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ACTS OF ANNIHILATION

Understanding the Role of Gender in the Crime of Genocide

By Sareta Ashraph

Camps for internally displaced persons dot the countryside around Duhok in northern Iraq. It is here, in tents and cargo containers, that the majority of the world's Yazidis now live. Adherents of one of the world's oldest religions, most fled their homeland, the nearby Sinjar region, in August 2014 as they came under attack by the Islamic State group, also known as ISIS. Thousands, however, were captured. Those who eventually returned to their community—who escaped, were rescued, or most often, who were sold back to their families—related tales of horrific abuse and bloodshed. In 2016, the United Nations Independent International Commission of Inquiry on the Syrian Arab Republic determined that ISIS committed the crime of genocide, as well as multiple crimes against humanity and war crimes, in its coordinated assault on the Yazidis. By all accounts, the Yazidi genocide is continuing.

The ISIS campaign to eradicate the Yazidi community is an instrumental case of the central role that gender plays in the crime of genocide. Most of the living victims of the Yazidi genocide are female. Almost all survivors, whether female or male, have had male relatives killed by ISIS. Survivors, though taken from different villages, held in different locations, and sold back to their families at different times, have given near-identical descriptions of their experiences in ISIS captivity. The criminal acts against the Yazidis were carried out with a high degree of organization. Every encounter began in exactly the same way: ISIS fighters ordering the separation of men and adolescent boys from women and children. The crimes that followed depended, primarily, on the gender of the victim.

The Convention for the Prevention and Punishment of the Crime of Genocide, adopted by the United Nations General Assembly in 1948, defines genocide as the commission of a prohibited act with the intent to destroy, in whole or in part, a national,

◁ Protest against abduction of Yazidi women and girls by Islamic State group, Brussels, Sept. 8, 2014. *Dursun Aydemir/ Anadolu Agency*

ethnic, racial, or religious group—commonly referred to as “protected” groups. Prohibited acts include: killing, causing serious bodily or mental harm, deliberately inflicting conditions of life calculated to bring about a protected group’s physical destruction in whole or in part, imposing measures intended to prevent births within the group, and forcibly transferring children of a protected group to another group.

The primary aim of those who perpetrate genocide is not to take control of territory, spread terror, seize resources, or achieve a particular military objective—though such motivations may also be present. Rather, the perpetrators of genocide are driven by the absolute belief that the targeted group must be eradicated for the benefit of the society they are building.

As such, the perpetrators are heavily invested in fantasies of their own superiority. Before and during genocides, they emphasize their role as a purifying force while dehumanizing their victims. To the adherents of the ISIS ideology, the Yazidis are “devil-worshippers”; in earlier genocides, Armenians were seen as “tubular microbes,” the Rwandan Tutsis as “cockroaches.” Often (but not necessarily) taking place under the cover of warfare, genocide seeks the destruction of a particular group of people as a perceived necessary step to return a nation to actual or imagined former glory, whether that “nation” be Nazi Germany, Slobodan Milošević’s Serbia, Rwanda’s Hutu Power, or ISIS.

Genocide is principally a crime of intent, not one of scale. In common parlance, genocide is often understood to signify organized mass killings. While mass killings are a common facet of genocides, the crime may also be—and often is—perpetrated through non-lethal acts, such as sexual violence.

The distinction between genocide and other crimes is illustrated by the Khmer Rouge atrocities between 1975 and 1979 in Democratic Kampuchea, now Cambodia. During its brief reign, the Khmer Rouge killed nearly two million people. Although colloquially referred to as the “Cambodian genocide,” the Extraordinary Chambers in the Courts of Cambodia determined that, for most of the crimes, victims were targeted because they belonged (or were perceived to belong) to a political group, or to a particular social class, which are not protected groups under the Genocide Convention. Consequently, the majority of the crimes, including the mass killings, were charged as crimes against humanity, not genocide.

The Genocide Convention, together with the jurisprudence of international tribunals, forms the legal basis for linking gender-based crimes to genocide. The Genocide Convention sprung from the work and lobbying of the Polish legal scholar Raphael Lemkin, who became interested in the concept of group extermination while studying the assault on Armenians by the Ottoman Turks and coined the term genocide in the context of the Holocaust. In his 1944 book *Axis Rule in Occupied Europe*, Lemkin

wrote that genocide is “a coordinated plan of different actions aiming at the destruction of essential foundations of life of national groups, with the aim of annihilating the groups themselves.” It is thus through the underlying strategy, implementation, and outcome of genocidal acts that the connection between gender and genocide is best understood.

