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The Courage to Come Forward:
Factors Related to Rwandan Women taking Cases of Sexual Violence from the
1994 Genocide to Transitional Courts

By

Meghan Brenna Morris

A dissertation submitted in partial satisfaction of the

requirements for the degree of

Doctor of Philosophy

in

Social Welfare

in the

Graduate Division

of the

University of California, Berkeley

Committee in charge:

Professor Eileen Gambrill (Co-Chair)

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Professor James Midgley

Professor Khatharya Um

Fall 2014

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Abstract

The Courage to Come Forward: Factors Related to Rwandan Women taking Cases of Sexual Violence from the 1994 Genocide to Transitional Courts

by

Meghan Brenna Morris

Doctor of Philosophy in Social Welfare

University of California, Berkeley

Professor Eileen Gambrill and Associate Adjunct Professor Helene Silverberg, Co-Chairs

Estimates state that 250,000 to 500,000 Rwandan women were raped in the 1994 genocide. International tribunals made subsequent progress in finding organizers guilty of rape as a war crime and act of genocide for the first time in the history of international law. However, very little is known about the court-related decision-making process of women survivors of these rapes and their opinions of the local transitional courts, called “gacaca”.

The results of this exploratory mixed methods study begin to fill that void by asking several key questions. First, what factors in Rwandan women’s lives related to their decision to take their cases of sexual violence to the gacaca courts? More specifically, is there an association between involvement in women’s programs and deciding to take one’s case of sexual violence to gacaca? How did survivors of sexual violence define “justice” and did this align with the type of justice provided by the gacaca courts? What suggestions do rape survivors have to improve these courts for survivors of sexual violence? Income, education level, social support, involvement with women’s organizations, sharing one’s story of rape in an all-women’s group, and opinions about the courts were explored as factors.

This study surveyed 106 women in three providences who experienced rape during the 1994 genocide. Follow-up interviews were conducted with 19 women. Several factors do appear to have strong relationships to decisions to take cases to court: sharing one’s story of rape in an all-women’s group, having a number of positive feelings about going to the courts, and having more positive feelings than fears of reprisal and ostracism. The women suggested greater attention to reparations, and greater access to economic development opportunities.

The results of this exploratory study indicate meaningful possibilities for how NGOs might interact with survivors of sexual violence by encouraging more women’s groups, and training group leaders in how to facilitate discussions that intentionally discuss sexual violence. The data also support court policies that can reach out to women survivors with information on the courts, greater insurances that reparations are given to the women who come forward with their cases of sexual violence.

For the Rwandan women who first sparked my interest in this subject, and whose courage will forever inspire me: the women of Rugerero Survivor's village in Western Rwanda. Thank you for leading me on a journey that has changed all of our lives

...and in remembrance of two particular women who guided me throughout my life, who passed onto the next world during my doctoral education: my grandmother, Louise Hand Ethridge, and my dearest auntie, one of my mother's closest friends, Wilma Mankiller. May this honor the legacy that you both have left.

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Chapter I: Introduction to the Study

One thing that was not good was that the women who were raped and they didn't want to talk about it, instead, they said to themselves, "I'm gonna' keep it to myself; I won't tell anyone." I think those women are less informed about the benefits of gacaca. Most of the time, if you keep it to yourself, it will make you sick, and that sickness will get worse [than if you talk about it]. Others will say, "Let me keep it to myself so that nobody will know what happened to me". The consequences will not be just for you, but for others.

- A Rwandan participant

Rape was a widespread phenomenon during the 1994 genocide. Conservative estimates state that at least 250,000 Rwandan women were survivors of rape, but other sources have stated that numbers could be closer to 500,000 (Green, 2004). Rape was used as a weapon: against Tutsis, against individuals and families inter-married with Tutsis, and against those who attempted to protect the Tutsi minority. The perpetrators were sometimes individuals but often groups. Rape of relatives was often used as a form of psychological torture before males were killed: the perpetrators would rape mothers, wives, daughters and sisters in front of the victims prior to killing them (AVEGA, 1999; Owen, 2002).

Tutsis and allies of Tutsis were not the only victims of rape during this genocide. An often-overlooked group of Hutu women experienced rape by the rebel army known for bringing peace and ending the genocide, the Rwandan Patriotic Front. These rapes against Hutu women were often equally brutal (AVEGA, 1999, 2013). These are another hidden and disturbing legacy of the genocide.

Many women decided to keep the rapes secret, like those described in the quotation at the beginning of this chapter. Others, like the participant who made that statement, chose to break a cultural taboo and came forward to have their rape cases tried in the courts established to hear cases related to the genocide. This dissertation is the first study to look systematically at what might have impacted those decisions, what these survivors meant when they said they wanted justice, and how they would make transitional justice systems better if given the chance.

Brief Background

The crimes of the organizers of the 1994 genocide were tried through the International Criminal Tribunal for Rwanda (ICTR) established in December of 1994 (Corey and Joireman, 2004). This court, based in Arusha, Tanzania tried 11 cases that included rape as a crime of genocide, a remarkable feat considering that before the genocides in Rwanda and in the former Yugoslavia, rape had never been tried as a crime of war or genocide under international law (Hubbard, 2012).

Survivors of rape were encouraged to have their rapes recognized and tried as crimes of the genocide and war crimes in the ICTR, and as serious crimes in the transitional court system, called "gacaca". However, very little is known about how

women decided to take or not to take these cases to gacaca, and what could have influenced those decisions.

The gacaca courts were established in 2000 in order to prosecute the genocide crimes that could not be taken to the international tribunal. Gacaca courts are based on the traditional justice system in Rwanda, a system by which the community would gather under a tree and decide how restitution and justice should be administered. "Gacaca", literally means "meeting under the tree" in Kinyarwanda. They are called courts, but may not fit a Western concept or expectation. They also did not follow the traditional rules or role of the gacaca of antiquity. They were something new: a system established explicitly to hear testimony and decide prison sentences for lower-level perpetrators of the 1994 genocide. They blended a quasi-formal court system and this traditional community consultation method.

Research Questions & Hypotheses:

This study provides descriptive information on Rwandan women who decided to take their cases of rape from the 1994 genocide to the gacaca courts, as well as those who decided not to. It focused on their decision-making process, and what factors might have influenced their decision, such as: socio-economic, educational, social support, support by women's organizations, place of residence, and opinions of the gacaca courts system. Many of the participants were members of AVEGA Agohozo, the national association for widows of the Rwandan genocide that has chapters in virtually every locality. This organization allowed the research team to attend local meetings to explain the research and recruit participants. This study also asked survivors of sexual violence to explore their own definitions of justice, their feelings about the gacaca process, and their suggestions for other countries considering similar transitional justice systems. By sampling both women who did take rape cases to the courts and those who did not, the results allow for exploration of the relationship between factors and the decision-making process.

This exploratory descriptive study uses mixed methods to contemplate several questions. First, *What factors were related to the decision to take cases of rape and sexual violence to the gacaca courts?* Social support, education level, socio-economic status, attitudes toward the courts, and place of residence, as well as involvement with women's organizations were all factors explored. I hypothesized that higher levels of education, and higher income levels had a positive relationship to women taking their rape cases to the gacaca courts. I also hypothesized that women who had greater levels of social support, or had family members who supported their decision to go to the transitional courts were more likely to take their cases to the gacaca courts.

