

Gabriella Barth

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Female Perpetrators of Violence During Conflicts

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## **Introduction**

Within the past few decades, there have been criticisms aimed at the field of international relations for its lack of acknowledging research and theories from a more equitable perspective. The intersection of feminism and international relations is a sector that has undergone much exploration since the emergence of these critiques in the 1980s and 1990s. The initial concepts that were developed addressed this intersection and provided a gender-focused framework for the field of international relations. As this research developed over the years, feminist international relations scholars began to highlight the problematic tropes and assumptions that arose within the community itself.

A trope that feminist scholars have emphasized is the overall political agency and role that women are perceived to have as community members in political conflicts. Historically, there has been an issue with regards to how women are primarily viewed. Within the past ten years or so, research has centered around criticizing this dichotomy that exists within the international relations field. The field tends to have categorized women as either victims of violent political conflicts or as peacekeepers during these conflicts. This viewpoint is rooted in our overall world view of what femininity is meant to be and associated with. The connotations surrounding women and femininity from a global lens draw parallels to this idea of subordination, compliance, and overall weakness. This dichotomic perspective has led to troublesome consequences revolving around a failure to recognize women for their part in acting as perpetrators during violent conflicts. This refusal to acknowledge female perpetrators of violence correlates with how women are often perceived as not having political agency.

My research question is based upon the formerly outlined concepts: how does the perceived political agency and femininity of women who perpetrate violence during conflicts

impact the legal punishments they receive afterward and how do their punishments compare to their male perpetrator counterparts?

### **Research Design: Case Studies**

To answer this research question, I will be utilizing a case study method focusing on two conflicts: the Bosnian genocide and the Rwanda genocide. I chose these two cases based upon how the existence of female perpetrators has been mainly overshadowed by the horrific acts of male perpetrators. I will select specific women who were tried in each case and assess what their legal punishments were like in comparison to their male counterparts. Additionally, some translated legal documentation exists for these cases due how high-profile these genocidal conflicts were. These legal documents allow me to select quotes from these women during their trials as well as see what they said during their testimonies. I will use their statements to analyze how they may have presented their political agency and weaponized their femininity. Utilizing all this information, I will be able to conclude whether being a woman impacts the legal punishment and leniency female perpetrators receive.

In each case, I will be selecting two to three women who were charged with committing crimes along with two men that were charged with committing similar crimes. I will then compare their prison sentences and court case transcripts. In regards to the Bosnian genocide, I will be comparing former President of Republika Srpska Biljana Plavšić's legal punishment to former Bosnian Serb senior officer and commander in the Bosnian Serb Army and Yugoslav People's Army Dragan Obrenović's. Additionally, I will compare Marina Grubišić-Fejzić and Ivan Medić, two guards who worked at the Dretelj military prison. In relation to the Rwanda genocide, I will be comparing Pauline Nyiramashuko, the Minister of Family Welfare and

Advancement of Women, to Jean Kambanda, the Prime Minister of Rwanda. Lastly, I will compare Sister Maria Kizito and Sister Gertrude's prison sentences to Rev. Athanese Seromba. After comparing each case, I will draw conclusions based upon how the women presented their political agency and femininity and how that may have affected the prison sentences given to them by the courts.

## **Literature Review**

Currently, existing literature addresses the various camps regarding the traditional lack of intersection of feminist security studies and war<sup>1</sup>. This acknowledgement of women being primarily viewed as peacekeepers in the field of international security has been noted in recent years<sup>2</sup>. In other words, contemporary literature highlights how past research was incorrect in claiming that there is a natural association between women and the role of a peacekeeper<sup>3</sup>. Modern research illuminates this problematic dichotomy of women being viewed as either victims of political violence or as peacekeepers in the field of international studies.

Furthermore, present day research turns to the acts of female perpetrators of the Rwandan genocide as evidence of there being female agents of political violence<sup>4</sup>. While existing current research does highlight this institutional gap and often turns to female perpetrators of acts of violence during the Rwanda genocide as testimony, there does seem to be fewer analyses of female perpetrators during the Bosnian genocides. Existing research also mainly focuses on female perpetrators of terrorist acts. Moreover, there is an overall lack of analysis of the

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<sup>1</sup> Sylvester, C. (2010). *Tensions in Feminist Security Studies*. Security Dialogue, 41(6), 607-614.

<sup>2</sup> Sylvester, C. (2010).

<sup>3</sup> Alison, M. (2004). *Women as Agents of Political Violence: Gendering Security*. Security Dialogue, 35(4), 447-463.

