

## **Arusha Trial Challenges Gender Stereotypes**

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Genocide trial of former Rwandan minister poses questions about women's capacity for violence in conflict situations.

As she sits in court, there seems to be nothing out of the ordinary about Pauline Nyiramasuhuko. Dressed neatly - some days in conservative clothes and others in more eye-catching designer outfits - Nyarimasuhuko might be just any woman one could encounter on the streets of Arusha in northern Tanzania.

But Pauline Nyiramasuhuko is no ordinary woman. And you will definitely not find her walking publicly in this city of a quarter million people. Rwanda's former minister of family and women's affairs is the only woman in history to be tried for genocide. For the past five years, Nyarimasuhuko has been held in custody here while being tried at the International Criminal Tribunal for Rwanda, ICTR.

Nyarimasuhuko is grouped with five others in the Butare trial, so called because of the crimes committed in the Butare area of southern Rwanda during the genocide of 1994. Others being tried are former governors Sylvain Nsabimana and Alphonse Nteziryayo and former mayors Joseph Kanyabashi and Elie Ndayambaje.

But what makes this case more intriguing is the indictment of Shalom Arsène Ntahobali, Nyiramasuhuko's son. Both were indicted by the court, set up by the United Nations Security Council, on ten joint counts: conspiracy to commit genocide; complicity in genocide; crimes against humanity (murder, extermination, rape, persecution, other inhumane acts); and two counts of serious violations of Article 3 of the Geneva conventions and Additional Protocol II, which prohibit violence against non-combatants in a civil war. Nyiramasuhuko was indicted on one additional count for direct and public incitement to commit genocide.

The Butare trial opened in June 2001 and is the longest running trial at the ICTR. On first hearing the incitement charges against Nyiramasuhuko, one cannot help but be filled with horror at the way she allegedly acted. Conventional opinion suggests that women should be nurturers and protectors of children and other women. Nyiramasuhuko's ministerial portfolio of family and women's affairs reinforces this stereotype. She apparently preached a message of female empowerment and emancipation as she travelled through Rwanda during her time in power.

However, witnesses have stated that during the 100 days' orgy of violence in 1994, in which an estimated 800,000 Tutsis and moderate Hutus were killed, Nyiramasuhuko became a monster who ordered the killing of thousands of people. She also allegedly ordered soldiers, including her son, to rape Tutsi women before killing them.

Yaliwe Clarke, senior project officer of the Centre for Conflict Resolution at the University of Cape Town, expressed no surprise at the way Nyiramasuhuko allegedly acted. "Women are just as exposed to the extremities of a war situation as men," she told IWPR. "Women are certainly not less violent than men, especially in a conflict situation where gender stereotypes do not apply. It becomes easy to cross over the stereotype divide.

"In peace, society is ordered and it is easy for people to fit into their stereotypical roles. But things change dramatically in war."

Clarke said that during the genocide, Nyiramasuhuko took on the role of the soldier and played out a male role, "In this situation, a woman has to prove that she is more lethal than her male counterpart. Even if Pauline had strong feelings against Tutsis

before the genocide, she may not have acted on these feelings because societal norms could have kept her feelings in check. But in conflict everything is fluid. It becomes easy to act out feelings of hatred and revenge."

According to reports by Unifem, the UN Development Fund for Women, 250,000 women were raped during the 100 days of genocide in Rwanda, a rate that makes Pol Pot's atrocities in Cambodia seem slow.

Some 70 per cent of the women who were raped and survived were infected with the HIV virus and have subsequently died from AIDS infections. More than 5000 children conceived as a result of rape have been identified. Although rape was for many years widely ignored as a weapon of war, the International Criminal Tribunal for the former Yugoslavia, ICTY, began in 2001 with the prosecution of rapists. Similarly, the ICTR also treats rape as a crime against humanity, and it has done truly groundbreaking work regarding the conviction of perpetrators.

In 1998, Jean-Paul Akayesu, former mayor of Tabu in Rwanda, became the first person to be convicted on the grounds of rape as a war crime. He was given two life sentences, setting a precedent in the annals of international criminal justice.

Organisations such as Human Rights Watch, HRW, an independent non-governmental organisation, and Unifem have released many reports on sexual violence as a tool of war. In one report, HRW states that rape is used as a weapon to terrorise and degrade communities. The rape of one person becomes an assault on the whole community because of the emphasis nearly all communities place on a woman's virtue.

A brief look at the CV of Pauline Nyiramasuhuko suggests a woman who was once dedicated to the service of others. She graduated in social studies and qualified as a social worker before marrying Maurice Ntahobali, former president of Rwanda's national assembly, in 1968. She bore him four children, including her son and co-trialist Arsène. One of her three daughters has testified for her mother and brother, saying they were not capable of committing the crimes they are accused of.

