the first two-thirds of the chapter will be familiar to scholars and students of the genocide and relies on earlier accounts by scholar, Gérard Prunier and journalist Philip Gourevitch.5 A discussion of myth, a theme prominent in the introduction and first chapter, is nearly absent in this chapter. Fegley devotes one paragraph to the publication of the Hutu Manifesto (1957) which reversed the Hamitic hypothesis and cast the Tutsi as the original foreign invaders from the north who tyrannized the Hutu. Fegley writes: “A new canon of mythology had replaced the old.”6

Chapter 3, a relatively brief chapter, describes the aftermath of the genocide following the victory of the Rwandan Patriotic Army under the leadership of Paul Kagame, and the establishment of a new government. Kagame became president of Rwanda in 2000. Under Kagame’s leadership, the International Criminal Tribunal for Rwanda (ICTR) and the gacaca courts tried hundreds of thousands of perpetrators. Kagame is not without his critics, but he is seen by many as being instrumental in bringing economic prosperity and a degree of unity and reconciliation to post-genocide Rwanda. While most of the chapter describes Rwanda’s journey toward justice, reconciliation, and stability, Fegley is right to point out that in the wake of trauma in which the vast majority of survivors were witness to extreme violence and lost family members, divisive mythologies are likely to persist. Confronting and redressing these persistent divisive mythologies, in Fegley’s view, is the responsibility of parents and educators. The pre-colonial and colonial education system perpetuated and reinforced group stereotypes, first reinforcing the favoring of Tutsi, and after the Hutu Revolution favoring the Hutu. It speaks volumes that Rwanda did not teach its own history for 13 years following the genocide; instruction in history began anew in 2007 with a new and carefully negotiated curriculum.

Fegley’s fourth chapter describes in some detail the development of the new curriculum negotiated by policy makers, educators, and curriculum experts within Rwanda in conjunction with consultants from the University of California-Berkley. This chapter helps to illuminate the politics of national curriculum development, a task made especially difficult given Rwanda’s traumatic past and its quest for national unity.

As would be hoped for and expected, in his concluding chapter, Fegley looks forward, searching for paths to reconciliation, social harmony, and stability in Rwanda. He briefly compares Rwandan state-level political initiatives to the initiatives in other countries including countries that have experienced colonial and post-colonial trauma. In the end, he seems skeptical of the efficacy of structural political initiatives as the power of mythologies and ideologies that embrace binaries of self and “Other” are not easily dispelled; too often a group will self-identify as a victim

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6 Fegley, History of Rwandan Identity and Trauma, 31.
group. Referencing Mahmood Mamdani’s *When Victims Become Killers*, Fegley claims, “Yesterday’s desperate victims became today’s convinced perpetrators.”

Fegley’s final two pages take a most unexpected turn. Here, Fegley introduces the early work of Stephen Karpmen who introduced the notion of a Drama Triangle in the field of transactional analysis. The Drama Triangle was introduced by Karpmen as a way of characterizing dysfunctional relationships, and recent work in transactional analysis (here he cites Patricia Morgan) is designed to help people break out of dysfunctional personal relationships. He is skeptical of what can “be accomplished by just sending directives from the top or bringing in foreign experts.” It is somewhat surprising that this claim does not receive more attention. Scott Straus, for example, has recently shown that “founding narratives” perpetrated by political elites have tremendous power to both provoke and sustain genocidal violence, and it seems clear that narratives perpetrated by political elites would be equally powerful in advancing the cause of reconciliation. Instead, Fegley places the onus on “writers, artists, clergy, teachers, storytellers and parents,” who, he claims, could use Morgan’s framework to help facilitate the development of “reconciliatory narratives emanating from the grassroots.”

This is a short book; subtracting pages containing endnotes, the bibliography, and index, it is just over 100 pages. And it is written in a style that makes it accessible to a general audience with little familiarity with the land and people of Rwanda, Rwanda’s history, or the genocide and its aftermath. Despite its brevity, however, its scope is vast. And because of its vast scope, at times it lacks thematic integrity. While the book purports to be concerned with myths that ground the Rwandan identity, there are sections of the book that do not connect to this theme in any evident way. For example, 10 pages at the end of the chapter on the genocide are devoted to a review of books, articles, reports, and films about the genocide, including a discussion of the controversies surrounding the film *Hotel Rwanda*. The chapter on the development of a new history curriculum post-genocide is replete with details concerning the development of a new curriculum, but does not fully deliver on the promise of the chapter title, “Creating a Competing Mythology.”