<sup>4</sup> Brown, Sara E. (2014). *Female Perpetrators of the Rwandan Genocide*, International Feminist Journal of Politics, 16:3, 448-469.

punishments that female perpetrators are given versus the punishments that their male counterparts receive. It should also be noted that this difference in legal punishments being rooted in gender can also be further explored. Finally, the notion that female perpetrators receive more lenient legal punishments than their male counterparts based upon how they may manipulate their femininity and political agency is one that needs to be analyzed in greater detail to see if it can be applied in a broader context regarding politically violent conflicts. Essentially, current literature has recognized the female dichotomy issue of commonly presenting women as either victims of political violence or as peacekeepers; however, identifying women as perpetrators of violence and punishing them equitably is needed.

## **Thesis**

To begin with, women who do perpetrate violence during these state conflicts are often seen as 'subhuman' or 'monstrous' in the sense that they are viewed as more immoral than their male counterparts. Because of this dichotomy of depicting women as either victims or peacekeepers, the very notion of women being able to commit violent acts seems to be in inherent opposition to their feminine nature.

Secondly, how women choose to actively or passively present their political agency connects to how they are viewed with regards to being labeled as willing perpetrators in these violent conflicts. This presentation of their political agency and whether it is viewed as active or passive ties into how these women choose to weaponize or manipulate their femininity. These women may choose to play into their societally perceived feminine role and therefore utilize these gendered associations in their favor. A female perpetrator may choose to argue that she

acted out of the will of her husband and felt powerless or feared for her life which can have dire consequences.

As seen through how some female perpetrators were treated in the Bosnian genocide and Rwanda genocide, all of this can then culminate in these female perpetrators not being equitably tried in a court of law. In some instances, due to their violent and abhorrent crimes being portrayed as 'out of character', it can lead to the outright rejection of these women as perpetrators. It may be argued in the court of law that it is impossible for a woman to conceivably even commit these atrocious acts and thus, she must not be guilty. Alternatively, if a woman commits abhorrent violent crimes against humanity and does not manipulate her femininity to properly adjust this image, she may be viewed as an "other monster" and given a harsher or more appropriate sentence. Additionally, if a female perpetrator chooses to weaponize her political agency and femininity, she may choose to argue that she acted out of fear for her own life or safety, thus playing into the traditionally delicate female role and not allowing herself to be fully credited with having responsibility for her actions. In some cases, if a woman weaponized her femininity and political agency to present herself as having remorse and denouncing her actions, she was awarded a very lenient legal sentence. Therefore, I argue that the legal punishment a woman receives after perpetrating violence during conflicts differs depending on how her political agency is perceived and how she may choose to weaponize her femininity, and overall, women will receive less harsh punishments than their male counterparts because of their gender.

## **Bosnian Genocide**

The Bosnian war lasted from 1992 to 1995 and involved an abhorrent amount of ethnic cleansing throughout the region that resulted in the loss of approximately 100,000 lives<sup>5</sup>. Instances of mass rape, torture, and outright slaughter were common. During this violent conflict, women contributed as health workers, teachers, politicians, as well as soldiers<sup>6</sup>. There were approximately 5,360 female soldiers serving in the war<sup>7</sup>. While many women were targets of sexual violence and outright violence, some did commit horrific acts of violence towards others<sup>8</sup>. Biljana Plavšić and Marina Grubišić-Fejzić were two women who were tried for war crimes following the aftermath of the Bosnian genocide<sup>9</sup>.

### ***Biljana Plavšić and Dragan Obrenović***

Biljana Plavšić served as president of Republika Srpska from July of 1996 to November of 1998<sup>10</sup>. Plavšić was accused of the following crimes in 2000: crimes against humanity, genocide, violations of the laws and customs of war, and grave breaches of the Geneva Conventions<sup>11</sup>. Allegedly, Plavšić was aware of the crimes that were being committed by the Serbian forces, had control over them, and chose not to stop these atrocious acts nor give those perpetrating these violent crimes adequate punishments<sup>12</sup>. These Serbian forces committed

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<sup>5</sup> Omanic, A., Serdarevic, M., Ovcina, A., Omanic, H., & Omanic, J. (2010). *Participation of Women in the 1992-1995 War in Bosnia and Herzegovina*. *Acta medico-historica adriatica: AMHA*, 8(1), 135–144.

<sup>6</sup> Omanic, A., Serdarevic, M., Ovcina, A., Omanic, H., & Omanic, J. (2010).