The evidence presented by prosecutors point to Nyiramasuhuko participating - if not directly, nonetheless as instigator - in an orgy of killings and rape over a period of a fortnight in and around Butare, Rwanda's main centre of learning, a mere two years after her appointment as minister.

Analysts say that the genocide which started after the plane of the then Rwandan president Juvenal Habyarimana was shot down on April 6, 1994 took years of planning. It was not an opportunistic occurrence. Before the genocide, there were anti-Tutsi campaigns on radio and at political rallies.

The Butare district, however, was not as strongly divided along Hutu-Tutsi lines as elsewhere. The groups in the academic centre had co-existed peacefully for many years and there was even a tolerance of inter-marriage, officially discouraged elsewhere. While the blood flowed in the streets of Kigali, capital of Rwanda, the Tutsi and moderate Hutu inhabitants of Butare manned the edges of the town to protect it. However, it was unacceptable to the Hutu government that this pocket of humanity

should continue unscathed by the war.

Nyiramasuhuko, a daughter of the area, was dispatched home from the capital. According to reports collated by the prosecutors, she spread word that the Red Cross had come to the aid of the frightened citizens. She allegedly urged them to go to the town's football stadium where food and shelter were awaiting them. Instead of finding relief, they found members of the Interahamwe - an extremist Hutu militia - who surrounded them. On Nyiramasuhuko's orders, the women were taken away to a nearby forest to be raped and killed, according to evidence submitted in court. She then allegedly observed as Interahamwe rained machine-gun fire and hand grenades upon the remaining refugees. She is also accused of ordering the rape of more than 70 women at a camp before ordering the militia to douse them with petrol and set them alight.

It is alleged that her son and other militiamen also raped and killed Tutsis at hospitals in the area where they fled in a desperate attempt to find shelter.

The sight of roadblocks became common in Butare. Here Nyiramasuhuko, wearing military fatigues, would allegedly order passengers and drivers out of cars. If they failed to provide cards identifying them as Hutus they were killed, it is claimed.

It is difficult to determine where Nyiramasuhuko's apparent racial hatred of Tutsis originated. What makes it even more complicated is the fact that her great-grandfather was a Tutsi.

What drives a woman like Nyiramasuhuko to allegedly instigate such crimes? Some may argue that is simply a question of shifting norms and values, which makes killing easy in a conflict situation. Others believe it is due to self-hatred that was reinforced during colonial rule first by Germany and then Belgium.

Rwanda was administered by Germany from 1855 onwards, but after its defeat in the First World War the country became a protectorate of Belgium. As a divide-and-rule tactic, the Belgians regarded the Tutsis as superior and set up an apartheid-style system, with separate schools, that favoured Tutsis in administration over Hutus.

It was never easy to determine who was Tutsi and who Hutu. The Belgians, obsessed by theories of racial classification, devised a strategy - they measured the craniums and eyes of the Rwandan people. Based on this data, people were classified or reclassified as either Tutsi or Hutu on tribal identity cards.

The Tutsis, with their apparently taller and slimmer bodies and facial characteristics that were perceived as closer to features of Europeans, became the favoured people even though they made up only around 15 per cent of the population as opposed to the Hutus, whose numbers stood at close to 85 per cent.

The Tutsis, cattle herders whose clans founded the Kingdom of Rwanda in the fifteenth century, were seen as a superior and aristocratic race. The Hutus were cultivators who for centuries had been forced to contribute agricultural produce and perform menial services for Tutsi overlords.

Belgium, made uneasy during the late 1950s by calls for independence by progressive Tutsis, shifted support to the Hutus. Civil war broke out in 1959 and Rwanda eventually became independent in 1962. A new ruling class of Hutus emerged. Chafing at past discrimination, they embarked on a campaign of anti-Tutsi hatred and a first round of massacres of Tutsis.

When the Hutu leader, Juvénal Habyarimana, came to power as leader of the National Republican Movement for Democracy and Development in 1973 racial tension was rife and many Tutsis found

themselves scattered across the globe as part of a Rwandan diaspora.

Analysts say it is difficult to remain unscathed by racist propaganda when messages of hatred are being heard on the radio and there is racial discrimination at school.

Carnita Ernest, project manager for the transitional justice programme at South Africa's Centre for the Study of Violence and Reconciliation, said, "Regardless of intermarriages and mixed ancestry - you had to be either a Hutu or a Tutsi....[and] the situation can be exploited and abused for a specific political end."

Ernest cautioned against seeing Nyiramasuhuko as allegedly acting against the stereotypical

idea of how a woman should behave, "A woman as combatant should be judged in the same way as other combatants are judged, neither more harshly or lightly."

Although there is no denying that women and children are generally the most abused and disenfranchised in conflict situations, Nyiramasuhuko alleged crimes have shown that women can potentially cross the line and themselves become perpetrators.

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