The book contains nearly 500 footnotes—a testament to its breadth—but many of the more important pieces of scholarship cited are only briefly acknowledged but not discussed in any detail. Given the brevity of the book, it is regrettable that Fegley does not more carefully engage this recent scholarship on some of the same themes that are central to his study. Two examples are worth noting. In the chapter on education Fegley does quote from Elisabeth King’s seminal work, *From Classrooms to Conflict in Rwanda*. However, he does not take on one of her central arguments to the effect that the post-genocide educational system in Rwanda is in important ways continuous with the colonial system in that it continues to perpetuate the antagonisms she shows to be part of colonial education. Second, there is emerging a body of scholarship on the complex intersection of myth and history in relationship to the construction of national identities. While Stefan Berger writes about this relationship in the case of modern Europe, his analysis of the relationship between myth and history could well illuminate the difficulties facing Rwanda.

One final concern, and one alluded to earlier, lies in his introduction of Karpmen and Morgan’s model for triangulating interactions as a resource for promoting peace and reconciliation. While he is to be commended for looking outside the conventional box for resources for promoting

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9 solutionsforresilience.com
10 Fegley, *History of Rwandan Identity and Trauma*, 125.
12 Fegley, *History of Rwandan Identity and Trauma*, 126.
13 Elizabeth King, *From Classroom to Conflict in Rwanda* (Cambridge: Cambridge University Press, 2002).
reconciliation, his proposal, precisely because of it novelty, demands far more than two and a half pages of explanation.

Overall, while the book offers some important insights into a political situation in Rwanda that remains fraught, in the end, it does not fully deliver on its promise to reveal and analyze the myths that have shaped, and continue to shape, the Rwandan national identity.
Book Review: Just Remembering: Rhetorics of Genocide Remembrance and Sociopolitical Judgment

Jeffrey Blustein
CUNY City College
New York, NY, USA

Just Remembering: Rhetorics of Genocide Remembrance and Sociopolitical Judgment
Michael Warren Tumolo
124 Pages; Price: $60.00 Hardback

Reviewed by Jeffrey Blustein
City College and Graduate Center, City University of New York

The main purpose of this short monograph by Michael Warren Tumolo is to “analyze[s] the rhetoric of a set of extant public memorial texts.”¹ With this as its focus, it is somewhat surprising that the author nowhere even mentions Aristotle, whose classic work *Rhetoric* has had an enormous influence on the development of the art of rhetoric from ancient times to the present. According to Aristotle, the rhetorician is someone who is always able to see what is possibly persuasive in every given case;² and he presents a general theory of the techniques of persuasion to assist the rhetorician in this, a theory that brings to bear a number of concepts and arguments from his writings in logic, ethics, and psychology. Aristotle's work would have been one way to provide a theoretical framework for the discussion of rhetoric in Tumolo's book, but the book is notably thin on theory. For his authority on rhetoric, he relies chiefly on a single article by John Poulakos, “Towards a Sophistic Definition of Rhetoric.”³ Following Poulakos, Tumolo defines rhetoric as consisting of three aspects: “τάιροι (opportune moment), propriety, and possibility.”⁴ An important question in evaluating this monograph is whether, first, these terms are sufficiently clear to do analytic work and second, this definition is put to good use by helping the reader better understand the persuasive intent and effect of a number of public memorial discourses. Put another way, what is the explanatory gain from viewing the various cases Tumolo discusses (all relating to genocide) through the lens of rhetoric? As I will suggest, I am not persuaded that we gain much.

The monograph is divided into six chapters. Chapter 1 introduces Pulakos’s definition, which is referenced again in chapters 5 and 6. Given the centrality of the notion of rhetoric to the aims of this book, and given that this is an introductory chapter that sets the stage for the ones to follow, one would have expected a serious effort by Tumolo to clarify how he intends us to understand this key concept. Unfortunately, we do not get much help in this department. If I understand Tumolo correctly, rhetoric is the art of examining how uncritically accepted patterns of thought come to take hold of people’s consciousness and how new patterns of thought that deviate from these come to be accepted in their wake as legitimate or appropriate. So far so good, but it’s only a start. Perhaps Tumolo does not elaborate because he intends to use the case studies in the following chapters to flesh out this definition. But there is a problem with this strategy: the case studies would have to reveal how the various terms in the definition are concretely applied. They would have to give us answers to such questions as: what constitutes the propriety or appropriateness of a particular rhetorical discourse? What factors determine whether an occasion for memorialization is opportune? The reader is left having to tease out answers to these questions from the various narratives, and while they provide some clues, there is no systematic effort to use them to provide answers.