The next research question acts as a follow-up question, or sub-question of the question above. It asks: *Is there an association between involvement in women's programs such as support groups, women's empowerment programs, women's cooperatives and/or women's rights organizations and deciding to take cases of rape to gacaca courts?* I divided women's organizations into the four categories above, and sought to assess whether involvement in a specific type of women's organization might have been related to women being more likely to take their cases

of rape to the courts. I provided the participants with precise definitions of each of the four types of women's organizations (for the full definitions and explanations, see the Methods description in Chapter VI). It was hypothesized that there would be a positive relationship between involvement in women's programs and deciding to take a case of rape to the gacaca courts.

More specifically, the I hypothesized that women who were involved in an empowerment program where oppression and injustice was discussed, and where violence toward women was more likely to be openly discussed, would be more likely to take cases of rape to the transitional courts. This was an attempt to test the impact of operationalizing empowerment theory, and how very specific empowerment programs based on this theory might be related to decisions to take cases of sexual violence to courts. A related hypothesis was that women who were in support groups where they could discuss their problems and had the additional social support provided by the other members might also be more likely to take their cases of rape to the transitional courts.

I also hypothesized that the relationship between involvement with women's programs and the decision to take cases to the gacaca courts would be mediated by sharing one's story in front of other women such that women who have had the experience of sharing in the women's programs would be more likely to take their cases to the courts. Phrased as a research question, I asked: *Did having a positive experience of sharing one's story of rape in an all-women's group relate to women being more likely to take their case of rape from the genocide to the transitional courts?*

Questions that related more to the qualitative portion of the research included: *What were the definitions of justice held by the women who survived sexual violence? Did the women find the gacaca system met their own definitions of justice? What suggestions do rape survivors have in order to create more secure and "just" systems for their cases?* These research questions guided the interviews and exploring the answers to these informed most of the questions on the rough interview guide used. I hypothesized that the participants might have a slightly different view of justice from that of gacaca and/or other courts. This hypothesis was based on the idea that the participants' definitions might also include economic justice and greater attention to reparations, in addition to court convictions and imprisonment.

Potential Uses of the Results

This research can inform the practices and program development of NGOs that are assisting women survivors of genocide, and particularly survivors of sexual violence from war and genocide. The results could make a case for greater funding of economic development initiatives including creation of more cooperatives and micro-enterprise projects for female survivors in Rwanda. They might also assist women's organizations and NGOs with programs focusing on survivors of sexual violence in other countries to determine what programs might be priorities for them, and what additional supports they might want to provide, particularly during and following engagement with a transitional justice process. Most importantly, the findings of this study can provide insight into what survivors of sexual violence

consider their principle concerns, issues, and needs, and the strategies that they believe could be adopted to meet those needs and challenges. Thus, these findings provide rare and valuable information because the needs of this population and the policies and interventions developed are externally defined and imposed upon them. This study can lead to a change in that pattern.

This study also aims to fill a much-needed gap in the literature on survivors of sexual violence and their relationships with and opinions of transitional justice in Rwanda. As mentioned previously, there is not any existing systematic study that aims to explore factors in women's lives that are related to their decision to go take cases of rape to transitional courts. Green (2004), Rittner and Roth in their edited book, *RAPE: Weapon of War and Genocide* (2012), and Wells' (2005) study of sexual violence and its treatment in gacaca courts have all documented the need for further research on Rwandan survivors of rape from the genocide. By examining factors in women's lives that might have had a relationship to their decision to bring cases of rape forward, this study examines a previously unexplored topic. It can also provide policy makers and organizations responsible for interventions with this population specific insight into what they might change to create environments conducive to discussions about sexual violence, and greater safety and well-being for this group of survivors and their dependents.

In addition, the study illustrates the outcomes of an innovative and unique court system, the gacaca courts, and in particular, the treatment of survivors of sexual violence within gacaca. It is hoped that certain aspects of that transitional justice system that may be replicated or adapted in other countries that have experienced conflict and genocide, and where there is a need to create a separate judicial space for women to bring cases of sexual violence. It also points out flaws in that system according to the survivors of rape, and aggregates the suggestions that these women make for improvement of post conflict transitional courts and reconciliation systems.

Overview of Chapters

In order to present the context of my research and the multiple branches of literature that it draws from, I include four literature review chapters before I begin to discuss my own study. Chapter II sets the scene of the Rwandan genocide. The history of Rwanda and the context of the genocide become crucial to comprehending the setting of this study and the lives of the study participants. I start with a brief history of Rwanda from the pre-colonial era to the lead-up to the genocide. I then provide a description of the genocide itself and its aftermath, emphasizing the sexual violence experienced by women, and the impact that the genocide had on their societal roles and responsibilities.

Chapter III, entitled "*Bodies as Battlefields*" and *Beyond: A Brief Review of the Literature on Rape in War and Genocide* provides a review of the literature on rape as a weapon of war, and its specific role in recent genocides. There is a growing body of literature in this area drawing on women's studies, sociology, and legal documents. This chapter explains the historical roots of the use of rape in these contexts, and the emergence of international law condemning this sexual violence.

It then chronicles the literature specific to the rapes during the Rwandan genocide, and the long-term impact of those rapes upon the survivors.

Chapter IV follows with a summary of the literature on transitional systems and reconciliation processes. The chapter contextualizes the gacaca court system, and what aspects of truth and reconciliation might have been sacrificed in its creation. The second half of this chapter reviews the explanations and critiques of gacaca by scholars in transitional justice and legal experts. Special attention is given to the critiques of treatment of rape victims. The chapter ends by highlighting the need for this study based on the niche it can fill within the literature on survivors of rape from genocide, for the transitional justice literature, and more practically for NGOs and court systems supporting these victims.

In Chapter V, I review the literature on court-related decision-making by survivors of sexual violence. I present and discuss conceptual frameworks that attempt to illustrate this decision-making process; I critique each framework within the Rwandan context. I explain the empowerment and social development theoretical frameworks that influenced my research hypotheses, and then present a conceptual framework for Rwandan women who survived sexual violence that illustrates my hypotheses.

An overview of the methodology used in data collection is the central goal of Chapter VI. It provides a description of the study design and how participants were sampled. It then describes the constructs used and the variables considered in both the survey and the follow-up interviews. A description of the procedures for both aspects of the study, and how the study attempted to protect the participants' rights as human subjects follows. This chapter on methods ends with a critique of the study's limitations.

Chapter VII presents the results and analysis of the exploratory mixed methods study. I start with the findings from the interviews and highlight the ways that these explain the findings from the survey. The survey data were analyzed using multiple regression where appropriate, and the interviews and some of the descriptive data were analyzed using the DeDoose system which allows for a joint analysis of quantitative and qualitative data. Where the constructs overlap, the data are presented as aggregated quantitative and qualitative results. Major trends are highlighted, as are highly unexpected findings.