“They Took All the Men and Boys”

While both males and females belonging to the victim group may be killed during genocidal campaigns, it is men and boys who are disproportionately targeted for execution. This was the case in the Nazi extermination of European Jewry, the Hutu genocide against Rwandan Tutsis, the Serbian massacre of Muslims in Srebrenica, as well as in the Yazidi genocide. “They took all the men and boys, everyone masculine from the age of two. ... Any boy who could walk was taken. They were put to one side...[and] killed nearby,” said a female survivor of an April 1994 massacre in southwestern Rwanda in an account recorded by African Rights in its report “Rwanda: Death, Despair and Defiance.” Twenty years later in August 2014, Yazidi men and boys would be similarly selected for execution. As a Yazidi girl told the Commission of Inquiry, “After we were captured, ISIS forced us to watch them beheading some of our Yazidi men.”

The disproportionate killing of men and boys occurs even in “root and branch” genocides, such as the Holocaust, where the objective is the complete annihilation of the targeted group. The Nazi regime’s genocidal attacks initially focused on Jewish men and then, progressively, on other members of the group. Sometimes the gender-based killings have occurred in such large numbers that it contributed to significant demographic imbalances in the sex ratio of post-genocide populations. “Rwanda has become a country of women,” observed a Human Rights Watch report issued in 1996 titled “Shattered Lives: Sexual Violence during the Rwandan Genocide and Its Aftermath.” The report found that an estimated 70 percent of Rwanda’s population was female following the slaughter.

Males, particularly men and adolescent boys, are targeted because they occupy gendered roles that genocide’s perpetrators find particularly threatening: those of community leaders, political figures, and fighters. It is due to the belief—and in most societies, the fact—that men hold the power in a nation’s public life, and hence their physical destruction becomes a priority. Moreover, in patriarchal cultures where men hold the dominant positions as well in private life, killing males is the ultimate assertion of dominance over the women and children belonging to the same group. “You have no husband. I am your husband now,” said an ISIS fighter to a captured Yazidi woman.

Male survivors often describe knowing instinctively that, as men and boys, they would be targeted for execution. The Africa Rights report determined that “the primary target of the hunt [for survivors of the early-stage massacres] were Tutsi men,

particularly what extremist propaganda portrayed as the ‘ultimate’ enemy—rich men, men between their twenties and forties, especially if they were well-educated professionals or students.” In Rwanda, the killings of male Tutsis soon extended to young boys and infants. Members of the Interahamwe, the Hutu militia, tore clothes off children to ensure boys were not dressed in girls’ attire as a ruse to escape execution. Such killings, when committed with the requisite intent, constitute genocide.

In patrilineal cultures, such as that of the Bosnian Muslim community, where the ethnic and religious identity of the child is passed down from his or her father, the selection and killing of male members of a group is a prohibited act under the Genocide Convention’s prohibition on measures intended to prevent births within the group. In Yazidi society, both parents must be Yazidis for a child to be considered part of the Yazidi religious group. The very act of separating men from women—a separation made permanent by killing—makes it impossible for a new generation of Yazidis to be born.

Acts of Barbarity

Genocidal sexual violence is most often but not wholly directed against female members of the targeted group. Many genocidal campaigns have explicitly and implicitly sanctioned sexual violence, as is the case of the sexual enslavement of Armenian women and girls by the Ottoman Turks—echoes of which reverberate in ISIS’s holding of Yazidi females in sexual slavery. Sexual violence, while not as efficient a strategy of group annihilation as killing, is a shockingly effective means of both destroying the individual victim and tearing apart the community from which she or he comes.

Rape, sexual enslavement, and other forms of sexual violence, when carried out with the intention to destroy in whole or in part a national, ethnic, racial, or religious group, are strategies through which genocide is committed. This was a point often missed in news coverage of the Yazidi genocide—reports dwelled on ISIS’s holding of Yazidi women and girls as sex slaves, with no attempt, or perhaps no understanding of the need, to place sexual violence within a continuum of genocidal destruction.