Chapter 2 focuses on the Armenian genocide and, in particular, on the fate of a congressional resolution labeling the actions of the Ottoman Empire during World War I (WWI) as genocide.

² *(Rhet. 12, 1355b26f)*

http://dx.doi.org/10.5038/1911-9933.10.3.1431
The story here has been told before and the analysis is not novel. Tumolo argues that pragmatic political considerations having to do with the United States’ use of a military base in Turkey were allowed to trump a declaration of moral principle. Forgetting the past, in this case, meant referring to the events of WWI under some other description than genocide. This is an important point that could have been expanded: one way to forget is not to advert to certain events at all; another is to advert to them, but by means of mischaracterization.

Chapter 3 reviews the story of Adolf Eichmann’s capture in Argentina and his abduction to Israel to stand trial for crimes against humanity and the Jewish people. The narrative is well-constructed, if in broad outlines quite familiar, using original material to document how the trial created a conflict between, on the one hand, international law which was violated by the abduction of Eichmann to Israel and, on the other, the moral imperative to create “a didactic moral drama” that would teach Jews and the world at large about the horrors of the Nazi Holocaust, then still largely unknown. The moral imperative prevailed in what Tumolo calls an analogue of jury nullification. Returning to the overarching theme of remembrance, Tumolo concludes that the trial “worked to instill a moral obligation to remember.”

The notion of a duty to remember is taken up again in chapter 5.

Chapter 4 continues with the Eichmann trial, this time examining the central question to which Hannah Arendt’s coverage of the trial gave rise. How should Eichmann be remembered? Was he, as Arendt argued, a thoughtless bureaucrat who merely followed orders without regard to their consequences? Or was he, as the filmmakers of a 1997 PBS documentary on Eichmann maintained, a moral monster and rabid anti-Semite? If the former, then anyone is capable of doing what Eichmann did; if the latter, then it would take a very special person, not just an ordinary human being, to do it. Tumolo draws attention to these two competing perspectives on Eichmann but too quickly, in my view, ends up favoring Arendt’s interpretation. Repeating a point made in the previous chapter (there is, incidentally, considerable repetition in this book), Tumolo argues that the trial did not just serve justice by making the guilty party pay for his crimes: it also used the law to educate public opinion and inform collective remembrance. He might have noted as well that the use of law to shape collective memory through public criminal trials, so clearly evident in the Eichmann trial, is an increasingly important feature of contemporary memorial practice.

Chapter 5 continues the theme of the Jewish genocide, but this time through the lens of the President’s Commission on the Holocaust. Tumolo highlights the 1979 Report of the Commission as a valuable account of the reasons for and methods of preserving memories of past atrocities. Here, if anywhere, one would expect to find the philosophical meat of the book, but the reader will be disappointed. The Report sets out to answer three questions: “1. Why Remember? 2. Whom are we to remember? 3. How are we to remember?” The third question is mainly reserved for chapter 6, and I will say a word about it below. As for the other two questions, Tumolo criticizes the Report’s answers to both. The Jewish victims of the Nazis are not the only ones whom we are to remember, he maintains, for there have also been many other victims of bigotry and unjust discrimination, or worse. Tumolo is also dissatisfied with the Report’s answer to the second question, which to me is the most philosophically interesting of the three, namely, there is a moral imperative to remember. What we need, he suggests, is a better understanding of the nature of moral imperatives than the Report provides. In his view, moral imperatives are not part of the furniture of the natural world but are human constructions, “created by human actors to help make the human life-world intelligible and meaningful as part of social contracts governing human relations.” Here, unfortunately, Tumolo is quite evidently out of his depth, for each part of this sentence—human life-world, intelligible, meaningful, social contracts—virtually cries out for analysis that is not provided.

