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**International Criminal Tribunal for Rwanda
Tribunal Pénal International pour le Rwanda**

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INTEROFFICE MEMORANDUM — MEMORANDUM INTERIEUR

To: Constant HOMETOWU
A: Legal Officer, CMS

Date: 30 September 2005

Ref:

For disclosure to the parties in Karemera et al.

From: Don WEBSTER
De: Senior Trial Attorney

Subject: **Filing of Expert Report of Binaifer Nowrojee**
Objet:

1. Kindly find appended hereto the Expert Report of Binaifer Nowrojee concerning *Sexual Violence Crimes During the Rwandan Genocide*, dated 30 September 2005.
2. Regards.

2005 SEP 30 PM 12:39
Binaifer Nowrojee

**SEXUAL VIOLENCE CRIMES DURING THE
RWANDAN GENOCIDE**

**EXPERT REPORT OF BINAIFER NOWROJEE,
HUMAN RIGHTS WATCH
SEPTEMBER 2005**

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1. QUALIFICATIONS

1. I, Binaifer Nowrojee, served as legal counsel/senior researcher with Human Rights Watch's Africa Division until December 2004. At Human Rights Watch, I undertook human rights field investigations, wrote reports, and carried out advocacy work on a variety of human rights issues, in addition to supervising the work of other researchers. I worked with the organization from 1993, first serving with Human Rights Watch's Women's Rights Division for three years before joining the Africa Division. Prior to that, I served as staff attorney on Africa for the Lawyers Committee for Human Rights from 1989 to 1992. I am currently the director of the Open Society Initiative for East Africa (OSIEA).
2. I have led numerous human rights investigations in Africa since 1989, and my work has taken me to Ethiopia, Gambia, Ghana, Ivory Coast, Kenya, Liberia, Nigeria, Rwanda, Senegal, South Africa, Sierra Leone, Tanzania, Togo, Uganda, Zambia, and Zimbabwe. I have done significant work in the areas of humanitarian intervention, gender-based violations, and refugee and displaced populations. Additionally, I teach human rights law at Harvard Law School (Cambridge, USA). Originally from Kenya, I graduated from Columbia Law School (New York, USA) and received a Masters in Law (LL.M) from Harvard Law School.
3. Over the years, I have interviewed hundreds of victims of sexual and domestic violence and conducted research on women's rights abuses in Africa, including Kenya, Liberia, Tanzania, Rwanda, Sierra Leone, and South Africa. I am the author of numerous articles and reports on human rights and women, including "Shattered Lives: Sexual Violence during the Rwandan Genocide and its Aftermath" (Human Rights Watch, 1996). I have worked as an international law expert on domestic violence for the United Nations (U.N.) Special Rapporteur for the Elimination of Violence against Women. I have conducted training on human rights and humanitarian law with a focus on gender for a number of organizations, including the Sierra Leone Truth and Reconciliation Commission. I have testified as an expert witness in political asylum cases for African refugees claiming asylum on the basis of gender-based persecution. In the 2002 academic year, I was a visiting fellow at Harvard University's Carr Center for Human Rights and interviewed Rwandan rape survivors about international justice. During that year, I also assisted the Sierra Leone Truth and Reconciliation Commission to set up its hearings for rape victims and testified before the Commission on sexual violence during the Sierra Leonean civil war.

4. I am the author of the 1996 book, *Shattered Lives: Sexual Violence during the Rwandan Genocide and its Aftermath*, which is based on first-hand interviews conducted in Rwanda and other research. In March and April 1996, I traveled to Rwanda for one month on behalf of Human Rights Watch/Women's Rights Division in order to investigate the sexual violence that occurred during the 1994 Rwandan genocide. In addition to interviewing some forty or so women survivors of rape in six of the eleven prefectures, I met with a wide array of non-governmental human rights and women's rights organizations, social workers, journalists, doctors and nurses. Within the Rwandan government, I met with representatives of the Ministry of Family and the Promotion of Women, the Ministry of Justice, the Ministry of Health and the prosecutor's office. We also met with representatives from a number of international humanitarian organizations as well as the U.N. Human Rights Operation, the U.N. peacekeeping operation and the International Criminal Tribunal for Rwanda.
5. In 2003, the Office of the Prosecutor (OTP) at the International Criminal Tribunal for Rwanda (ICTR) shared with me 405 of their statements from rape victims, eye-witnesses to rape and other corroborative witnesses. These testimonies—referred to as the OTP Rape Database—represent a sample of a larger number of rape statements collected by OTP. The statements were taken by OTP investigators (particularly the Investigations Sexual Assault Team) between 1995 and 2002. The witness statements were analyzed with respect to the following aspects: the date and location of rapes; the profile of the victims; the perpetrators; the forms of sexual violence (rape, gang-rape, sexual slavery, rape with aggravated violence); statements of intent to target women on the basis of ethnicity; and consequences of rape. From that analysis, conclusions were drawn where possible.
6. I give below my findings and views on this aspect of the Genocide, based upon my experience, research and writing for Human Rights Watch, and an examination of the OTP witness statements shared with me.