<sup>7</sup> Ibid.

<sup>8</sup> Smeulers, A., & Simić, O. (2019). *Female War Crime Perpetrators in Bosnia and Herzegovina*. In S. Mouthaan & O. Jurasz (Eds.), *Gender and War: International and Transitional Justice Perspectives* (pp. 65-92).

<sup>9</sup> Prusina, J. (2019, May 08). *Female War Criminals: Untold Story of the Balkan Conflicts*.

<sup>10</sup> Ibid.

<sup>11</sup> Krulišová, K. (2020). Biljana Plavšić at the ICTY: A Feminist Analysis of Representations of the Self. *Journal of Perpetrator Research*, 3(1), 128-155.

<sup>12</sup> ICTY Prosecutor vs. Krajisnik and Plavsic, Indictment, IT-00-39 & 40-PT, 7.03.2002, paras. 11–14.

repulsive acts such as physically, sexually, and psychologically abusing detainees, torturing detainees, and committing widespread mass murder<sup>13</sup>. Originally, Plavšić plead not guilty in 2001 before deciding to plead guilty in 2002 if some of her charges were removed<sup>14</sup>. In 2002, the original charges given to her were altered to be the following: complicity in genocide, genocide, deportation, persecutions, inhuman acts, and extermination and killing<sup>15</sup>. Plavšić was sentenced to eleven years in a Swedish prison before being released in October 2009<sup>16</sup>.

During Plavšić's trial, she chose to manipulate her political agency and femininity in order to present herself as a maternal and feminine figure<sup>17</sup>. Krulišová explains how "Plavšić's reasoning as to why she engaged in the crimes alleged is closely connected to her version of the story about the struggle for survival of a once victimized nation against its usurpers"<sup>18</sup>.

Additionally, Krulišová states that "Plavšić's reasoning is based on her apparent belief that the war was a matter of survival and self-defense. She positions herself as a victim of her perception that the life of all Serbs was endangered and needed to be defended by the state"<sup>19</sup>. At one point during her trial, Plavšić argues in her defense this:

I have now come to the belief and accept the fact that many thousands of innocent people were the victims of an organized, systematic effort to remove Muslims and Croats from the territory claimed by Serbs. At the time, I easily convinced myself that this was a matter of survival and self-defense. In fact, it was more. Our leadership, of which I was a necessary part, led an effort which victimized countless innocent people. Explanations of self-defense and

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<sup>13</sup> Krulišová, K. (2020).

<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

<sup>16</sup> Ibid.

<sup>17</sup> Ibid.

<sup>18</sup> Ibid. 144.

<sup>19</sup> Ibid.



survival offer no justification. By the end, it was said, even among our own people, that in this war we had lost our nobility of character. The obvious questions become, if this truth is now self-evident, why did I not see it earlier? And how could our leaders and those who followed have committed such acts? The answer to both questions is, I believe, fear, a blinding fear that led to an obsession, especially for those of us for whom the Second World War was a living memory, that Serbs would never again allow themselves to become victims. In this, we in the leadership violated the most basic duty of every human being, the duty to restrain oneself and to respect the human dignity of others. We were committed to do whatever was necessary to prevail.<sup>20</sup>

It is evident that “Plavšić thus clearly aims at changing the perspective of her nationalism from an extremist/genocidal mindset to a heroic defense of her beloved nation and its inhabitants – a ‘mother of the nation’ narrative thus becomes clearly visible”<sup>21</sup>. Furthermore, “In this case, Plavšić represents herself as a deluded mother, who was certain of the imminent death of her beloved nation had she not intervened. Following the hypothesis that motherly violence is acceptable in defense of her family, Plavšić aims at demonstrating a positive emotion coupled with naivety and misinformation as her excuse”<sup>22</sup>. Essentially, Plavšić chose to portray herself as a motherly figure whilst invoking a feminine sense of naivety. She relinquished her political agency by weaponizing her femininity. By coupling the image of a loving mother with a sense of naivety with regards to the actions of the Serbian forces, Plavšić was able to control her feminine narrative. Rather than allowing others to view her as an immoral monster, she reinforces her feminine nature, thereby utilizing her femininity as a weapon. By manipulating her political agency and femininity, Plavšić secured a more lenient prison sentence for herself.

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<sup>20</sup> ICTY Prosecutor vs. Plavšić IT-00-39 & 40/1, P. 609-610 Lines 11-25, 1-4. Statement of Guilt. 17.12. 2002.