Finally, chapter 6 notes the commitment of the President’s Commission to establishing

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5 Ibid., 34.
6 Ibid., 39.
7 Ibid., 65.
8 Ibid., 67.
forward-looking programs to prevent recurrence of genocide and not just to engaging in backward-looking reflection on the wrongs of the past. Ending on a note that can hardly be contested, Tumolo maintains that “the imperative ‘Never Again!’ must be connected with some program of action for it to be meaningful.”

Readers of this journal will find little that is new here. Accounts of the Armenian genocide and Eichmann’s capture and trial, for example, do not augment what is already widely available in the literature, and this makes *Just Remembering* considerably less interesting than it could have been if less well known cases had been examined. Yet more disappointing, in my view, are some additional shortcomings. First is the obscurity of the definition of rhetoric, an obscurity that poses a serious problem for a book that the author claims is devoted to an analysis of the rhetoric of memorial texts. In fact, however, this claim is misleading, and this is another one of the book’s problems. For while we are led to believe that an understanding of the rhetoric of memorial texts will provide new insights into the formation of collective memory, the prominence it is given in the title and the opening chapter turns out to be unwarranted. The spotlight cast on rhetoric adds little of substance to the exposition. Finally, there is the book’s failure to draw general lessons about collective memory, about its “propriety” and moral value, from the case studies discussed here.

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9 Ibid., 88.
**Book Review: Women and War in Rwanda: Gender, Media and the Representation of Genocide**

Sara E. Brown  
San Diego State University  
San Diego, CA, USA

*Women and War in Rwanda: Gender, Media and the Representation of Genocide*  
Georgina Holmes  
304 Pages; Price: $110.00 Cloth

Reviewed by Sara E. Brown  
San Diego State University

*Women and War in Rwanda* is a useful addition to the ongoing conversation about the role of media and the genocide in Rwanda. This book also adds a welcome and key feminist perspective that is often absent from otherwise impressive scholarship on the genocide in Rwanda.

Using discourse analysis, *Women and War in Rwanda* examines the BBC narrative (comprised of two programs, *Panorama* and *Newsnight*, and the BBC website) of Rwanda and the east of Congo and examines "the way in which Rwandan and Congolese women were seen to perform in war and genocide" between 1994 and 2010. This book endeavors to challenge the existing gendered lens by rejecting an essentialist reading of women’s experiences and reality as uniform. According to Holmes, this lens perpetuated in part by feminists, depicts African women as passive, agency-less victims during conflict. First analyzing the imaging of women in Rwanda during and following the genocide, the book concludes with an analysis of international (comprised of governments, media, and non-governmental and inter-governmental organizations) depictions of mass rape and genocide by attrition in the Democratic Republic of the Congo (referred to as Congo). Holmes argues broadly that "mediatized political discourse" about the Great Lakes region of Central Africa "has been produced and sustained" by an array of political and non-political actors with varying agendas and that women play a central role, particularly in the gendered international politics of revisionism.

The first chapter “Contextualizing media events: war and genocide in Rwanda and the east of Congo” emphasizes the chronology of events preceding, during, and following the genocide in Rwanda. A rushed but concise history of the genocide in Rwanda then segues to a history of the 1996 and 1998 wars in east Congo before returning to Rwanda immediately post-genocide. Throughout the chapter, Holmes details the events and layers of context that underpin the 1994 genocide in Rwanda and wars in east Congo. It is an ambitious but dense chapter that introduces many interesting insights but may be difficult to follow for scholars new to Rwanda and the Great Lakes region.

The second chapter “Rwandan women and war” outlines a theoretical lens grounded in feminist theory and informed by political science as well as genocide and media studies. This interdisciplinary lens serves as the foundation, through agreement or disagreement, for Holmes’s analysis and the author introduces several mini case studies to explain the broader narratives and “politics of revisionism” in Rwanda and east Congo. The literature that underpins the author’s analysis is expansive and offers a unique lens for examination of the book’s primary case studies.

Chapter three, “Militarizing women, preparing for genocide: Hutu extremist magazine *Kangura* 1990-94,” offers a brief history of the democracy movement in pre-genocide Rwanda and a case study analysis of *Kangura*, an extremist publication widely acknowledged by scholars and Rwandans alike for its role in fomenting genocide in Rwanda. Holmes asserts that *Kangura’s* images and publications militarized and imaged Rwandan women according to their ethnicity and citizenship status. Holmes divides her analysis into three key parts that she supports with

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2 Ibid., 3.
examples from the print periodical: non-citizen Rwandan women (Tutsi), full-citizen Rwandan women (Hutu), and partial citizen Rwandan women (Hutu but ostracized for political actions). Holmes details the fate of specific women who embody the last two groups of women which helped to further illustrate their status and fate in 1994 Rwanda.