2. CHARACTERISTIC FACTORS OF THE SEXUAL VIOLENCE IN RWANDA¹

Sexual Violence Routinely Used in Conflict

7. Throughout the world, sexual violence is routinely directed against females during situations of armed conflict. Women and girls are subjected to brutal rapes, gang-

¹ The findings of this section are based on my research for Human Rights Watch which is contained in: Binaifer Nowrojee, *Shattered Lives: Sexual Violence during the Rwandan Genocide and its Aftermath* (Human Rights Watch, 1996).

rapes, sexual slavery, sexual mutilation or forced pregnancy. Combatants regularly use sexual violence as a means to exert power and to achieve a specific political end. Sexual aggression is an effective method of warfare. In addition to the infliction of pain, humiliation and terror against the individual woman, rape translates as an attack upon her community. Due to women's cultural position, the emphasis on sexual virtue, and the role of women within the family structure, women are often actively targeted in the destruction of a community. The shame of rape humiliates the family and all those associated with the survivor long after the conflict: The rape of a woman not only inflicts severe personal trauma and suffering, but impacts on the ability of the community to rebuild. Rape victims, particularly those who have borne children of rape, are often stigmatized and ostracized. Rape victims often suffer longstanding mental trauma and reproductive health problems, including HIV/AIDS.²

Widespread Use of Sexual Violence as part of the Genocide

8. During the Rwandan genocide, tens of thousands of women were individually raped, gang-raped, raped with objects such as sharpened sticks or gun barrels, held in sexual slavery (collectively or individually) or sexually mutilated. In almost every case, these crimes were inflicted upon women after they had witnessed the torture and killings of their relatives, and the destruction and looting of their homes.³
9. Some women were forced to kill their own children before or after being raped. Women were raped or gang-raped repeatedly as they fled from place to place. Others were held prisoner in houses specifically for the purpose of rape for periods ranging from a few days to the duration of the genocide. Pregnant women or women who had just given birth were not spared, and these rapes often caused hemorrhaging and other medical complications which resulted in their deaths. At checkpoints and mass graves, women were pulled aside to be raped, often before being killed. Many women came close to death several times during the three month period and in some cases begged to be killed so that the suffering would end. Instead, they were often spared so they could be raped and humiliated by the genocide perpetrators. Survivors report that during the genocide, militia even raped the corpses of women they had just killed or women who had been left for dead. After killing women, the militia would frequently leave their corpses naked and with legs spread apart.⁴

² Human Rights Watch, *The Human Rights Watch Global Report on Women's Human Rights*, (Human Rights Watch: August 1995), pp. 1-99.

³ Ibid, p.1.

⁴ Ibid., p. 39-40.

10. As militia killed and pillaged, their members often singled out women to be held for their personal sexual service. They locked these women in their own homes or in the captors' homes, sometimes briefly, sometimes for the duration of the genocide. Such women were often called "women of the ceiling" because captors hid them in a space between the roof and the ceiling to prevent their being discovered and killed by others. The arrangement was sometimes referred to as "forced marriages" and the women so held as "wives," but these terms obfuscate the total lack of consent by the women and the coercive conditions under which they were held. These women were in fact captives, looted possessions of the militiamen, held in sexual slavery.⁵
11. Many women were subjected to rape and gang-rape while being held collectively by a militia group in order to sexually service the group. The women were held for periods lasting as long as the duration of the genocide. Some of these women were taken forcibly to neighboring countries by the militia when they fled Rwanda at the end of the genocide.⁶
12. Both Tutsi and Hutu women were raped, but there was a difference both in the numbers assaulted and in the reasons for the rapes. Most of the women raped were Tutsi and they were attacked as one more means of terrorizing and destroying the Tutsi ethnic group. Hutu women, fewer in number, were targeted ordinarily because they were close to Tutsi: either wives of Tutsi men, supporters of political groups associated with Tutsi, or protectors of Tutsi. Some women were simply caught in the general increase in violence.⁷
13. Interahamwe and soldiers would assert complete power over the women they contained through violence and exploited the coercive environment created by the background genocide. All perpetrators were able to forcibly rape their victims, and then contain them under threats of further violence and death. Women often did not attempt to flee, believing that escape or physical resistance was futile. Many women were raped under threat from a weapon such as a machete or gun, and kept where armed men were on guard.⁸

The Public Nature of the Sexual Violence during the Genocide

⁵ Ibid., p. 56.

⁶ Ibid., p. 52-53.

⁷ Ibid., p. 41.

⁸ Ibid., pp. 39-68.