In the landmark case of Rwandan local official Jean-Paul Akayesu in 1998, a trial chamber of the International Criminal Tribunal for Rwanda determined that the targeting of members of a protected group for rape and other acts of sexual violence constituted “causing seriously bodily or mental harm,” a prohibited act under the Genocide Convention. The chamber ruled: “Rapes resulted in physical and psychological destruction of Tutsi women, their families and their communities. Sexual violence was an integral part of the process of destruction, specifically targeting Tutsi women and specifically contributing to their destruction and to the destruction of the Tutsi group as a whole.” The chamber concluded: “Sexual violence was a step in the process of the destruction of the Tutsi group—destruction of the spirit, of the will to live, and of life itself.”

Sexual violence, when employed as a genocidal strategy, aims to destroy the victim as an incremental step to annihilating the group. It is simultaneously an assault on the victim, and on the existence, identity, and cohesiveness of the group. Sexual violence may leave survivors with profound physical and mental wounds. As a means of destroying the victim group, it has been particularly effective when employed in more strongly patriarchal cultures where women and girls carry the burden of the family's honor and where their protection is believed to be the ultimate responsibility of their male relatives. In such contexts, female survivors of sexual violence are more likely to be cast out by their own community, left unable to marry, abandoned by their husbands, or—in the extreme—killed in order to remove the stain of the family's "lost honor." Sexual violence may also act as a measure preventing births, where the women and girls are so traumatized that they develop anxieties around any contact with men, and/or an unwillingness to procreate. Sexual violence against a group's female members is also often perpetrated and understood as a means of deliberate attack on the group's men, or more specifically on the gender roles that men are expected to play. Where men are expected to act as protectors of their female relatives and the female members of their particular group more generally, they may interpret the rape of "their" women as evidence of their own powerlessness, and thus, as a cogent assault on their identity as men.

Strategies of genocidal sexual violence differ between cultures. In Rwanda, rape was ubiquitous; the UN special rapporteur, in his 1996 report on human rights in Rwanda, determined that "rape was the rule and its absence, the exception." The particularly brutal manner in which the rapes were committed betrayed deep suspicions within Rwandan culture toward Tutsi women and girls.

A remnant of Rwanda's colonial past, Tutsi women were seen as (and were believed to see themselves as) an elite group, superior to Hutu women in beauty, intelligence, and charm. These prejudices filtered into fixations of nascent Hutu supremacists. Four of the infamous "Hutu Ten Commandments," published in the December 1990 edition of *Kangura* (a Hutu supremacist newspaper whose editor, Hassan Ngeze, was convicted of genocide and crimes against humanity before the international criminal tribunal in 2003), fixated on the supposed duplicity of Tutsi women.

The Rwandan genocide proceeded with a massive unleashing of barbarous sexual and gender-based violence targeting Tutsi women and girls. Men and boys belonging to the Interahamwe militia gang-raped Tutsi women and girls. They also raped them with objects, including bottles, stones, and tree branches. Some victims had boiling water poured on their genitals, or their breasts cut off. Interahamwe militia members afforded no respect for pregnant women, cutting open their wombs and killing the fetuses before killing the mother. Some Tutsi mothers were forced to kill their young sons in order to spare their other children. Interahamwe militia members were presented with Tutsi

women and girls to rape as a reward for their commitment to the genocide. Female survivors reported their rapists calling them “arrogant” and explaining that the rapes were a punishment for their perceived contempt for Hutu men. Some Tutsi women were forced into sexual servitude (which was sometimes presented as forced marriage) in exchange for their lives. There was a strong class element to this, as the perpetrators then gained control over the women’s property. These non-consensual “relationships” broadcast more widely the dominance of the Hutus over the Tutsis, through the destruction of the Tutsi woman or girl, and by highlighting the inability of Tutsi men to protect them.

A large number of Tutsi women and girls were executed after rapes. In many cases the sexual violence itself was employed as the means of killing, usually as a result of impalement with objects or blood loss following sexual mutilations. Some 67 percent of Tutsi females who survived the genocide were infected with the HIV virus contracted during genocidal rapes. Many later died of AIDS, meaning that the killing of Tutsi women and girls continued for years after the genocide was seen to have ended. Even where the victim survived, the perpetrators caused severe and sometimes irreparable physical and mental harm, a prohibited act under the Genocide Convention. The psychological damage was magnified when the rapes resulted in pregnancies that were carried to term.