Finally, Chapter VIII concludes the dissertation with a discussion of the results and their implications for changes to policy and programs, and ideas for future research in this area. I begin by reexamining the conceptual framework I had proposed in Chapter V, and adapting this framework so that it better illustrates the research findings. I then discuss the implications for programs and policies for survivors of sexual violence in war and genocide. The results have the potential to encourage changes to existing services and development programs for survivors of rape from the Rwandan genocide, but also from other wars. The data also indicate improvements for future transitional justice systems, suggestions and implications that merit consideration by the human rights community and the providers of humanitarian aid in post conflict countries.

Chapter II: Setting the Scene- A Brief History of Rwanda and the Genocide

...I came to understand how Rwanda, this land of 1,000 hills, became the land of many more than 1,000 graves.

-Elizabeth Neuffer (2001, p.88)

To fully understand the lives of women who survived rape during the 1994 genocide in Rwanda and the transitional justice system that was established to hear local cases of genocide, one must go back in time, and attempt to understand the history of Rwanda in general. That a genocide occurred in 1994 was, unfortunately, remotely comprehensible in light of the historical prejudice and tensions in Rwanda. It emerged out of economic, environmental and social factors deeply rooted in history, and tied to colonialism and fierce competition for resources in the most densely populated country in Africa.

Early History of Rwanda

Scholars often disagree on the causes of the 1994 genocide in Rwanda. Yet, most would claim that they were multiple: economic, social and political. Modern Rwanda consists of three “ethnic” groups, the Hutu, the Tutsi, and the Twa. The two largest groups, the Hutu and the Tutsi engaged in a class system even before colonial rule by the Belgians (Czekanowski, 1917; Prunier, 1995; Vacarro, 1995).

Pre-colonial Rwanda

According to the current government of Rwanda, the pre-colonial class and clan system had eighteen different clans, not three. In this system, Hutu, Tutsi and Twa were socio-economic terms used to describe different groups within the clans. These classifications changed based on personal circumstances, making them very different from the rigid ethnic terms that they became under Belgians and French during colonial rule (Kigali Memorial Center & Aegis Trust, 2013). Several respected scholars who have written on the history of Rwanda name land shortages and the rigid class system as major causes for the genocide. They do acknowledge an ethnic component, but name the Belgians as augmenting this system and making it “ethnic” in ways that it was not in pre-colonial times (Pottier, 2002; Prunier, 1995).

Though some anthropologists and historians claim that the terms “Hutu”, “Tutsi” and “Twa” were not purely ethnic, others do believe that three fairly distinct groups settled in the region, and they were referred to by these names (Newbury, 1998; Pottier, 2002). One common theory is that the Twa (currently .5 percent of the population) first arrived in the Rwanda and Burundi regions. They were followed by the Hutu (now approximately 87 percent of the population) who cleared the majority of the mountainous land and the valley of their trees in order to

farm, and left the Twa in the forests remaining in the high mountain regions. The Tutsi are believed to have arrived in waves around the 15th century (Pottier, 2002).

Most pre-colonial Rwandans depended on farming and raising of cattle for income. The country is green, with fertile soil, and filled with hills. It is known in Eastern Africa as “the land of a thousand hills” and often called the “Switzerland of East Africa” because of these rich green hills that blanket its landscape (Newbury, 1988; Pottier, 2002; Gourevith, 1998).

The geographical areas of what are now Rwanda and Burundi had complex class and government systems, often related to cattle ownership and care for the cattle, which under King Rwagugiri, the last king, consolidated power under the Tutsi royal court. A system of cattle clientship known as “ubuhake” dictated prestige and class according to those who owned cattle, and “uburetwa” was a labor system that often forced Hutu to sell their labor assisting with cattle owned by Tutsi (Newbury, 1988; Pottier, 2002). Academics dispute the knowledge of the arrivals of different groups into Rwanda, and the origins of its peoples, but it is important to note that a large body of research into the region’s history was conducted during colonial times, and in the decades following independence in 1962 (Czekanowski, 1917; Rwabulumba & Mundagizi, 1974; Siren, 1975; Pottier, 2002). Pottier (2002) has stated that historians know almost nothing about how the terms “Twa”, “Hutu”, and “Tutsi” were used in the public discourse immediately prior to 1860. It is therefore possible, and asserted by more recent historians, that our modern use and understanding of these terms has been colored by colonial attitudes and desires to categorize in ways that ancient Rwandans did not.

It should also be noted that the current Rwandan government has political incentive to romanticize the level of harmony that existed in the pre-colonial era. The government propaganda often creates an idealized image of a pre-colonial Rwanda that had no ethnic tensions or social hierarchy, which some modern scholars have called into question (Pottier, 2002; Gourevitch, 1998). It is likely that the truth may lie somewhere in the middle.

Colonial Rwanda

Rwanda was colonized fairly late compared to many colonial nations in Africa and Latin America. Germans first colonized Rwanda in 1895, and remained in power until 1916. Belgium occupied Rwanda during World War I, and then was granted a mandate by the League of Nations to govern Rwanda-Urundi (now the separate countries of Rwanda and Burundi). Belgium chose to rule indirectly. Rwanda remained under colonial occupation until gained independence in 1962 (Kigali Memorial Centre, 2013; Prunier, 1995). The colonists brought Christianity, which became the primary religion in Rwanda. They also created a national education system, increased access to medicine, developed the infrastructure, and increased trade and export Rwanda’s produce.

The people of Rwanda and Burundi did not initially welcome colonial rule. They initially resisted Germans in 1895, but gave into their greater military power. Soon, this power was used to divide Rwandans and create greater social inequalities. Under colonial rule, the once economic distinctions between the Hutu, Tutsi and Twa became ethnic. The Belgians introduced identity cards in 1932.

Initially, the Belgians identified anyone with ten cows as Tutsi, and anyone with less than 10 cows as Hutu, and applied this “ethnic” categorization to all descendants. The categories came to have physical attributes as well: “Tutsi” denoted a group that was lighter in color, taller, with thinner noses; “Hutus” were perceived as darker, normally shorter than Tutsis, having wider build, and wider noses. “Twa” were classified as “pigmy” peoples: much shorter than those of the other two groups, and with distinct facial features similar to other tribes classified as pigmy in Central and East Africa (Prunier, 1995; Kigali Memorial Centre, Czekanowski, 1917).

It is important to emphasize again that the notion of physical differences and distinct ethnicities is highly contested in the historical and current literature. There is no strong consensus as to whether these physical distinctions existed prior to colonization or not. Either way, these distinctions were divisive and damaging for Rwandan society, and set a precedent for mistrust between ethnic groups that led to the intense ethnic strife of subsequent decades. The Belgians initially placed Tutsis, who they considered more “European”, in positions of power as local government officials and managers of businesses, and gave them preference in educational opportunities.

With this inherited “nobility” based on physical traits, members of the Tutsi elite collaborated with European historians to invent a past that supported its perceived superiority, now often known as the “Hamitic hypothesis”. According to texts written at that time (Czekanowski, 1917), Tutsis were the decedents of Ham, the dark tribe of the Biblical texts. In this version of history now critiqued by modern historians, the Tutsi arrived by traveling from the Middle East through the Horn of Africa and down the Nile, finally invading Rwanda from the North. This “otherness”, a Caucasian origin outside the region, supposedly served to legitimize the superiority they claimed against the Twa and the Hutu, and their alliance with the Belgian colonizers (Lacger, 1959; Prunier, 1995; Buckley-Zistel, 2006).