14. Every part of the Rwandan environment was a location for rape, often multiple gang-rapes. Women were not just raped behind closed doors; they were raped on the streets, at checkpoints, in cultivated plots, in or near government offices, hospitals, churches, and other public buildings. Their dead bodies were often left naked and spread-eagled, with nearby pools of blood and semen, in public view. A substantial number of these rapes took place in open public spaces such as in plantations or on roadsides, especially by roadblocks, or near government buildings such as prefectural or sectoral offices, or places of sanctuary such as stadiums or churches where Tutsis had congregated seeking refuge.⁹
15. Although exact figures will never be known, testimonies from survivors confirm that rape was extremely widespread. Some observers believe that almost every woman and adolescent girl who survived the genocide was raped. While the ages of women and girls raped ranged from as young as two years old to over fifty, most rapes were perpetrated against young women between the ages of sixteen and twenty-six. Doctors have also confirmed the high numbers of rape victims they examined immediately after the genocide.¹⁰
16. The only attempts to estimate the overall level of gender-based violence against women have been through extrapolations based on the numbers of recorded pregnancies as a result of rape. In a January 1996 report, the United Nations Special Rapporteur on Rwanda, Rene Degni-Segui, found that:
- rape was the rule and its absence the exception . . . According to the statistics, one hundred cases of rape give rise to one pregnancy. If this principle is applied to the lowest figure [the numbers of pregnancies caused by rape are estimated to be between 2,000-5,000], it gives at least 250,000 cases of rape and the highest figure would give 500,000, although this figure also seems excessive. However, the important aspect is not so much the number as the principle and the types of rape.¹¹
17. The difficulty of accurately documenting the occurrence of sexual violence during the Rwandan genocide is due to a number of factors. Worldwide, victims of rape are stigmatized and made to feel shame for the crime committed against them. As a result, rape is one of the most under-reported crimes. As elsewhere, rape victims

⁹ Ibid.

¹⁰ Ibid., p. 24-25.

¹¹ United Nations, Report on the Situation of Human Rights in Rwanda submitted by Mr. René Degni-Segui, Special Rapporteur of the Commission on Human Rights, under paragraph 20 of the resolution S-3/1 of 25 May 1994, E/CN.4/1996/68, January 29, 1996, p. 7.

in Rwanda have been reluctant to disclose publicly that they have been raped in part because they fear rejection and shame, however undeserved, for themselves and their families. The difficulty of collecting information on rape is compounded by fear. Rwandan women are reticent to talk because some of the perpetrators are still living among them. The failure of investigators to use appropriate interviewing methodologies and to comprehensively document gender-based crimes in war further shrouds the widespread nature of the crime.¹²

Perpetrators of Sexual Violence Crimes

18. Rape was perpetrated largely by Interahamwe militia groups, and condoned or encouraged by the army and government authorities. Rapes were also committed by soldiers of the Armed Forces of Rwanda. Some women recounted how younger militia had been urged to rape the women by older militia in the group. Many of the militia were neighbors, or even friends, of the families they tortured, raped and killed. In some cases, government soldiers surrounded an area to prevent people from escaping the Hutu militia attacks.¹³
19. In addition to advancing targeted attacks, the genocide planners and leaders deliberately created and permitted a generalized environment of lawlessness which also served to further their political goals. In the surrounding violence, women were targeted, regardless of their ethnicity or political affiliation. The government and military authorities gave the militias full license to commit egregious human rights abuses, including rape, with impunity.¹⁴
20. Military as well as civilian authorities encouraged or condoned rape, murder and other violence by militia groups and others. The military included regular soldiers, members of the national police force, and members of the elite Presidential Guard. The civilian authorities included burgomasters, communal councillors and heads of sectors. They distributed arms, led meetings where people were incited to violence, and sometimes personally led attacks. Soldiers and national police ordered potential victims to stay in their homes and established roadblocks to confine targeted people to areas where they could be more easily attacked. Often the military backed up attacks by militia and other civilians, shooting those who

¹² Binaifer Nowrojee, *Shattered Lives: Sexual Violence during the Rwandan Genocide and its Aftermath* (Human Rights Watch, 1996), p. 24-26.

¹³ Ibid., p. 40.

¹⁴ Ibid.

tried to escape. In some cases, soldiers or national policemen were responsible for committing rape and murder themselves.¹⁵

21. Rape victims interviewed did not refer to any actions or steps taken by government and military leaders to prevent or stop the mass violence directed at women civilians.¹⁶