Giving Birth to Their “Masters”

During the Bosnian War, campaigns of forced impregnation of non-Serbian (and particularly Bosnian Muslim) women and adolescent girls became the hallmark of the sexual violence perpetrated by Serbian forces. These violations were charged in the International Criminal Tribunal for the former Yugoslavia as war crimes and crimes against humanity and not as genocide, possibly due to concern about proving the special intent to destroy the group in whole or in part to the required standard of proof. Nonetheless, the gendered facets of the crimes are instructive. Serbian soldiers and paramilitary fighters were encouraged to carry out rapes, including at camps established across Bosnia where women were held and raped repeatedly for months on end. One woman, a witness before the tribunal, testified that she had been raped approximately 150 times over a four-day period at a school and a sports hall in Foča, a small Bosnian town where she was held.

The 1994 Final Report of the United Nations Commission of Experts found that women and girls who became pregnant were denied abortions and forced to carry the pregnancies to term. In a patrilineal society, this has profoundly negative consequences for the women and girls, and for any children born of these rapes. The overlapping aims of the Serbs in seeking to rape and forcibly impregnate non-Serbian women and girls included: the creation of an ethnically homogenous Serbian community through the birthing of Serb babies; the prevention of reproduction of Bosnian Muslims; the physical and psychological obliteration of the direct victim and, through

her, the non-Serb group to which she belonged; the shaming of the victims with all the social consequences that might ensue; and the assertion of the dominance and masculinity of the Serbs as seen visibly in the forced pregnancies of the Bosnian Muslim women and in the resulting children, who would have to be considered Serbs.

Many of the same aims were at work in ISIS's sexual enslavement of Yazidi women and girls over the age of 9. While ISIS has not embarked on a campaign of forced impregnation (in part because pregnancies would limit fighters' ability to resell Yazidi females on to other fighters), the group nonetheless considers any resulting offspring as Muslim, "children of the Islamic State." In an article titled "The Revival of Slavery before the Hour," published in its English-language magazine *Dabiq*, ISIS presented its adherence to a theory of patrilineage in the distressing phrase "the slave girl gives birth to her master."

The sexual violence perpetrated by ISIS against Yazidi women and girls caused them serious bodily and mental harm. Some women were so traumatized by the sexual violence they had suffered that, according to the Commission of Inquiry report, they "did not want to marry, or to contemplate relationships with men now or in the future. This was compounded by a sense that they had lost their honor." The Commission, drawing from the jurisprudence of the International Court of Justice, determined that Yazidi women and girls "were subjected to organized sexual violence on a massive scale occurring in the context of their sexual enslavement" that amounted also to inflicting conditions of life on the group capable of bringing about its physical destruction in whole or in part.

Genocidal sexual violence also may be perpetrated against men and boys from targeted national, ethnic, racial, and religious groups. The International Criminal Tribunal for the former Yugoslavia heard evidence in multiple cases of the rape, sexual assault, and sexual mutilation of men held in Serbian and Bosnian detention. While the perpetrators were charged with crimes against humanity and war crimes rather than genocide, the gendered rationale for this sexual violence also applies to genocidal sexual violence. Rape and other forms of sexual violence serve not only to inflict pain but also to humiliate and disempower the men, challenge both their masculinity and heterosexuality, and assert the supremacy of those directing the sexual violence. As is the case for female victims, the psychological damage resulting from the sexual violence can be so profound that men had difficulty building relationships and/or refused to procreate even years after the crimes had taken place.

In the Armenian and Yazidi genocides, children were taken from their families and forced into gendered roles, as conceived by their aggressors. Young Armenian boys were removed from their families and given to Turkish families. There they were given Muslim names, forcibly converted to Islam, and used for labor. For Yazidi boys aged 7 and above, this meant being forced into ISIS training camps where they were given

Muslim names, instructed on how to follow Islam as interpreted by ISIS, and trained to fight. Later, these trained “converted” boys were made to fight in battles as part of ISIS forces. Yazidi girls aged 9 and above (and nearly a century earlier, Armenian girls) were taken from their mothers and sold into sexual slavery. While in captivity they were also forced to undertake domestic work—cooking and cleaning in the living quarters of their fighter-owners—which is to say, work compatible with their perceived gender roles.