<sup>21</sup> Krulišová, K. (2020). 145.

<sup>22</sup> Ibid. 146.

Dragan Obrenović acted as Chief of Staff, Executive Officer, and Acting Commander of the Zvornik Brigade and Bosnian Serb Army<sup>23</sup>. He was charged with persecutions, murder, complicity in genocide, extermination, crimes against humanity, and murder as a violation of the laws or customs of war<sup>24</sup>. Obrenović, while commanding his units, committed acts of mass executions as well as forced deportations<sup>25</sup> Obrenović originally pleaded not guilty to the previously listed charges; however, he pleaded guilty after reaching a plea agreement that required, he serve seventeen years in prison. Obrenović expressed remorse during his trial and provided testimony against his co-perpetrators as well as aided in the prosecution of them which resulted in him receiving a lesser sentence<sup>26</sup>. Obrenović provided the following statement during his hearing:

I am here before Your Honours because I wish to express my remorse. I have thought for a long time, and I'm always followed by the same thought - guilt. I find it very hard to say this truth. I am to blame for everything I did at that time. I am trying to erase all this and to be what I was not at that time. I am also to blame for what I did not do, for not trying to protect those prisoners. Regardless of the temporary nature of my then-post. I ask myself again and again, what could I have done that I didn't do? Thousands of innocent victims perished. Graves remain behind, refugees, general destruction and misfortune and misery. I bear part of the responsibility for this. There is misfortune on all sides that stays behind as a warning that this should never happen again. My testimony and admission of guilt will also remove blame from my nation because it is individual guilt, the guilt of a man named Dragan Obrenović. I stand by this. I am

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<sup>23</sup> Institute for War & Peace Reporting. (2005, December 5). Dragan Obrenovic (IT-02-60/2).

<sup>24</sup> Ibid.

<sup>25</sup> Ibid.

<sup>26</sup> Ibid.

responsible for this. The guilt for which I feel remorse and for which I apologise to the victims and to their shadows.<sup>27</sup>

Obrenović's statement differs from Plavšić's in the sense that he claims his own political agency<sup>28</sup>. He recognizes and acknowledges the consequences of his participation in the genocide. He actively chooses to assert his political agency and exhibits remorse for his actions. Plavšić strategically chose to manipulate her own political agency by weaponizing her femininity. Through presenting herself as the innocent mother unaware of the actions of her 'children', she utilized her femininity in her favor. Both Plavšić and Obrenović were charged with persecutions, complicity in genocide, extermination, crimes against humanity, and murder. While Obrenović may have had a more personal role in the genocide, Plavšić still held a higher position of power and both directly and indirectly controlled the Bosnian Serb forces who were responsible for many atrocious crimes.

### ***Marina Grubišić-Fejzić and Ivan Medić***

Marina Grubišić-Fejzić and Ivan Medić were two former members of the Croatian Defense Forces<sup>29</sup>. Grubišić-Fejzić was sentenced to five years in prison while Medić was sentenced to six years in prison for physically, sexually, and psychologically abusing Serbian prisoners at the Dretelj detention camp in 1992<sup>30</sup>. Their trial began in March of 2012 and ended in September of 2016<sup>31</sup>. Both Grubišić-Fejzić and Medić were charged with crimes against

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<sup>27</sup> International Criminal Tribunal for the former Yugoslavia. (2003, October 30). "Dragan Obrenović". Icty.org.

<sup>28</sup> Ibid.

<sup>29</sup> Ucanbarlic, S. (2015, April 14). Bosnia Convicts four Of DRETELJ JAIL Camp Abuses. Retrieved April 11, 2021.

<sup>30</sup> Ucanbarlic, S. (2015, April 14).

<sup>31</sup> War Crimes Verdicts Map. (2020). Verdicts Selected.

humanity and persecution<sup>32</sup>. Marina Grubišić-Fejzić's defense argued that she was a "victim of a whirlwind of war and of its own acts"<sup>33</sup>. Additionally, "... the Court of BiH relied partially on the fact that the Accused Marina Grubisic Fejzic was an "emotionally immature... victim of a whirlwind of war" to justify levying a punishment of five years for crimes against humanity"<sup>34</sup>.