Statements of Intent to Target Tutsi Women on Basis of Ethnicity

22. Throughout the genocide, women were raped with explicit verbal reference to their status as Tutsi women. The testimony from rape victims shows that rapists from one end of the country to the other employed the same terminology whilst raping Tutsi women.¹⁷ Derogatory ethnic statements were repeatedly made depicting Tutsi women as beautiful devious seductresses or “snakes” that would undermine the Hutu. Tutsi women were also accused of being arrogant and inaccessible women who needed to be “tasted” and made to suffer. Some statements were cast in the form of proverbs, widely understood terminology that provided justification for the sexual violence. It is clear from the testimonies of rape victims and witnesses that the rapists justified their actions based on these ethnic and gender stereotypes.
23. These statements were repeated on such a scale so as to produce a pattern that can be better understood when placed in the broader context: The stereotypes verbalized during rapes bear close resemblance to the portrayal of Tutsi women set forth in the hate media. Once the genocide began, not surprisingly, the violence directed at Tutsi women took the form of sexual violence. In the years preceding the genocide, media propaganda was used to heighten fear and hatred between Hutu and Tutsi. In particular, extremists demonized Tutsi women’s sexuality and portrayed them as devious seductresses who would undermine the Hutu. The propaganda warned Hutu men to beware of Tutsi women. In their drive to dominate, propagandists said, Tutsi used their women—thought to be more beautiful than Hutu women—to infiltrate Hutu ranks. The stereotypes also portrayed Tutsi women as being arrogant and looking down on Hutu men whom they considered ugly and inferior.¹⁸

¹⁵ Ibid., p. 48.

¹⁶ Ibid., pp. 39-68.

¹⁷ Ibid., p. 8-19.

¹⁸ Jean-Pierre Chrétien, *Rwanda: Les Médias du génocide* (Paris: Karthala and Reporters sans frontières, 1995 ed.).

24. Beginning in 1990, over a dozen newspapers in Kinyarwanda or French were launched that systematically exploited ethnic hatred.¹⁹ Although they had a relatively small circulation, mostly in the capital Kigali, these papers were often taken to the countryside by urban workers on the weekends and their message was shared widely in rural communities. In some cases, the local authorities in the rural areas were provided with copies of these publications. In addition to articles excoriating the Tutsi community, the magazines printed graphic cartoons to portray Tutsi women using their supposed sexual prowess on U.N. peacekeepers (Rwandan Patriotic Front supporters according to the propaganda) and the moderate Prime Minister Agathe Uwilingiyimana in various sexual poses with other politicians.²⁰
25. *Kangura* ("Wake Up" in Kinyarwanda), a predecessor to the RTLM radio station, was the first and most virulent voice of hate. *Kangura* often warned the Hutu to be on guard against Tutsi women. According to *Kangura*, "[t]he *Inkotanyi*," (a word used to refer to the RPF meaning "fierce fighter" in Kinyarwanda), "will not hesitate to transform their sisters, wives and mothers into pistols" to conquer Rwanda.²¹ In the December 1990 issue of *Kangura*, journalist Hassan Ngeze published "The Ten Commandments of the Hutu," four of which dealt specifically with women. "Every Hutu should know," stated one of the Ten Commandments, "that a Tutsi woman, wherever she is, works for the interest of her Tutsi ethnic group. As a result, we shall consider a traitor any Hutu who: marries a Tutsi woman; befriends a Tutsi woman; employs a Tutsi woman as a secretary or a concubine."²²
26. Another issue of *Kangura* accused Tutsi women of monopolizing positions of employment in both the public and private sectors, hiring their Tutsi sisters on the basis of their thin noses (a stereotypically "Tutsi feature"), thereby contributing to the unemployment rate of the Hutu, particularly Hutu women.²³ *Kangura* called on Hutu to use the necessary vigilance against the Tutsi (which it dubbed the *inyenzi*: cockroaches) and accomplice Hutu (*ibyatso*: traitors).
27. The ethnic invectives spoken by rapists in the course of the violence mirror exactly the depictions of Tutsi women contained in the gender propaganda. The targeted use of sexual violence against Tutsi women was fueled by the ethnic and

¹⁹ Ibid, pp. 45-47.

²⁰ Ibid., pp. 336, 368.

²¹ *Kangura*, issue number 19, July 1991 as quoted in Chrétien, *Rwanda: Les Médias du génocide*, p. 161.

²² *Kangura*, issue number 6, December 1990 as quoted in African Rights, *Rwanda: Death, Despair and Defiance*, rev.ed. (London: 1995), pp.42-43.

²³ *Kangura*, issue number 29, January 1992, pp.16-17 as quoted in Ibid., p. 146.

gender stereotypes: Tutsi women were targeted on the basis of the genocide propaganda which had portrayed them as calculated seductress-spies bent on dominating and undermining the Hutu. Tutsi women were also targeted because of the gender stereotype which portrayed them as beautiful and desirable, but inaccessible to Hutu men whom they allegedly looked down upon and were "too good" for. Rape served to shatter these images by humiliating, degrading, and ultimately destroying the Tutsi woman.²⁴ The hate propaganda before and during the genocide contributed to an environment that demonized Tutsi women's sexuality.