To examine the gendered dimensions of genocide does not, as it is sometimes feared, mean that the crime against the individual is obscured by genocide being defined as a crime committed against a group. It was of particular concern to some feminist jurists that women and girls were not treated simply as vessels through which the perpetrators seek to achieve the destruction of a targeted group. This unease was particularly forceful when it came to crimes of sexual violence that, historically in international legal documents, had been described in terms of women’s “honor” and not as a crime of violence. These concerns have largely been allayed, in part because of the careful analysis and wording of the Akayesu judgment, but largely because of a greater recognition of the intersectionality of crimes: that is to say that victims are targeted because they are members of a particular national, ethnic, racial, or religious group, and because of their gender (or indeed their age or class).

Courage of the Yazidis

Focusing on the gendered nature of genocide brings us to a better appreciation of how the crime of genocide arises and how and why perpetrators implement it in the ways that they do. Gaining such an understanding has practical consequences for responses to nascent and ongoing genocides, and for humanitarian interventions in post-genocidal nations. In communities at risk of genocide, careful monitoring should be conducted to track any attempt to separate males and females of a group, with consideration being given to the prioritized evacuation of men and boys, they arguably being the most immediately at risk. In post-genocidal societies where a facet of the genocide had involved sexual violence (whether directed at females and/or males), specialized and adequately resourced counseling should be put in place. Specific resources should be dedicated to testing for and treating sexually transmitted diseases including but not limited to HIV. And the provision of safe, easily accessible abortion services should be made a priority for women and girls made pregnant by rape.

Where genocide has resulted in a disproportionately female population, particularly in patriarchal communities, a system to alert authorities to an increase in early marriages, or reports of honor killings, should be put in place. Attention must be paid also to any indications of a rise in polygamous relationships, particularly where this had not been a feature of the relevant society in recent years. Equally, longer-term

strategies to promote female education, skills training, and employment should be implemented to ensure greater female political, social, and economic independence. A good in itself, this is also the most effective way to ensure that any marriages, or relationships entered into, spring from choice and not the vagaries of financial hardship. That children may grow up with few male role models within their own community is an issue that may need to be addressed in child education and mentoring programs.

The Yazidi community is providing an example of how a targeted group can respond in order to protect and reassert its identity and consequently minimize the impact genocide has on a community. Since the onset of the ISIS genocide campaign, Yazidis have slightly loosened the strictures on gender-appropriate behavior. Yazidi women have joined fighting units and, following training, have been involved in military action to recapture Sinjar from ISIS. The ensuing sense of autonomy and agency has had an empowering effect on Yazidi women and has challenged some of the preconceptions of the roles Yazidi women may play in their society. The Yazidi community has supported (and indeed pressured) men to embrace their wives and daughters who have been enslaved by ISIS; this has made them better positioned to understand the trauma suffered by their female relatives and provided them with the opportunity to take more responsibility for the emotional health of their families.

ISIS's ongoing attack has enabled Yazidis to set aside many of the expected social consequences of being a victim of sexual violence. Yazidis seem to recognize that as a strategy of genocide, the assaults on women and girls are acts of violence against the group rather than against females as individuals. As a result, no shame or blame is projected on to the victim. Their religious leaders have stated that the survivors of sexual slavery remain Yazidi and are to be accepted by the community. This embrace rather than ostracism of female survivors has provided a space in which those who were unmarried at the time of capture can still marry within the faith, and in which those who are married are more likely to be accepted and supported by their husbands and extended families. This has allowed the group to maintain its cohesiveness, by supporting and including individuals who belong to it.

An important development is the championing of Nadia Murad Basee Taha, a young Yazidi woman enslaved by ISIS for several months, who has become the UN Goodwill Ambassador for the Dignity of Survivors of Human Trafficking. Her courage in speaking out enables other Yazidi women and girls to feel more comfortable in discussing the crimes they themselves suffered and witnessed. In recognizing the trauma of the Yazidi women and girls and rallying around them, the Yazidis have reinforced their group bonds and reduced the destructive impact of the genocide on their community. One further consequence will be better documentation, which will aid future accountability processes bringing ISIS members to justice for the Yazidi genocide.