Furthermore, Grubišić-Fejzić and Medić's lenient sentences can be attributed to their 'expressed remorse and noting that Marina Grubišić Fejzić "treated the victims with due respect and honesty"<sup>35</sup>. She allegedly testified that "... she saw prisoners abused at the Dretelj camp, but claimed she never took part in beating them"<sup>36</sup>. Grubišić-Fejzić displayed remorse for what occurred, but did not directly take responsibility for her actions; she is quoted as saying the following:

I am sorry for those people. I am not saying they did not suffer; I even told the court this when I testified. I saw them beaten by day and by night, but I was not in charge of them, I did not hurt them, and I was not in a position to let them go.<sup>37</sup>

Marina Grubišić-Fejzić chose to relinquish her political agency by maintaining her innocence and expressing remorse. She testified that she did not commit acts of violence despite witness testimony saying otherwise<sup>38</sup>. By presenting herself as having no political agency in the matter, she was able to preserve her feminine identity and prevent the courts from viewing her as an inhuman monster. Additionally, her expression of remorse despite insisting that she had no

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<sup>32</sup> Prosecutor v. Zelenika et al. (Bosnia i Hercegovina September 22, 2016) (WorldCourts, Dist. file).

<sup>33</sup> Delbyck, K. (2018). *Punishing Conflict-Related Sexual Violence Guidelines for Combating Inconsistencies in Sentencing* (Publication). P. 35.

<sup>34</sup> Ibid. 51.

<sup>35</sup> Ibid. 45.

<sup>36</sup> Prusina, J. (2019, May 08).

<sup>37</sup> Ibid.

<sup>38</sup> Prosecutor v. Zelenika et al. (Bosnia i Hercegovina September 22, 2016).

direct part in the torture and abuse inflicted on the detainees, assisted in her receiving a more lenient sentence. Her proclamation of remorse and choice to associate herself with innocence aided in granting her a more feminine presentation of herself. These characteristics tend to be viewed as traditionally feminine, meaning that the way Grubišić-Fejzić conducted herself during the trial contrasted the masculine associated violence she was being accused of. By realigning her identity with more feminine traits, she succeeded in painting a portrait of herself as meeting the standard of femininity. On the other hand, Ivan Medić was unable to fully renounce his political agency. Marina Grubišić-Fejzić manipulated how she represented her femininity, thereby separating herself from her political agency, and was able to secure a more lenient sentence for herself.

## **Rwandan Genocide**

The Rwandan Genocide lasted for one hundred days; it began in April of 1994 and ended in July of 1994<sup>39</sup>. The approximate death toll was one million moderate Hutus and ethnic Tutsis<sup>40</sup>. While Tutsis are categorized as the main victims of the genocide due to their ethnic identity, both Tutsis and Hutus experienced mass rape, mass killings, and torture during the genocide<sup>41</sup>. Victims of sexual violence included both Hutu and Tutsi women<sup>42</sup>. While many women were victims of despicable violence, some chose to enact violence on others. For example, “Most of the women killers were Hutu; however, girls and women fought in the Tutsi resistance. Some Tutsi women married to Hutu men were also complicit in the genocide”<sup>43</sup>. It is

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<sup>39</sup> Center for Holocaust and Genocide Studies. (2021). Rwanda. Retrieved April 12, 2021, from <https://cla.umn.edu/chgs/holocaust-genocide-education/resource-guides/rwanda>

<sup>40</sup> Ibid.

<sup>41</sup> Ibid.

<sup>42</sup> Ibid.

<sup>43</sup> Sharlach, Lisa. (1999) *Gender and Genocide in Rwanda: Women as Agents and Objects of*

evident that women perpetrated violence during the Rwandan genocide. Both Pauline Nyiramashuko and Consolata Mukangango were female perpetrators of violence during the conflict.

### ***Pauline Nyiramashuko and Jean Kambanda***

Pauline Nyiramashuko served as the Minister of Family Affairs and Women's Development in Rwanda<sup>44</sup>. In June of 2011, she was convicted of "... genocide, conspiracy to commit genocide, extermination as a crime against humanity, rape as a crime against humanity, persecution as a crime against humanity, violence to life as a war crime, and outrages upon personal dignity as a war crime"<sup>45</sup>. Pauline supervised and ordered mass killings and rapes, "Pauline took care of the logistics for the militiamen who came in from Kigalito set fire on Butare. She distributed grenades and supplied the petrol for the burning down of houses in the rural areas and distributed machete and other useful equipment to the assassins"<sup>46</sup>. Additionally, "On April 24 Tutsi were ordered to assemble in the local stadium where they were promised food and shelter, but instead Pauline organized the Interahamwe under the leadership of her son, Shalome, surrounded the stadium and massacred the thousands inside, mostly hacked to death with machetes. The court found Pauline guilty of ordering militiamen to rape Tutsi women

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*Genocide*, Journal of Genocide Research, 1:3, 392.