The Long-term Consequences of Sexual Violence

28. In Rwanda, as elsewhere in the world, rape and other gender-based violations carry a severe social stigma. The physical and psychological injuries suffered by Rwandan rape survivors are aggravated by a sense of isolation and ostracization. Rwandan women who have been raped or who suffered sexual abuse generally do not dare reveal their experiences publicly, fearing that they will be rejected by their family and wider community and that they will never be able to reintegrate or to marry. Others fear retribution from their attacker if they speak out. Often, rape survivors suffer extreme guilt for having survived and been held for rape, rather than having been executed.²⁵
29. Victims of sexual abuse during the genocide continue to suffer persistent health problems, particularly sexually transmitted diseases, including HIV/AIDS (although it is often impossible to know if this is due to the rape). Since abortion is illegal in Rwanda, in the aftermath of the genocide doctors have also treated women with serious complications resulting from self-induced or clandestine abortions arising from rape-related pregnancies. In a number of cases, doctors have performed reconstructive surgery for women and girls who suffered sexual mutilation at the hands of their attackers. Unfortunately the stigma surrounding sexual abuse often dissuades women from seeking the medical assistance they need.²⁶
30. A large number of women became pregnant as a result of rape during the genocide. Pregnancies and childbirth among extremely young girls who were raped have also posed health problems for these mothers. The "pregnancies of the war," "children of hate," "enfants non-desirés" (unwanted children) or "enfants mauvais souvenir" (children of bad memories) as they are known, are

²⁴ Binaifer Nowrojee, *Shattered Lives: Sexual Violence during the Rwandan Genocide and its Aftermath* (Human Rights Watch, 1996), p. 18.

²⁵ Ibid., pp. 69-75.

²⁶ Ibid., pp. 75-78.

estimated by the National Population Office to be between 2,000 and 5,000. Health personnel report that some women have abandoned their children or even committed infanticide, while others have decided to keep their children. In some cases, the mother's decision to keep the child has caused deep divisions in the family, pitting those who reject the child against those who prefer to raise the child. In others, the child is being raised without problems within the community.²⁷

31. In addition to the social and personal trauma resulting from the injuries suffered from sexual violence, women are also facing dire economic difficulty. As a result of the genocide, many women lost the male relatives on whom they previously relied on for economic support and are now destitute. Women survivors are struggling to make ends meet, to reclaim their property, to rebuild their destroyed houses, and to raise children: their own and orphans. Some Hutu women, whose husbands were killed or are now in exile or in prison accused of genocide, are dealing with similar issues of poverty as well as with the recrimination directed at them on the basis of their ethnicity or the alleged actions of their relatives.²⁸
32. The physical and psychological suffering that rape victims in Rwanda continue to experience points to the fact that sexual violence crimes continue to harm long after the act. The detrimental impact to women's reproductive health and the stigma and isolation they experience due to their status as rape victims has a long-standing impact not only for the individuals, but also the fabric of the Tutsi community. This underscores the effectiveness of sexual violence as a weapon of violence to achieve a specific political goal.

CORROBORATION BY OTP WITNESS STATEMENTS

33. In 2005, the Office of the Prosecutor (OTP) at the International Criminal Tribunal for Rwanda (ICTR) shared with me approximately 100 statements from rape victims, eye-witnesses to rape and other corroborative witnesses. These statements were certified by the Registry of the Tribunal pursuant to Rule 92bis or were drawn from the previous, sworn trial testimony of the witnesses. These testimonies represent a sample of a larger number of rape statements collected by OTP. These witness statements were taken by OTP investigators (particularly the Investigations Sexual Assault Team) between 1995 and 2002.²⁹

²⁷ Ibid., pp. 79-82.

²⁸ Ibid. pp. 83-84.

²⁹ The ICTR OTP Rape Database, 405 witness statements collected by the OTP, 2003, as listed in Source Material at page 15 of this report.

34. The witness statements shared with me represent only a sample cross-section: It is not possible to estimate from these statistics the total number of women in Rwanda who were raped from April-July 1994. Many victims will have died during or after the genocide, or the stigma of being a rape victim would have prevented many from testifying to ICTR investigators.
35. I examined the witness statements and found that the information in this sample data corroborates the findings of my independent investigation for Human Rights Watch in 1996.³⁰

3. INVESTIGATING RAPE IN CONFLICT SITUATIONS

36. In order to understand and assess my work, it is important to appreciate some of the unique issues facing the investigation of rape in conflict situations. Due to the shame and stigma attached to being a rape victim, there is often a reluctance to recount what happened, particularly in describing the intimate details of sexual acts. Rape survivors in a post conflict situation are grappling with an overwhelming number of stresses, including post-conflict tensions in the society, psychological trauma, physical illness, poverty and marginalization as a result of limited employment opportunities and the demands of caring for relatives, as well as social ostracism. In the course of investigations, rape victims may therefore be reluctant to speak or encounter great difficulty in recounting what happened. Often when rape victims do speak, they utilize euphemisms such as the words "marriage" or "wife" to describe the sexual violence. This is particularly the case in situations of sexual slavery where women were held by a combatant for prolonged periods of time. This is due to the stigma attached to rape. However, it is important to recognize that in such a coercive setting, there can be no consent. The use of euphemisms should be placed in such a context. It is also important to examine the broader context within which the sexual violence occurred, including the position of women in their community, how the society viewed women in the run-up and during mass violence, and the cultural response to rape victims. It is only through such an assessment that one can better understand the intended impact of the sexual violence, how it was used in an armed conflict, and the environment in which it took place.