Toward the end of their rule, the Belgian administration together with the Catholic Church, reversed its favoritism, and gave preference and privilege to the Hutu. Historians still debate the extent to which the Belgians manufactured the existence of the distinct ethnic groups “Tutsi” and “Hutu” (Prunier, 1995; Buckley-Zistel, 2006). However, the Belgian strategy of creating dichotomies and encouraging one group and then the other to engage in oppressing others is well documented (Newbury 1988; Prunier, 1995). When the Belgians changed their alliance, the stage was set for what may be considered the first Rwandan genocide of the 20th century.

The First Genocide

Archbishop Berraudine, the Vicar of Kabgayi, encouraged a group of nine Hutu intellectuals led by Gregoire Kayibanda to draft the 1957 “Hutu Manifesto”. It stated that all political authority should be given to the Hutu majority who then seized power (Kigali Memorial Centre). A civil war ensued and from 1961-1964, Rwanda experienced what many historians and Rwandans its first genocide (Prunier, 1995). Estimates of the death toll from those years are not clear: some sources claim deaths of Tutsis were in the hundreds, whereas others claim they were in the thousands (Prunier, 1995; UN, 2013). It is agreed that Tutsis were killed

in massacres throughout the country, and most of Tutsi elite who remained inside Rwanda were killed. Between 1959-1973, over 700,000 Tutsis were exiled from Rwanda due to ethnic cleansing, which the Belgians encouraged. These refugees, who fled to neighboring Uganda, Tanzania, Congo (then, Zaire), Burundi, and Kenya, were often prevented from returning. They settled in these countries, but still identified as “Rwandans”, and often longed to return to the country of their birth.

Inside Rwanda, the same unequal preferences for education, government positions, and access to promotions that went to Tutsis during the first part of colonial rule were given to Hutus. An entire generation of Tutsis was denied equal access to jobs and higher education. The Hutu who gained power saw this as a “social revolution”. Some referred to it as the “Hutu Power” movement. The first president following independence, Gregoire Kayibanda, led this movement and was elected in July of 1962. Those in power used history books and the media to continue the racist rhetoric that was propagated during the colonial period- this time in the opposite direction: the Tutsi were perceived as outsiders, as foreigners and not deserving of a future inside Rwanda (Desforges, 1999).

Preparation for Genocide

An even more extremist group of Hutus seized power in 1973, under the leadership of General Juevenal Habyarimana. Membership in this new political party, the *Mouvement Revolutionnaire National pour le Developpement* (MRND) was mandated for all Rwandans. This led to the re-election of Habyrimana in 1978, 1983, and 1988, all in elections for which he was the sole candidate. Massacres of Tutsis continued throughout the 1970s and 1980s, when Tutsis were also systematically excluded from government positions and entrance into universities (Desforges, 1999).

Several rebel groups formed, made of Rwandans who had grown up in exile in neighboring countries. One of these, the Rwandan Patriotic Front, comprised of mostly Tutsi Ugandan-raised exiles with some mixed ethnic and some sympathetic Hutus who were also exiles, invaded northern Rwanda in early October of 1990. A civil war ensued. From 1990 to 1994, the Hutu extremists, who retained political power, organized civilian death squads and began training civilians to follow out orders. These included targeting lists of Tutsi leaders and leaders of the political opposition. Thus, the Hutu extremists began to create the infrastructure and framework needed for the 1994 genocide (Melvern, 2000; Desforges, 1999).

The state-run media, particularly the radio station, Radio Television Libres Des Mille Collines (RTLM) were also enlisted in inciting violence, and gave directions as to how it should be carried out. In a series of now infamous radio programs, the RTLM referred to Tutsis as “cockroaches” that needed to be exterminated from Rwanda. These incitements continued throughout the brutalities of 1994, and the leaders of the radio station were later seen as complicit in the organizing and planning of the genocide.

The 1994 Rwandan Genocide and Its Aftermath

Habyrimana's plane was shot down on April 6, 1994 upon his return to Rwanda from a regional summit of heads of state in Dar es Salaam, Tanzania. Though no agreement exists as to who fired at the plane, the Hutu extremists accused the RPF of this action. Extremists used this as the impetus to launch the mass implementation of death squads throughout the country. Thus began the second genocide in a 50-year period in Rwanda. Using radio and television media, the *Interahamwe*, the perpetrators of the genocide, distributed machetes and axes used to literally butcher their victims. Within 90 days, 800,000 to 1,000,000 people, approximately 75% of Rwanda's Tutsi, were killed (Prunier, 1995; Vaccaro, 1996).

In these short 90 days, horror descended upon this small nation. Its normally picturesque green hills were quite literally covered in blood, leading one writer to remark that the country often known in guidebooks as "the land of a thousand hills" had become "the land of more than a thousand graves" (Neuffer, 2001, p.88). Beyond the close to 1 million killed, thousands of others were maimed, disabled, and brutally tortured. Some were the victims of the hatchets and machetes swung at them with intention to kill, and often left mistakenly for dead. Others were the victims of a sordid question, "Short sleeve or long sleeve?" which meant, did one want to be amputated at the shoulder or near the wrist (Gourevitch, 1998).

As mentioned in the previous chapter, another form of torture widespread in the 1994 genocide was the use of rape. It was used systematically to psychologically torture husbands, brothers, sons, and fathers before they were killed, and to attempt to dehumanize Tutsi women, and Hutu women deemed sympathetic to Tutsi.

One of the most disturbing factors of the Rwandan genocide was the nature the perpetrators' previous relationships with their victims. Often, victims knew those who were torturing and killing them: they were neighbors and co-workers. Sometimes victims and perpetrators had been friends and lived alongside one another for years. For many survivors, it proved inconceivable that someone they knew so well could be a part of the violence, and the survivors struggled to make sense of this chaos that had destroyed their families and their homes (Prunier, 1995; Gourevitch, 1998).

Another feature that made the Rwandan genocide unique in its brutality was the complete disregard for the ancient notion of the place of worship as a sacred location of refuge. This notion of refuge existed for millennia. In war, churches, mosques, and synagogues would be respected, and those who took shelter in their walls remained unscathed from the violence outside. In Rwanda, priests and ministers often assisted the death squads seeking to kill more Tutsis or moderate Hutus. The first massacre of the genocide on April 7, actually took place at a Jesuit retreat house, the Centre Christus, where all of the Rwandans present, and seven priests were killed. In Nyange, a priest actually ordered the *Interahamwe* to bulldoze his church, where he knew there were several thousand Tutsi believers inside, believing themselves safe (Neuffer, 2001). The church at Nyamata is another example, where close to ten thousand men, women, and young children were killed after they had fled the chaos in their villages nearby. The memorial there today

shows the baby shoes, tiny dresses, and books that belonged to the children slaughtered inside the church with their parents.