<sup>44</sup> Maier, D. J. (2012). *Women Leaders in the Rwandan Genocide: When Women Choose To Kill*. The University of Northern Iowa Journal of Research, Scholarship, and Creative Activity, 8, 2012-2013.

<sup>45</sup> Ibid.

<sup>46</sup> Ibid.

before they killed them and she herself aided and abetted these rapes”<sup>47</sup>. Pauline Nyiramashuko was sentenced to life in prison for her horrific crimes<sup>48</sup>.

During her trial, Pauline Nyiramashuko’s feminine identity and motherhood was questioned<sup>49</sup>. She pled not guilty to her charges, “... her own response to the allegations exhibits precisely the kind of gender bias that portrays women as weak, subservient, or pure, incapable of committing the kinds of atrocities for which she stands accused. Pauline also claimed to be a victim of sexism, targeted for persecution precisely because she is an educated woman”<sup>50</sup>. Pauline’s mother spoke on her behalf during her trial, arguing that:

It is unimaginable that she did these things. She wouldn’t order people to rape and kill. After all, Pauline is a mother<sup>51</sup>.

Pauline Nyiramashuko tried to weaponize her femininity and how others perceived her as a mother and woman, thereby making it as though she was incapable of committing such terrible acts because it would be in inherent opposition to her gender. She is quoted as saying that:

I am ready to talk to the person who says I could have killed. I cannot even kill a chicken. If there is a person who says that a woman, a mother, killed then I’ll confront that person<sup>52</sup>.

As previously stated, “Nyiramasuhuko pled not guilty to the crimes she was accused of, stating that she had no real power in the government, that she was new to politics and that as a woman it would be impossible for her to commit violence”<sup>53</sup>. Rather than convince the courts

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<sup>47</sup> Ibid.

<sup>48</sup> Ibid.

<sup>49</sup> Sperling, C. (2006). *Mother of Atrocities: Pauline Nyiramasuhuko’s Role in the Rwandan Genocide*. SSRN Electronic Journal. doi:10.2139/ssrn.1662710.

<sup>50</sup> Ibid. 114.

<sup>51</sup> Ibid. 115.

<sup>52</sup> Maier, D. J. (2012).

<sup>53</sup> Soule, T. (Spring 2019). *Reintegration of Women Perpetrators in Post-Genocide Rwanda*. SIT

and public that she was incapable of committing these crimes, the opposite occurred, “Nyiramasuhuko’s gender, along with her role as a minister and mother, made her crimes even more despicable to the public”<sup>54</sup>. This illustrates the idea that if a woman is deemed as a heinous inhuman monster, her femininity is stripped away, and her political agency is reinforced. Despite Pauline trying to argue that she had no political agency in the matter, the courts persisted to view her as loathsome for her actions and did not allow her to abandon her political agency, thereby forcing her to take responsibility for her actions and not hide behind her femininity.

Pauline Nyiramasuhuko and President and Hutu Prime Minister Jean Kambanda were perceived as equally responsible for the genocide<sup>55</sup>. Kambanda received life imprisonment due to the following charges: “genocide, conspiracy to commit genocide, direct and public incitement to commit genocide, complicity in genocide, crimes against humanity (murder), punishable under Article 3 (a) of the ICTR Statute, and crimes against humanity (extermination)”<sup>56</sup>. Additionally, he admitted to the following:

“In particular, (i) he admitted that there was in Rwanda in 1994 a widespread and systematic attack against the civilian population of Tutsi, with the intent to exterminate them... As Prime Minister, he also exercised de jure and de facto authority over senior civil servants and senior officers in the military... Jean Kambanda acknowledged that he participated in meetings of the Council of Ministers, cabinet meetings, and meetings of prefects where the course of massacres were actively followed, but no action was taken to stop them... Jean Kambanda acknowledged that he issued the Directive on Civil Defense addressed to the prefects on 25 May

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Digital Collections, 1-32.

<sup>54</sup> Ibid. 15.

<sup>55</sup> Sperling, C. (2006). 110.

<sup>56</sup> Magnarella, P. J. (1998). The U.N. Criminal Tribunal for Rwanda Concludes its First Case: A Monumental Step Towards Truth. *African Studies Quarterly*, 2(3), 37-43.