³⁰ Should further review of the sample of the approximately 100 witness statements anticipated by the Prosecutor's application under Rule 92bis, further review of the ICTR OTP Rape Database, or review of any additional materials modify, broaden or amplify my conclusions herein I will submit an addendum to this report prior to my testimony before the Trial Chamber.

4. CONCLUSION

37. Based upon my independent research for Human Rights Watch corroborated by the OTP rape victims and witness testimonies that were shared with me, I have concluded the following:
38. As in other conflicts worldwide, sexual violence was deliberately used during the Rwandan genocide to target women on the basis of their gender and ethnicity. Although the exact numbers will never be known, tens of thousands of women were individually raped, gang-raped, raped with objects such as sharpened sticks or gun barrels, held in sexual slavery (collectively or individually) or sexually mutilated. In almost every case, these crimes were inflicted upon women after they had witnessed the torture and killings of their relatives, and the destruction and looting of their homes.
39. Much of the sexual violence was deliberately directed at Tutsi women as part of the attack against the Tutsi community. Sexually subjugating and mutilating Tutsi women was a way to attack the ethnic group and to punish the women. Some Hutu women were also targeted with rape because they were affiliated with the political opposition, because they were married to Tutsi men or because they protected Tutsi. A number of women, Tutsi and Hutu, were targeted regardless of their ethnicity or political affiliation. Young girls or those considered beautiful were particularly at the mercy of the militia groups.
40. Sexual violence during the Rwandan genocide occurred in massive numbers in every prefecture in the country throughout the genocide. Rapes were overwhelmingly accompanied by derogatory ethnic statements against Tutsi women. Similar patterns of sexual violence were used throughout the country, and virtually identical sexual and ethnic invectives were uttered by the rapists to Tutsi women while they raped. The stereotypes verbalized during rapes bear close resemblance to the portrayal of Tutsi women set forth in the hate media.
41. An examination of the genocide propaganda in the lead-up to the genocide shows a preconceived incitement to sexual violence that was mobilized through the hate media. The extremist propaganda which exhorted Hutu to commit the genocide specifically identified the sexuality of Tutsi women as a means through which the Tutsi community sought to infiltrate and control the Hutu community. This propaganda fueled the sexual violence perpetrated against Tutsi women as a means of destroying the Tutsi community through serious bodily harm.
42. Once the violence began, it was no surprise that women were targeted with sexual violence. Statements at the time of rape demonstrate direct references to the media propaganda. The repeated references of these hate stereotypes during rapes points to a common policy fueled by the hate media in its representation of

Tutsi women. This was then executed through the ensuing sexual attacks directed at women.

43. This is compelling evidence that the widespread sexual assaults were not an opportunistic or unconnected occurrence to the genocidal violence, but rather a deliberate targeting of the Tutsi through the infliction of serious bodily harm to the women of that community. The direct correlation between statements made at the time of rape and propaganda in the media contributed to a regular pattern of sexual violence across the country.
44. Given that sexual violence is a routine and expected occurrence during conflict worldwide and the specific incitement of the hate media that demonized Tutsi women's sexuality and fueled the sexual violence, any reasonable person in authority could have foreseen that there would be widespread rapes directed at Tutsi women when the violence broke out.
45. Throughout the Rwandan genocide, the widespread sexual violence occurred in public view, in every prefecture. Every part of Rwanda was a location for rape, often multiple gang-rapes. Women were not just raped behind closed doors, they were raped on the streets, at checkpoints, in cultivated plots, in or near government offices, hospitals, churches, and other public buildings. Their dead bodies were left in public view, naked and spread-eagled, with nearby pools of blood and semen, so routinely, that the occurrences cannot have been only coincidental. There was in this repetitive conduct the message of subjugation, humiliation and degradation of the Tutsi.
46. The perpetrators of this violence were largely members of the infamous Hutu militia groups known as the Interahamwe, as well as soldiers of the Rwandan Armed Forces (*Forces Armées Rwandaises*, FAR), including the Presidential Guard, to further their political policy goal: the destruction of the Tutsi. Political, administrative and military leaders at the national and local levels as well as heads of the Interahamwe militia directed, encouraged, permitted or condoned the killings and sexual violence to further their political goals: the destruction of the Tutsi as a group.
47. With such public evidence in such large numbers, in every prefecture of the country, over a period of three months, with no attempt to hide the events, it is unlikely that persons present in Rwanda—including national and military leaders--during the genocide would not have been aware that tens of thousands of women were being deliberately attacked with such ferocity.

SOURCE MATERIAL

Binaifer Nowrojee, *Shattered Lives: Sexual Violence during the Rwandan Genocide and its Aftermath* (Human Rights Watch, 1996).

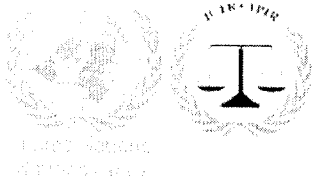
The ICTR OTP Rape Database, 405 witness statements collected by the OTP, 2003.