The failure of the international community to possibly prevent the genocide, or at the very least, intervene in a timely manner, is another tragic event in the history of the 1994 genocide. General Romeo Dallaire, the Canadian head of the UN Assistance Mission for Rwanda (UNAMIR) had warned the Security Council that peace in Rwanda was precarious and more peacekeepers and greater attention to the political situation were urgently needed. On the evening of April 7, immediately following the crash, a now-declassified US State Department intelligence report informed the US Ambassador in Rwanda that intelligence revealed that “rogue Hutu elements, possibly from the military-possibly the elite presidential guard-were responsible for shooting down the plane.” (Gourevitch, 1998). The Security Council and the US Ambassador had intelligence that these “rogue” Hutus were planning a widespread attack on Tutsis.

The UN and the international community quickly became aware of the atrocities of the genocide, but hesitated to use the term “genocide” in the General Assembly or the Security Council because under the UN Charter, that would elicit immediate action to protect the victims of the genocide. The Security Council was wary about intervening because of the problems that the 1991 mission to Somalia had faced. Thus, the Security Council vigilantly avoided using the term genocide to refer to the conflict. Because of this, the conflict raged for 90 days in some locations, and went on intermittently in others for several years. This left the RPF as the primary party to intervene, and many claim that the genocide could have been prevented or shortened if the UN had taken action and used the term “genocide” early on (Gourevitch, 2004; Barnett, 2002).

Aftermath of the Genocide

An estimated 1.2 million of the survivors fled to neighboring countries. Some settled with family members, but others joined the millions who were displaced in refugee camps. These camps, like Goma, in neighboring Democratic Republic of Congo (formerly Zaire) were notorious for their own human rights violations within the camps by aid workers. They also became famous for the infiltration of rebels, and the subsequent rapes and violent abductions that ensued (Prunier, 1995; Vaccaro, 1996; Gourevitch, 1998; Rwandan Red Cross, 2005).

By 1996, thousands of refugees had “repatriated”, returning to Rwanda to help rebuild the country under the leadership of President Paul Kagame, the general who led the RPF’s victory to recapture Kigali, and then, the rest of Rwanda, and to end the genocide. Kagame established a unity government and promoted an end to the ethnic identification that had contributed to the genocide. As a result of the peace and stability established under his government, not only did many of the Rwandans who fled during the 1994 genocide return, but thousands of Rwandans that had fled in the 1950s and ‘60s, and their descendants, who had lived as exiles in Kenya, Burundi, the DRC, Uganda, and Tanzania returned (Tempest-Williams, 2008; Vaccaro, 1996).

Yet, the war had destroyed every aspect of the world of Rwandans; “wars unmake worlds, both real and conceptual” (Nordstrom, 1995, p. 131). As

Summerfield (1999) insists, war destroys not only individuals but entire social fabrics and institutions. Rwanda experienced this kind of complete devastation: communities were destroyed; whole social networks and institutions vanished; repatriated refugees were often forced to locate in new homes, new communities, or sometimes in completely different parts of the country; for years, infrastructure and basic services awaited rebuilding in rural areas (AVEGA, 2013; Neuffer, 2001).

“Rwanda was not just a country full of skeletons, it was a skeleton itself” with entire villages completely destroyed, government offices looted, fields once fertile burned to the ground. Nearly 80 percent of the country’s cattle were stolen or slaughtered. There was no functioning water, electrical power, or telephone network. Everywhere the surviving looked there were bodies- in churches, schools, hospitals, gardens, by roadsides, even inside latrines (Nueffer, 2001, p.132).

The role of women in Rwandan society and the number who had to take on the responsibilities as heads of household increased dramatically. In 1996, at the time when many of the refugees and exiles returned 34 percent of all households were led by women, and 60 percent of these were headed by widows. At that time, 300,000 women survivors were homeless. (Newbury & Baldwin, 1997). The job of rebuilding parts of the social fabric and the very real infrastructure of the society fell to these women, who were often caring for two to six orphans besides any of their surviving biological children.

Determining a path toward justice and reconciliation was one of the many difficult tasks of reconstructing Rwanda post-genocide. This task was daunting: to provide justice for the victims, to seek the truth of what happened in individual communities, and of somehow seeking a collective truth how specific acts of violence occurred. In addition to establishing a transitional justice system, the government also had to attempt to maintain a tenuous sense of reconciliation within local communities, to rebuild relationships among neighbors, where possible. Thus the *gacaca* system was formed as a transitional justice system for Rwanda.

**Chapter III:
“Bodies as Battlefields” and Beyond:
A Brief Review of the Literature on Rape in War and Genocide**

She told of her rape by militiamen in the dirt of the sorghum field. Of her rape in the darkness of the forest. Then of her rape inside the grounds of the Bureau Communale of Taba, where Akayesu had been mayor. There were so many rapes over so many days by so many men that she could not longer count them.

– Elizabeth Neuffer describing a witness in the trial of Jean-Paul Akayesu in the International Criminal Tribunal for Rwanda in *The Key To My Neighbor’s House*, 2001, p.11

Rape during genocide is a well-documented and often gruesome phenomenon. It has occurred historically in the Americas toward indigenous people in the North and South, in Europe toward multiple ethnic and religious groups, recently in Africa toward Rwandan and Congolese women, in Asia in Indonesia and East Timor to eliminate political, intellectual and religious groups. Perpetrators have used it to dehumanize victims, with the aim of eliminating or forcing an exodus of an ethnic, race, or religious group.

Often, its victims are women, but they are also children, and sometimes, men. Sometimes rape during genocide is used to torture victims before executing them; it is also used to torture family members and demonstrate dehumanization or the breakdown of societal norms before the killing of victims’ family members. It demonstrates power over the targeted group through raping of children and spouses in front of fathers, mothers, and victims’ spouses. Other times, the goal is destruction of entire fabrics of a society by intentionally impregnating victims and forcing them to raise their perpetrators’ children, thus constantly reminding the women of their oppressors (Sajjad, 2012; Waller, 2012; Hubbard, 2012; Dworkin, 2005; Kesic, 2005; Allen, 1996).

This chapter provides an introduction to the widespread use of rape during war, and its particular uses as an instrument of genocide. Having a sense of the effects of rape during genocide upon women is critical to understanding the decision-making processes of these women, and their expectations of justice and reparations in post-conflict societies. While rape of male soldiers and civilians during genocide is also prevalent, this chapter and my dissertation focus on rape of women. More research and reflection on the role of rape of men in genocide is needed, and I strongly believe that research worthwhile and necessary to advance understanding of the impact of rape upon male victims. However, that will not be the focus of the current chapter nor the focus of this dissertation. This chapter chronicles the major trends in the literature on rape as a weapon of war and genocide. It begins with an overview of the literature on the use of rape historically in war, and the specifics of rape in genocide. It then explores the literature and findings regarding the use of rape in Rwanda. It ends with a description of the long-

term effects of rape upon Rwandan women who survived rape during the 1994 genocide.

Bodies as Battlefields: Rape as a Weapon of War and Genocide

Widespread rape in the context of war has existed for millennia, though the way that it is been conceptualized or critiqued in public discourse has evolved due to recent attention from feminist and human rights scholars. This brief history demonstrates the use of rape as an often-cited “ ‘normal’ accompaniment to war” (Goldstein, 2001).