1994 (Directive No. 024-0273, disseminated on 8 June 1994). He further admitted that this directive encouraged and reinforced the Interahamwe who were committing mass killings of the Tutsi civilian population in the prefectures...., in his capacity as Prime Minister, he gave clear support to Radio Television Libre des Mille Collines (RTLM), with the knowledge that it was a radio station whose broadcasts incited killing, the commission of serious bodily or mental harm to, and persecution of Tutsi and moderate Hutu... as Prime Minister, instigated, aided and abetted the Prefects, Bourgmestres, and members of the population to commit massacres and killings of civilians, in particular Tutsi and moderate Hutu”<sup>57</sup>.

In this instance, both Pauline Nyiramashuko and Jean Kambanda were given equitable and appropriate legal sentences for their horrendous actions. Nyiramashuko failed to weaponize her femininity and release her political agency, resulting in the court and public viewing her as a monster and not as a woman. Unlike Biljana Plavšić, Nyiramashuko could not portray herself as the mother of her nation that acted out of the safety of her children. It is evident that her attempt at portraying herself as a mother incapable of harm failed. Rather than shroud herself in the narrative of monstrous women being impossible, therefore making her actions impossible, by denying her own responsibility in the genocide, the courts and public found her guilty.

### ***Sister Julienne Mukabutera and***

Julienne Mukabutera, also known as Sister Maria Kizito, was a Rwandan nun who participated in the genocide<sup>58</sup>. Sister Maria Kizito served in the Convent in the Sovu Monastery in Butare<sup>59</sup>. In June of 2001, Sister Julienne Mukabutera along with Mother Superior Consolata

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<sup>57</sup> Ibid. 39-41.

<sup>58</sup> Hogg, N. (2010). Women's Participation in the Rwandan Genocide: Mothers or Monsters? *International Review of the Red Cross*, 92(877), 69-102.

<sup>59</sup> Ibid. 98.

Mukangango, also known as Sister Gertrude, “... were convicted by the Belgian Court of Assizes of intentional homicides of identified individuals and ‘undetermined’ numbers of unidentified persons’, as well as attempted homicides, in violation of the Belgian law implementing the Second Additional Protocol to the Geneva Conventions”<sup>60</sup>. Allegedly, Consolata Mukangango refused to feed over three-thousand refugees who had fled to their monastery<sup>61</sup>. Additionally, Consolata Mukangango contacted policemen and soldiers to remove Tutsi refugees from her monastery who had been forced to flee the Sovu Health Centre after it had been attacked<sup>62</sup>. Consolata Mukangango continued to chase out more refugees, effectively giving them over to attacking militias. Sister Mukabutera took more direct actions, “... on 22 April, Sister Kizito, whom survivors nicknamed ‘animal’, participated in their massacre by handing out jerry cans of petrol to the Interahamwe, which were then used to burn people alive. Evidence against Kizito also included that she stole possessions from the corpses to distribute among the Interahamwe and cursed dead Tutsis who had torn up their money before dying”<sup>63</sup>. During her trial, Sister Kizito insisted that:

I was a novice at Sovu. I did not know how to respond to the attacks on the nuns... I never did anything with the militias to cause any harm. I stayed together with my fellow nuns. I helped them as best as I could, during three months of suffering<sup>64</sup>.

Consolata Mukangango was sentenced to fifteen years in prison while Sister Mukabutera was sentenced to twelve years in prison<sup>65</sup>. Essentially, Consolata Mukangango and Julienne Mukabutera, “... played down their ability to have acted any differently during the genocide.

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<sup>60</sup> Ibid.

<sup>61</sup> Ibid.

<sup>62</sup> Ibid.

<sup>63</sup> Ibid.

<sup>64</sup> Ibid.99.

<sup>65</sup> Ibid. 98.

Sister Gertrude spoke of fear and chaos and argued that she had wanted to save her religious community”<sup>66</sup>. Additionally, “The lawyers for the nuns contended they had acted through fear. They admitted the two women ‘showed signs of cowardice, and they did not act as we may have expected them to, but that does not in itself constitute any breach of the law”<sup>67</sup>. This illustrates how Sister Maria Kizito and Sister Gertrude were able to manipulate traits of weakness, naivety, and fear in their favor in order to relinquish their own political agency and forego responsibility for their actions.