The fourth chapter “Newsnight,” examines the role of one BBC television program that offered political news coverage in 1994 and was considered reputable, “deemed an essential component of British democracy.” Holmes argues that scholars too often focus on media’s influence on government policy and not the government’s influence on media and news creation. The chapter first analyzes the frequency and content of Newsnight’s coverage of the genocide in Rwanda, briefly explores how Newsnight mediatized Rwandan women, and then examines how the various actors in Rwanda and east Congo maneuvered the media to advance their version of history and “truth.” This chapter provides necessary historical and political context to the narratives propagated by BBC programs in both conflicts.

Chapter five “Remembering genocide, forgetting politics: the BBC’s institutional narrative post-1994,” examines the push/pull of BBC efforts to document the 1994 genocide and simultaneously obfuscate the UK’s role and foreign policy decision making during that period. This chapter offers unique insight into BBC institutional history, examining how the media outlet’s narrative of the genocide in Rwanda, from Newsnight news features to Panorama documentaries and docu-dramas, shifted over time and in accordance with the “changing industry environment and political climate within which the BBC operated from 1994 onwards.” It also questions the institutional independence of the BBC, offering evidence that its programming was influenced by both British and Rwandan governments.

Chapter six, “‘Living on gold should be a blessing, instead it is a curse’: mass rape in the Congo,” transitions to the wars in east Congo that followed the end of the genocide in Rwanda and uses graphic testimony and evidence from various reports, articles, and documentaries to make the case for the existence of “genocide by attrition” in east Congo and “mass rape” as part of the process of genocide by attrition. Holmes critiques the “western feminist legacy,” human rights bodies, and the media for asserting that all women are victims in east Congo and all men are perpetrators. This salient critique exposes a paradigm that leaves little room for an inclusive discussion and ignores women who perpetrate and men and boys who are victims.

Holmes correctly critiques Newsnight in Chapter six for imaging violence in the Democratic Republic of the Congo as a continuation of the genocide in Rwanda. While the violence in the east of Congo is connected in part to the 1994 genocide, each conflict has distinct origins, impacts, and realities, especially for women. At the same time, this book, consciously titled Women and War in Rwanda, risks a similar imaging issue. The final chapter, dedicated to east Congo due to its proximity to Rwanda and the spillover of the genocide into Congo, and analyzing the imaging of women across both conflicts as its weft thread, risks conflating the two conflicts into one.

This book does an excellent job examining the “mediatized political discourses” produced and sustained by the media and an array of political and non-political actors. As a gender analysis, it examines the masculinization and feminization of war and genocide, but in several sections analysis of women in particular seems to be an afterthought, inserted after the initial analysis rather than at its core. In the first chapter, while women are repeatedly mentioned in topic sentences, the subsequent paragraphs often transition to an almost entirely male-centric analysis. While this constitutes a gender analysis that addresses male-centric narratives, it belies the title and expressed intent of this book. This may be due in part to the existing lacunae in the literature, but such gaps also provide an opportunity which the author overlooks in this section. In addition, in the fifth chapter, while brief sections address the feminization of victims and mediatizing genocidal rape in Rwanda, the emphasis is clearly placed on the broader institutional history of the BBC and its narrative impact on coverage of Rwanda.

3 Ibid., 130.
4 Ibid., 178.
5 Ibid., 225.
Overall, for scholars interested in a history and analysis of the BBC’s coverage of Rwanda, this book is a must-read. And for those interested in a gender analysis of the media and coverage of women in Rwanda and east Congo, this book serves as a welcome addition to a developing conversation.
Book Review: Man or Monster? The Trial of a Khmer Rouge Torturer

Timothy Williams
University of Marburg
Marburg, Germany

Man or Monster? The Trial of a Khmer Rouge Torturer
Alexander Laban Hinton
360 Pages; Price: $26.95 Paperback

Reviewed by Timothy Williams
Centre for Conflict Studies at Marburg University (Germany)

As I write this review, the Supreme Court Chamber of the Extraordinary Chambers in the Courts of Cambodia (ECCC) announced their verdict upholding large parts of the judgment in cases 002/01 against Nuon Chea and Khieu Samphan, the second and third defendants at this hybrid tribunal. The first case was against the head of the security prison S-21, Kaing Guek Eav, known as Duch, and it is him and his trial which stand at the center of this book.