United Nations, *Report on the Situation of Human Rights in Rwanda submitted by Mr. René Degni-Ségui, Special Rapporteur of the Commission on Human Rights*, under paragraph 20 of the resolution S-3/1 of 25 May 1994, E/CN.4/1996/68, January 29, 1996.

Human Rights Watch, *The Human Rights Watch Global Report on Women's Human Rights*, (Human Rights Watch: August 1995), pp. 1-99.

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TRANSMISSION SHEET FOR FILING OF DOCUMENTS WITH CMS

COURT MANAGEMENT SECTION
(Art. 27 of the Directive for the Registry)

I - GENERAL INFORMATION (To be completed by the Chambers / Filing Party)

To:	<input type="checkbox"/> Trial Chamber I N. M. Diallo	<input type="checkbox"/> Trial Chamber II R. N. Kouambo	<input checked="" type="checkbox"/> Trial Chamber III C. K. Hometowu	<input type="checkbox"/> Appeals Chamber / Arusha F. A. Talon
	<input type="checkbox"/> Chief, CMS J.-P. Fomété	<input type="checkbox"/> Deputy Chief, CMS M. Diop	<input type="checkbox"/> Chief, JPU, CMS M. Diop	<input type="checkbox"/> Appeals Chamber / The Hague R. Muzigo-Morrison K. K. A. Afande
From:	<input type="checkbox"/> Chamber (names)	<input type="checkbox"/> Defence (names)	<input type="checkbox"/> Prosecutor's Office Sunkarie Ballah-Conteh (names)	<input type="checkbox"/> Other: (names)
	Case Name: The Prosecutor vs. Karemera et al.			Case Number: ICTR-ICTR-98-44
Dates:	Transmitted: 30 September 2005		Document's date: 30 September 2005	
No. of Pages:	17	Original Language:	<input checked="" type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> Kinyarwanda	
Title of Document:	Disclosure of expert report of Binaifer Nowrojee, Human rights watch entitled: Sexual violence crimes during the Rwandan Genocide			
Classification Level:		TRIM Document Type:		
<input type="checkbox"/> Strictly Confidential / Under Seal		<input type="checkbox"/> Indictment <input type="checkbox"/> Warrant <input type="checkbox"/> Correspondence <input type="checkbox"/> Submission from non-parties		
<input type="checkbox"/> Confidential		<input type="checkbox"/> Decision <input type="checkbox"/> Affidavit <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Submission from parties		
<input checked="" type="checkbox"/> Public		<input checked="" type="checkbox"/> Disclosure <input type="checkbox"/> Order <input type="checkbox"/> Appeal Book <input type="checkbox"/> Accused particulars		
		<input type="checkbox"/> Judgement <input type="checkbox"/> Motion <input type="checkbox"/> Book of Authorities		

II - TRANSLATION STATUS ON THE FILING DATE (To be completed by the Chambers / Filing Party)

CMS SHALL take necessary action regarding translation.

☐ Filing Party hereby submits only the original, and **will not submit** any translated version.

☐ Reference material is provided in annex to facilitate translation.

Target Language(s):

☐ English ☐ French ☐ Kinyarwanda

CMS SHALL NOT take any action regarding translation.

☐ Filing Party hereby submits **BOTH the original and the translated version** for filing, as follows:

Original	in	<input type="checkbox"/> English	<input type="checkbox"/> French	<input type="checkbox"/> Kinyarwanda
Translation	in	<input type="checkbox"/> English	<input type="checkbox"/> French	<input type="checkbox"/> Kinyarwanda

CMS SHALL NOT take any action regarding translation.

☐ Filing Party **will be submitting the translated version(s)** in due course in the following language(s):

☐ English ☐ French ☐ Kinyarwanda

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<input checked="" type="checkbox"/> The OTP is overseeing translation. The document is submitted for translation to: <input checked="" type="checkbox"/> The Language Services Section of the ICTR / Arusha. <input type="checkbox"/> The Language Services Section of the ICTR / The Hague. <input type="checkbox"/> An accredited service for translation; see details below: Name of contact person: Name of service: Address: E-mail / Tel. / Fax:	<input type="checkbox"/> DEFENCE is overseeing translation. The document is submitted to an accredited service for translation (fees will be submitted to DCDMS): Name of contact person: Name of service: Address: E-mail / Tel. / Fax:
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III - TRANSLATION PRIORITISATION (For Official use ONLY)

<input type="checkbox"/> Top priority	COMMENTS	<input type="checkbox"/> Required date:
<input type="checkbox"/> Urgent		<input type="checkbox"/> Hearing date:
<input type="checkbox"/> Normal		<input type="checkbox"/> Other deadlines:



International Criminal Tribunal for Rwanda Tribunal Pénal International pour le Rwanda