A History of Rape- Its Use in War Over Time

Narratives chronicling rape in war predate Roman history. Conquering nobles in the Celtic Isles often raped commoners as a sign of their conquests (Card, 1996). In Europe, during the 17th century, Spanish imperial troops committed “countless acts of rape, murder, robbery and arson” during their invasion of the Netherlands (Keegan & Holmes in Goldstein, 2001, p.362). During the US Civil War, female members of the Shoshone were brutally raped by the California Volunteers militia in Utah following the Bear River Massacre (Madsen, 1985).

In the 20th century, World War I saw countless cases of rape like those of French troops who taunted Germany with the line: “Germans, we shall possess your daughters” (Goldstein, 2001, p. 363). A German soldier from the same time reported that Turkish soldiers accompanying the Germans abducted 200 Armenian young girls and women, raped them throughout the night, and then slit their throats (Hirschfeld, 1934).

Rittner and Roth have developed an outstanding Chronology of Rape in the context of wars from 1937-2011, perhaps one of the best historical overviews of rape during wars of that period, from which many of the following facts are presented. One of the best-known cases of mass rape from the beginning of World War II took place from December 1937 to January 1938, the infamous Rape of Nanking during the Sino-Japanese War. For seven weeks, Japanese soldiers held the city of Nanking under siege. They slaughtered and raped thousands of women, and forced others into “comfort houses” where Chinese women were forced into sexual slavery to pleasure Japanese officers. These “comfort houses” remained a Japanese policy throughout Southeast Asia during subsequent battles during World War II (Rittner & Roth, 2011).

Later that same year, 1938, the first major reports of “mob rape” by the Nazis occurred in Germany and Austria as a part of the Kristallnacht on November 9-10. This sexual abuse by Nazis continued throughout the war in concentration camps, prisons, ghettos, and brothels. Yet, rape remained a peripheral issue during the Nuremberg War Crimes Trials (Rittner and Roth, 2011). The International Military Tribunal for the Far East (also sometimes called the Tokyo War Crimes Tribunal) did slightly better: they tried and convicted several military and political leaders on charges that included rape as an identified war crime due through trials of those who organized mass rapes (Rittner & Roth, 2011, p.xxvii).

Later, in the Vietnam War, both American and Vietnamese soldiers were known to be guilty of rape, including rapes that occurred in “bang-bang parlors” near military camps. Again, very few soldiers from either side were convicted or even charged with rape during this war (Rittner & Roth, 2011). In Guatemala, at the same time, more than 200,000 people were killed in the protracted civil war that started in 1960 and lasted until 1996. The Commission for Historical Clarification, which was created at the end of the Guatemalan civil war documented a number of mass rapes and torture of Mayan women which were classified as acts of genocide against these Mayan communities (Rittner & Roth, 2011).

In an interesting response to rapes from the war for independence from East Pakistan, Bangladesh declared all of the victims of rape during this war “birangonas” or “war heroines” and publically acknowledged them as offering personal sacrifice for the independence. This was intended to assist their re-integration and acceptance in society, but both the government and the media in Bangladesh were relatively silent on the subject (Rittner and Roth, 2011).

In East Africa during the 1970s, Idi Amin, the infamous dictator of Uganda, and his government were responsible for the deaths of an estimated 300,000 people, and countless reports of rape and torture of women. At the same time, in Timor Leste, known often in the US as “East Timor”, violence erupted against women in particularly brutal forms: cases were recorded of sexual slavery, use of sexual violence for intimidation by government forces, and impunity for sexual violence by Indonesia security forces. Simultaneously, the United Nations Development Fund for Women was established in 1976 in order to develop and provide programs to promote women’s human rights (Rittner & Roth, 2011).

Readers may be more familiar with the cases in the 1980s and 1990s. Rape was used as part of war policies in Liberia, Uganda, Ethiopia, Rwanda, Myanmar (Burma), and the former Yugoslavia where 20,00-60,000 women experienced sexual violence in the notorious “rape camps”. In Uganda, between 1980-86, 70 percent of women in the Luwero District report being raped by soldiers, and many reported gang rapes. During the same time frame the third UN International Conference on Women was held in Nairobi, Kenya, where delegates highlighted the importance of addressing gender-based violence as an international human rights issue (Rittner and Roth, 2011, p.xxxv).

Presently, rapes continue in Colombia. The recently established UN Human Rights Council surveyed 407 municipalities in Columbia in 2010 and found that between the years of 2001 and 2009, approximately 95,000 women had been raped. Also in 2010, two different tribunals for women were established and held trials. The International Tribunal on Crimes Against Women in Burma heard testimony from 12 women who testified about rape, torture and killings to an audience of another 2,000 women via webcast. In Guatemala, the Tribunal of Conscience against Sexual Violence during Internal Armed Conflict found sexual violence was widespread and the military were the perpetrators for 90 percent of the rapes (Rittner and Roth, 2011).

In the Democratic Republic of Congo (DRC), where a civil war has continued since 1995 and where, in the Kivu region, it has deep connections to the genocide in Rwanda, the UN estimates that at least 200,000 women and girls have been raped,

but states that the number is probably much higher. Margot Wallstrom, the UN's special representative on sexual violence in armed conflict has called the Eastern DRC "the rape capital of the world" (DeReus, 2012). One Major General of the UN peacekeeping forces in the Democratic Republic of Congo expressed the risk of rape in warfare and genocide by stating, "It has probably become more dangerous to be a woman than a soldier in armed conflict" (Rittner & Roth, eds, 2011).

Most recently, reports of the widespread use of rape in Syria has captured US and European media attention (Giovanni in *Vanity Fair*, July 2013; Greenwood in *The Guardian*, July 29, 2013; Wolfe for the *The Atlantic*, 2013; Blake for *Mother Jones*, September 12, 2013). Reporters and NGOs have somewhat-unanimously declared a "rape crisis" in Syria (Wolfe, 2013). The International Rescue Committee, one of the largest NGOs focused on service provision and humanitarian aid to refugees, sent a special delegation of board members to Syria in November of 2012, in order to fully assess the situation of the refugees there. They found that among the 600,000 registered refugees in countries neighboring Syria, when they asked a representative sample their reasons for fleeing Syria, the number one reason for families was rape (IRC Report, 2013).

Skjelsbaek (2001) conducted a scholarly literature review of 140 academic texts on sexual violence and war, mostly from the 1990s. She came to three conclusions. First, she concludes that the fact that more work has been done to document rape during war and to critique its use instrumentally demonstrates that the previous taboo on research in this area has been lifted. I am not sure I believe the numbers and sources validate that argument. If we are to look at who is conducting this research, mostly Western scholars are writing on this issue, and that there may still be a tremendous taboo in many parts of the world. Skjelsbaek's second conclusion is that strong consensus has been built that rape can be viewed as a weapon of war, which is reflected in the literature review in this chapter. Finally, Skjelsbaek states that scholars are in agreement that convincing arguments on this issue must include a gendered understanding of the war-zone.