Man or Monster? is aimed at a readership interested in perpetrators of mass violence, transitional justice processes, and post-violence societies. In essence, the book looks at how transitional justice processes allow for various ‘articulations’ of the person being tried as a perpetrator and focuses on the story of Duch. The book serves well not only as a detailed study of these issues, but also as an introductory piece on the genocide of the Khmer Rouge and particularly the role of S-21, providing a complementary view to David Chandler’s seminal work on this place from a very different perspective.¹

Hinton describes his book as an ‘ethnodrama’ and it is structured along various roles ascribed to Duch, and then by various parties to the trials. The book draws on various literary genres in compiling a work which is artistic and scholarly, readable yet theoretically grounded, empirically rigorous and engaging yet approachable by people unfamiliar with the case. As the book draws on various literary forms, Man or Monster? includes an abecedarian on Duch, the Khmer Rouge and the trial with each line beginning with A, B, C and the next letters of the alphabet; an erasure drawing on the apology Duch made before the court which has redacted parts of the text to lay stronger emphasis on Duch’s masking of the violence at S-21; and a cento, a poem that draws on various contrasting sources.

Furthermore, throughout the book Hinton includes various styles and approaches to provide a broad and encompassing perspective on the topics being studied. Striking are the first-person narratives and field journal entries telling of Hinton’s own experiences at the trial and how he engaged with various actors of the judicial processes. Most prominently, this includes some of the prominent survivors and Hinton’s experiences while visiting Tuol Sleng Genocide Museum on many occasions, which S-21 was turned into after the fall of the Khmer Rouge. Tuol Sleng, S-21 and the ECCC, are the two/three locations where most of the book plays out, adeptly reaching out to tell stories beyond this. The prominent positions of these places allow the reader to be walked through Tuol Sleng as a museum today, as well as feel what it means to those survivors who were once imprisoned here, and how they see it now as they peddle their wares and sell their stories on the grounds.

These accounts are intermingled with trial materials, sometimes verbatim, more often paraphrased, managing to engage the reader in a way which goes beyond scholarly practice and transport him or her as a silent witness peering over the shoulder of various actors at the tribunal. The reader is presented with key points during the trial, including key witnesses, Duch’s apology, the verdict and appeals, and how the various participants at the court attempt to shape these events and use them to portray Duch in a certain light.


http://dx.doi.org/10.5038/1911-9933.10.3.1457
S-21 takes a prominent position too, with Hinton providing the reader with details about the place as it was created, how it was run by Duch, the methods of torturous interrogation which were used, and how the prison managed to utterly dehumanize anyone who came through its gates. Accounts of Duch’s life before S-21 are tied into these narratives in an attempt to show continuities through his life, to include his schooling and his passion as a math teacher, as well as his running of the M-13 prison camp during the civil war which preceded Democratic Kampuchea, as the country was called under the Khmer Rouge’s reign. Broader historical explanations of how the Khmer Rouge regime ruled the country with an iron fist, implemented its genocidal ideology, and purged thousands of its own cadres are given, but always relating into the S-21 locality, telling the history of this period in Cambodia from the perspective of this infamous place.

Most prominently though, the book goes beyond a re-telling of Duch’s, S-21’s, or even Democratic Kampuchea’s history, as it offers reflections on the meanings these places are imbued with today and how the perception of them differs culturally. Hinton takes this further to consider also the meaning various objects have for different people, such as a photograph of Chan Kim Srun, a woman photographed on her admittance to S-21 with her baby on her arm, or even the chair which these photos were taken on. Another example is a photograph of Duch displayed at Tuol Sleng, which has had various graffiti smeared on it, and Hinton has placed on the cover of his book, and how different cultural frames of mind will understand these graffiti in strongly diverging ways.

In the grand melange of influences in the book, finally, Hinton also puts forward various theoretical ideas and impulses as these relate to the many and diverse empirical topics already discussed. It is at once the book’s main strength and weakness that he playfully integrates these various questions, ideas, and approaches throughout his material, as it leaves the book without a theoretical foundation as a whole, but provides beacons of insight throughout. From a theoretical or conceptual point of view, Hinton regularly throws in elucidating ideas which guide and support the wealth of empirical material he presents, but none provide an overarching framework.