Arusha International Conference Centre
P.O.Box 6016, Arusha, Tanzania - B.P. 6016, Arusha, Tanzanie
Tel: 255 57 504207-11 504367-72 or 1 212 963 2850 Fax: 255 57 504000/504373 or 1 212 963 2848/49

PROOF OF SERVICE – ARUSHA PREUVE DE NOTIFICATION – ARUSHA

Date: 30 September 2005	Case Name / Affaire: The Prosecutor vs.	- Joseph NZIRORERA - Mathieu NGIRUMPATSE - Edward KAREMERA
	Case No /Affaire No.: ICTR-98-44-T	
To: A:	<input type="checkbox"/> TC1 received by / reçu par: ALO: received by / reçu par <input type="checkbox"/> Judge E. Mose, President <input type="checkbox"/> Judge J. R. Reddy <input type="checkbox"/> Judge S. A. Egorov <input type="checkbox"/> Judge D. C. M. Byron (Simba) <input type="checkbox"/> TC2 <input type="checkbox"/> Judge W. H. Sekule <input type="checkbox"/> Judge A. Ramaroson <input type="checkbox"/> Judge K. R. Khan (Bizimungu et al.) <input type="checkbox"/> Judge A. J. N. de Silva <input type="checkbox"/> Judge S. B. Bossa (Nyiramasuhuku et al.) <input type="checkbox"/> Judge L. G. Muthoga (Bizimungu et al.) <input type="checkbox"/> Judge E. F. Short (Bizimungu et al.) <input type="checkbox"/> Judge T. Hikmat (Ndindiliyimana et al.) <input type="checkbox"/> Judge S. K. Park (Ndindiliyimana et al.) <input type="checkbox"/> C. Eboe-Osuji, SLO <input type="checkbox"/> A. Leroy, Co-ordinator <input checked="" type="checkbox"/> TC3 <input type="checkbox"/> Judge A. Vaz <input type="checkbox"/> Judge K. R. Khan <input checked="" type="checkbox"/> Judge D. C. M. Byron <input type="checkbox"/> Judge F. Lattanzi <input type="checkbox"/> Judge L. G. Muthoga (Muhimana) <input type="checkbox"/> Judge F. R. Arrey <input checked="" type="checkbox"/> Judge E. F. Short (Muhimana) <input type="checkbox"/> Judge K. Hökberg (Seromba) <input checked="" type="checkbox"/> Judge G. G. Kam (Seromba) <input type="checkbox"/> E. O'Donnell, SLO <input type="checkbox"/> R. Adjovi, Co-ordinator <input type="checkbox"/> C. Denis, Co-ordinator (Karemera et al.) <input type="checkbox"/> P. Mathiam <input type="checkbox"/> H. Gogo, Co-ordinator (Seromba) <input checked="" type="checkbox"/> OTP / BUREAU DU PROCUREUR <input type="checkbox"/> Trial Attorney in charge of case: D. Webster received by <input checked="" type="checkbox"/> DEFENSE <input type="checkbox"/> Accused / Accusé: J. Nzirorera, M. Ngirumpatse & E. Karemera complete / remplir "CMS4 FORM" <input type="checkbox"/> Lead Counsel / Conseil Principal.... P. Robinson, C Hounkpatin & D. Diagne <input type="checkbox"/> In / à Arusha Arusha (signature) <input type="checkbox"/> by fax complete / remplir "CMS3bis FORM" <input type="checkbox"/> Co-Counsel / Conseil Adjoint.... F. Weyl, F. Sow <input type="checkbox"/> In / à Arusha Arusha (signature) <input type="checkbox"/> by fax complete / remplir "CMS3bis FORM" <input type="checkbox"/> All Decisions: <input type="checkbox"/> Appeals Chamber Unit, The Hague <input type="checkbox"/> S. Chenault, Jurist Linguist <input type="checkbox"/> All Decisions & Important Public Documents: <input type="checkbox"/> Press & Public Affairs <input type="checkbox"/> Legal Library	
From: De:	<input type="checkbox"/> J.-P. Fomété (Chief, CMS) <input type="checkbox"/> N. Diallo (TC1) <input type="checkbox"/> R. Kouambo (TC2) <input checked="" type="checkbox"/> C. Hometowu (TC3) <input type="checkbox"/> F. A. Talon (Appeals)	
Cc:	<input type="checkbox"/> A. Dieng <input type="checkbox"/> A. Miller, OLA, NY <input type="checkbox"/> L. G. Munlo <input type="checkbox"/> S. Menon <input type="checkbox"/> M. Niang <input type="checkbox"/> S. van Driessche <input type="checkbox"/> WVSS <input type="checkbox"/> R. Amoussouga <input type="checkbox"/> E. O'Donnell <input type="checkbox"/> DCDMS <input type="checkbox"/> P. Enow	
Subject Objet:	Kindly find attached the following document(s) / Veuillez trouver en annexe le(s) document(s) suivant(s):	

FILING OF EXPERT REPORT OF BINAIFER NOWROJEE

Date Filed / Date enregistrée
30/09/2005

Pages
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