In comparison, Athanase Seromba was originally given fifteen years in prison<sup>68</sup>. He was given this sentence based upon grounds that “... the ICTR convicted him of aiding and abetting genocide against Tutsi refugees who had sought refuge at Nyange parish in order to escape attacks committed against the Tutsis. The Trial Chamber also found that Seromba had assisted in the killing of Tutsi refugees as well as in the commission of acts causing serious bodily or mental harm”<sup>69</sup>. However, after Seromba submitted several appeals, in 2008:

“... the Appeals Chamber overturned the conviction of the Accused for aiding and abetting genocide and extermination as a crime against humanity and substituted convictions for committing genocide and extermination as a crime against humanity for his role in the destruction of the church in Nyange Parish causing the death of approximately 1,500 Tutsi refugees sheltering inside. The Chamber increased the Accused’s sentence to life imprisonment”<sup>70</sup>.

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<sup>66</sup> Ibid.99.

<sup>67</sup> Ibid.99.

<sup>68</sup> Prosecutor v. Athanase Seromba (International Criminal Tribunal for Rwanda December 13, 2006) (International Crimes Database, Dist. file).

<sup>69</sup> Ibid.

<sup>70</sup> Ibid.

Sister Maria Kizito and Sister Gertrude's manipulation of their femininity assisted in securing them a more lenient prison sentence. They were both charged with war crimes and convicted of murder. Their defense argued that they both acted out of fear for their lives and out of naivety. During their trials, the women were painted as inhuman monsters, "The sisters' gender as well as their positions as women of God influenced the way that they were perceived for their crimes. The prosecutor during the trial called the nuns monsters and vultures, comparing Sister Gertrude to Eichmann"<sup>71</sup>. By reasserting their femininity and qualities associated with their feminine, maternal identities, they were able to secure a more lenient prison sentence than their counterpart.

## **Implications**

The implications of my research are centered around justice, feminism, our comprehension of violent state conflicts, and how a state can heal following the aftermath of violence. In terms of judicial implications, if female perpetrators' participation in crimes continues to not be acknowledged, their victims will not be given adequate justice. The victims will feel disenfranchised by their state. There will also continue to be a lack of equitable and fair legal punishments for female and male perpetrators. If this viewpoint rooted in gendered connotations continues to persist, women will continue to not be viewed as legitimate political agents and will be reduced to the role of either victim or peacekeeper, contributing to potentially harmful gender stereotypes.

Furthermore, the overall understanding of these conflicts is hindered because a key component of who perpetrates these crimes is missing. Acquiring a better comprehension of

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<sup>71</sup> Soule, T. (Spring 2019). 15.

genocidal and violent conflicts can allow scholars to learn how to better prevent and stop them from occurring. By recognizing women as agents of violence during these state conflicts, scholars can better address and identify components of these conflicts. Finally, if a state fails to recognize the women who perpetrated violence, it will cause a fracture in the actions the state tries to take to heal following these events. Part of the healing process that states encounter after enduring violence revolves around those who perpetrated the violence being prosecuted for their crimes. By ignoring these female perpetrators, the state will hinder whatever progress its society tries to make in returning to peace. If these female perpetrators go unpunished and can return to their societies without issue, then their victims will likely feel that the state has failed to prosecute all the offenders. Therefore, it is imperative that the question of how a female perpetrator's political agency and femininity influence her legal punishments after she has committed violent crimes to be answered. By doing so, those conducting these trials can be wary of the gender bias that exists that results in women not receiving the same legal punishments as their male counterparts.

## **Conclusion and Limitations**

Ultimately, my findings seem to suggest that depending on how a female perpetrator's femininity and political agency are perceived, she will receive a more lenient sentence than her male counterparts, as highlighted through the legal punishments given to Biljana Plavšić, Marina Grubišić-Fejzić, Sister Gertrude, and Sister Maria Kizito. In each of these instances, these women were able to present themselves as naive or innocent feminine figures who lacked true political agency. By weaponizing their femininity, they were able to control how they were viewed by the courts and public. They were able to present themselves as innocent religious

figures or as maternal figures; therefore, they were able to acquire more lenient prison sentences than their male counterparts.

On the other hand, Pauline Nyiramashuko failed to control her own narrative and manipulate her femininity. As demonstrated, she attempted to get the courts and public to view her as an innocent mother guilty of no wrongs; however, she was unable to successfully remove herself from her own political agency. Thus, she was tried fairly and given the same sentence as her male counterpart. It should be noted that there were several limitations to my research, mainly revolving around time constraints, cultural differences, language barriers, and security access to documents. The combination of these limitations may have partially impacted the validity of my findings.

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