The main ideas which run through the book are first, that of the ‘redactic’ or erasure. Hinton prompts his readers to think about the ‘articulations’ which are put forth by various actors and events (including us as readers in our own lives), and how these are redacted, what is left out and how different elements are backgrounded. He applies this to the “thick frames” of Khmer Rouge ideology, as well as to articulations of Duch at trial and of his survivors today. I would argue that any study necessarily reduces the complexity of reality, and Hinton is right in saying that “we must be wary of the maskings and obfuscations that are always present and that underlie the banality of everyday thought.”2 This is a useful, albeit slightly banal lens through which to view Duch’s trial. But the book would not be significantly weakened without the redactic as a frame, and equally it is an idea which could be applied to any study of human beings in social situations. Hinton’s point is well made, but it is slightly overlaboured.

Second, the ‘essence’ of who Duch actually is, is grappled with in the title of the book Man or Monster?, as well as in the title picture (the photograph of Duch with graffiti) are discussed in great depth throughout the book from various perspectives. Different perspectives can be found in portrayals in the media, by the prosecution, and through survivor testimony of Duch as a monster. He saw himself as a cog in the larger machine with little agency, just a man in a difficult situation; the judges deemed him to be a zealot who “exercised his authority actively, innovating, managing S-21, recruiting and training staff, participating in arrests, and reporting about and annotating confessions.”3 Given how any articulation of who Duch is, is necessarily redacted, Hinton emphasizes the grey zones which appear to have been erased in such dichotomous approaches to seeing Duch as either man or monster, innocent or guilty. Various articulations emphasize different elements, thus automatically redacting others: meticulous zeal in fulfilling his obligation to the party; boastfulness about his torturous interrogation skill; an enthusiastic leader and teacher; prepared to invest everything for his party; a lack of empathy; differences in interpretation about

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2 Alex Hinton, Man or Monster? The Trial of a Khmer Rouge Torturer (Durham: Duke University Press, 2016), 266.
3 Ibid., 237.
how much sway he held in decisions regarding purges; and who was to be arrested or about how much he was actively involved in violence. While Duch remains at the center of these discussions, other actors are also studied, along with their characters, their motivations for their testimony, and their perspectives on the past and present.

A third recurring topic is that of hybridity or a disjuncture between the local (Cambodians) and the global (internationals), particularly in their diverging cultural understandings of the different processes, as well as different interests they have in them. The political Spiel surrounding the ECCC and its cases are central here, but also at a more fundamental level regarding conceptions of justice, responsibility, and forgiveness, particularly given the Western liberal view of the world on the one side and the Cambodian Buddhist perspective on the other. Some of the most interesting points and arguments new to the literature are in these discussions and it would have served the book well for these to have been foregrounded a little more.

As such, this book ties into other recent moves within the study of perpetrators of mass violence which tries to dissolve binary, black-and-white perspectives and highlight the grey zones and complexity of many actors involved in conflict. These works challenge us to contemplate the possibility that people such as Duch are not monsters, but are in a grey zone in which we ourselves are also located.

This book will become standard reading for anyone studying the portrayal of perpetrators during post-conflict justice processes or more specifically the trials at the ECCC, as well as those interested in the inner workings of S-21 and most certainly the personality of its leader Duch. In the end, Hinton does not want to provide definitive answers to concrete questions but wants to demonstrate ellipses, point towards paradoxes, culturally qualify and contextualise, provoke thought, challenge preconceptions, and raise questions. He achieves this objective fully and the reader finishes the book with the feeling of being empirically saturated with a wealth of fascinating details about the trials and its actors, Duch as a man and a monster, S-21 then, and Tuol Sleng Genocide Museum today. And yet, there remains a question mark of what the core message of this work is, which is unsettling for an academic book. However, it is a question mark the author certainly wants hanging over the book and one which challenges us to think deeper and further challenge our perspectives on this and other cases. To end with a short excerpt from the book, Man or Monster? is a plea for “thoughtfulness,’ a willingness to think critically and remain open to difference and the real-world complexities that we are inclined, by our existential anxieties and the banality of everyday thought, to pare down, edit and redact.”

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5 Hinton, Man or Monster?, 295.