In summary, rape has not in any way been confined to one time period or geographic region. It has not been the tool of a specific government- it has, unfortunately, been fairly universal historically. Rape has been used in many of the same ways, for the same reasons by multiple leaders and military groups. Thus, a brief look at the literature on typologies of rape in war is merited.

Typologies, Origins, and Motivations of Rape during War:

Renowned scholar of sexual violence in war and genocide, Susan Brownmiller, when commenting on the "rape centers" and forced pregnancies in the former Yugoslavia, stated:

Alas for women, there is nothing unprecedented about mass rape in war when enemy soldiers advance swiftly through populous regions, nor is it a precedent when, howling in misery, leaders of the overrun country call the endemic sexual violence a conspiracy to destroy their national pride, their manhood, their honor....

.... Women are raped in war by ordinary youths as casually, or as frenetically, as a village is looted or gratuitously destroyed. Sexual trespass on the enemy's women is one of the satisfactions of conquest, like a boot in the face, for once he is handed a rifle and told to kill, the soldier becomes adrenaline-rushed young man with permission to kick in the door, to grab, to steal, to give vent to his submerged rage against all women *who belong to other men*. (1993, p.2).

She remarks repeatedly that the use of "women's bodies as battlegrounds" is common, and that the kind of rape that took place in Bosnia, Serbia and Croatia was, unfortunately, based on historical precedent going back to the earliest civilizations on the planet (Brownmiller, 1993). While she laments this situation, she is able to document how rape has been used in war after war, throughout the ages, and how acceptable it has been to the men organizing war.

However, Niarchos (1995) has criticized the notion of rape as reflecting women's honor in the way that Brownmiller describes. Niarchos critiques the current international legal framework for trying rape as a human rights violation and war crime. She feels that by couching rape as a violation to "honour" and family rights, rape looks more like a persuasive seduction than a violent act. She argues that this conceptualization of rape causes it to appear as an injury to "honour" or "reputation", which the law can interpret as less worthy of prosecution than injury to the person. Niarchos, Brownmiller and other scholars agree that rape is often used as part of a strategy to dehumanize the "enemy", and is instrumental in creating an idea of enemy women as "other than human" by raping them, and encouraging multiple soldiers to rape enemy women in mass, or to rape the relatives of men in order to humiliate men before executing them (Wallner, 2012; Brownmiller, 1975).

Rape serves to shame its targets, breaking down the social fabric of male-dominated societies that prize women as mothers and wives. It often causes these women and their children to be ostracized, or perceived as no longer part of the targeted ethnic or religious group (Card, 1996; Wallner, 2012). However, rape can also simultaneously disrupt the economic structures of communities and societies- as a tool to destroy sustenance economies based on women. In these instances, women who are victims of rape in genocide might find that others no longer want to trade or to share farming tasks with them, thus destroying the livelihood of thousands of women and their dependents (Kulkhan, 2012).

Cynthia Enloe (2000, p. 123) has developed a useful and often-cited typology of rape during war that categorizes war-time rape into three groupings: "recreational rape", "national security" rape" and "systematic mass rape". The first, "recreational rape" occurs when military groups- either government soldiers or paramilitaries- rape groups of women that they do not usually see as enemies. Military groups often justify or explain these as rapes that occurred because they had sexual desire and lacked access to consensual sex through their wives, girlfriends, or prostitutes. The second, "national security rape", describes rapes that

governments conduct against men or women who are perceived as “subversive” as a form of torture and humiliation. These rapes often occur in military bases or prisons where political prisoners are conveyed to soldiers or guards as threatening national security or the interests of the government in some way, and thus, deserve this “punishment”. The third category, that of “systematic mass rape” is rape that is used to target specific ethnic or national identities, and with the means of using rape to destroy the fabric of that society.

Enloe’s typology seems to hold fairly well, as evidenced by Baaz and Stern’s (2009) six-year study of 193 Congolese soldiers and their motivations for rape. The justifications that these soldiers gave in group interviews seemed to sway between Enloe’s two initial typologies. Yet, it does appear that the typology may not allow for sufficient overlap, and for the often-ambiguous nature of the rapists relationship to the rhetoric of their military group. Though the typology held fairly well for Baaz and Stern, even in their study, they had men that admitted to sometimes raping for “lust rapes” as they termed them, and other times, “hate rapes”, and soldiers in the same group even classified the same gang rapes differently.

Another attempt at analysis of the motivations and typologies of rape during war appears in Joshua Goldstein’s *War and Gender* (2001). He takes the idea of “lust rapes” or recreational rapes further, and verges on agreeing with a bio-psychosocial explanation for this particular type of rape based on social norms, male aggression tied to hormones, and the absence of women on most war fronts. He attempts a male feminist critique but some of the information he provides appears to attempt a causal link to hormones that most feminists and ethicists would find questionable because of that argument’s complete neglect of the impact of socialization and objectification of women. At the same time, his examination of the attitudes toward prostitution and pornography in many military environments in the 20th century and how these might lead to an implicit approval of rape by the governments employing soldiers, and to view of women as sexual objects should be applauded.

More studies like that of Baaz and Stern (2009) that attempt qualitative and longitudinal studies of the attitudes of the rapists are needed to better understand whether or not these typologies hold for perpetrators. Feminists, sociologists, psychologists and human rights advocates have now drawn considerable attention to the need to acknowledge the use of rape as a weapon of war, and to take steps to protect the rights of women- both prosecuting these crimes and attempting to prevent them, where possible. Interviewing soldiers who have raped is not an easy task for a variety of reasons. However, more scholars do need to take on this task to truly test existing rape typologies.

Rape During Genocide

Rape as tool of genocide can be defined as “sexually violating a person with the intent of targeting her/him due to her membership in a group that the perpetrator is attempting to destroy”. The term “genocidal rape” is sometimes used to denote that rape has been a systematic strategy conducted in order to dehumanize and obliterate whole groups of people. However, I avoid the term “genocidal rape” in the dissertation. I made this decision for multiple reasons, but mainly because it has been used by some scholars to refer specifically and explicitly

to the rape of Bosnian women in the detention centers or “rape camps” in the 1992-1995 genocide in Bosnia-Herzegovina and Croatia (Allen, 1996). Instead the broader terms, “rape during genocide” and “rape as a weapon of genocide” will be utilized.

As Card (1996) suggested:

There is more than one way to commit genocide. One way is mass murder, killing individual members of a national political or cultural group. Another is to destroy a group’s identity by decimating cultural and social bonds. Martial rape does both. Many women and girls are killed when rapists are finished with them. If survivors become pregnant or are known to be rape survivors, cultural, political, and national unity may be thrown into chaos. (1996, p.8).

She summarizes by stating: “Rape symbolizes who is dominant by forcibly, dramatically removing the most elementary controls anyone could be resumed to want” controls over one’s intimate bodily contacts with others” (Card, 1996, p.11). The humiliation suffered through rape during genocide serves a very explicit instrumental purpose for the genocidaires: it affects the social status of the women and destroys the fabric of the victims’ society- the women are often seen as incapable of fulfilling their feminine roles as mothers and wives, and are often ostracized by their families and communities.

Estimates of rape victims from genocide appear to support this statement: during the Khmer Rouge’s genocidal reign from 1975-79 in Cambodia, 250,000 women were forced into marriage; an estimated 500,000 women were raped during the 1994 Rwandan genocide and at least 250,000 women were impregnated due to rape; in Bosnia between 1992-95, 20,000-50,000 women were raped, often in detention centers with the goal of dehumanizing Muslim Bosnian women (Wallner, 2012).

Rapes in Nazi Germany were more complex. Rape was used less as a weapon toward the targeted group, and more “as a bi-product of the dehumanization process of genocide” (Chatwood, 2008, p.162). Because Nazi law forbade sexual relations between Germans and Jews, and these humiliations took place in hidden locations, it is very difficult to estimate the prevalence of rape of Jewish women in Nazi Germany. Of the 1,040 stories of rape by Holocaust survivors in the Shoah Foundation interviews, almost half had perpetrators that were in the Allied troops not the Nazis. Another source, the Fortunoff Video archive at Yale University holds the accounts of more than 4,400 Holocaust survivors, but contains stories of only 10 rapes. Researchers contend that there were most likely thousands of rapes that occurred but the shame surrounding these rapes was so much that many of them were never reported or recorded and an estimate is nearly impossible to make of prevalence for that reason (Fogelman, 2012).

Some of the effects of rape in post-genocide societies have already been listed: destruction of social structures, physical wounds requiring urgent care, and destruction of common economic patterns (Brownmiller, 1993; DeReus, 2012; Kulkhan, 2012). In some regions, female survivors of rape during genocide have

reported high rates of HIV infection. This was particularly true in Rwanda where more than 67% of the women and girls who survived rape during the 1994 genocide contracted HIV and AIDS as a result (Card, 1996; Rittner & Roth, 2012). Survivors must also cope with Post-Traumatic Stress Disorder (PTSD), heightened anxiety, and depression, often tied to their experiences of rape (Card, 1996; Cohen et. al, 2009; Wallner, 2012). If they have children, they are forced to raise the children of their tormenters, and faced with the decision of whether or not to reveal the true parentage to these children, which could damage the children and their view of their mother.

The Specifics of Rapes in the 1994 Rwandan Genocide and the Long-term Impact

Estimates of the total number raped during the 1994 range between 250,00-500,000 (Neuffer, 2001). The exact number is unknown. Observers have remarked, “rape was the rule and not the exception” (Rittner, 2012, p.7). It is generally agreed upon that rape was used systematically during the 1994 genocide. Many of the stories of rape from the genocide have been widely circulated. However, the overall impact and the present struggles that remain for survivors of those rapes have received less attention. This section begins with details of the rapes that occurred during the 1994 genocide, and then chronicles the effects of those rapes and the ongoing challenges faced by those who survived the rapes.

The Particulars of Rape during the 1994 Genocide

Scholars and observers have referred to the particular sexual violence of the 1994 genocide as “sadistic and brutal” due to the wide usage of sodomy with foreign objects- soldiers used sharpened sticks, gun barrels, and broken beer bottles to violate women repeatedly (Rittner, 2012). Some scholars have remarked that the widespread use of foreign objects in rapes was more prevalent in Rwanda than in other conflicts. At times, sexual violence was also used to purposely pass the HIV virus to Tutsi women or the Hutu wives of Tutsi men. Rape, and its use as a weapon of genocide became engraved in the memories of thousands of Rwandan women, and many of the male relatives who were forced to witness those rapes and survived (Gourevitch, 1998; AVEGA, 1999).

The stories of the violence and the brutality that occurred during the genocide are numerous. Therefore, I made an explicit point of not collecting additional stories of the genocide and the torture of the survivors who became participants. No detailed stories of participants appear in this text, even though women did occasionally wish to share the specifics of their rape with the researchers. However, in order to illustrate the experiences of the participants, a few short narratives collected by other researchers are shared. The story of Perpetue, who was twenty years old and living in a rural sector near Gitarama, illustrates the use of rape during the genocide:

On April 9, they found me. I was taken to the Nyabarongo River by a group of Interahamwe. When I got there, one Interahamwe

said to me that he knew of the best method to check that Tutsi women were like Hutu women. For two days, myself and eight other young women were held and raped by Interahamwe, one after another. Perhaps as many as twenty of them. I knew three of them. Some Interahamwe watched over us while others went to eat and sleep. All the young women killed at that river were raped before being thrown in. I didn't know any of the other women. On the third day, one Interahamwe saw that I was not able to walk anymore. He told me that I had already died and could go. I tried to leave, but I could barely walk. There was blood everywhere and my stomach hurt. I walked towards Kamonyi and found refuge in an old church there. When I was going there, I saw that the Interahamwe had been burning people to death. I saw at least ten burnt bodies.

I was in the church building when the Interahamwe came there on May 15 and told us that it was our turn to be burnt. They took a lot of people outside to kill them. One Interahamwe chose me, but told me that he would protect me so that I would not be burnt to death. He took me to another building near the church and raped me there. Before he raped me, he said that he wanted to check if Tutsi women were like other women before he took me back to the church to be burnt. They were other women being raped there at the same time, maybe ten women, seven young girls. The next day, two Interahamwe watched over us while the others went to kill. The two were complaining they were feeling tired from all the killing. Then, one of them sharpened the end of the stick of a hoe. They help open my legs and pushed the stick into me. I was screaming. They did it three times until I was bleeding everywhere. Then they told me to leave. I tried to stand up, but I kept falling down. Finally, I crawled outside. I was naked crawling on the ground covered in blood. I tried to ask someone on the road for help but they thought I was a madwoman and just ignored me. I finally found a house where they gave me some medicine to apply to the area between my legs. They also gave me some clothes, but because I was bleeding so much the skirt became soaked with blood (in Hubbard, 2012, p.107).

Unfortunately, the story of this woman- of having fled to multiple sites of refuge, only to be attacked repeatedly, and to find herself at the hands of perpetrators once more, is a common story. Another common narrative is that of being held by a neighbor or community member as a sexual slave for a period of time in which multiple perpetrators might rape a woman daily (Hubbard, 2012).

Another narrative shows the use of foreign objects, and the widespread use of rape to dehumanize and psychologically torture family members or observers.

This occurred to a woman who was twenty-nine years old and eating dinner with a group of family and friends in Kigali at the time of the attack:

About ten of them came. They picked two of the women in the group: a twenty-five year old and a thirty year old and then gang-raped them. When they finished, they cut them with knives all over while the other Interahamwe watched. They took the food from the table and stuffed it into their vaginas. The women died. They were left dead with their legs spread apart My husband tried to put their legs together before we were told to get out of the house and leave the children behind. They killed two of our children. My husband begged them not to kill us, saying that he did not have any money on him, but that he had shoes and second-hand clothes that he sells at the market. He gave them all the clothes. Then, one Interahamwe said, 'you Tutsi women are very sweet, so we have to kill the man and take you' (Hubbard, 2012, p. 209).

Her husband was then killed, and the woman telling her story was taken to the home of the head of the militia group where she was raped repeatedly until she could escape (Hubbard, 2012).

The narratives above illustrate the widespread use of rape and the particular brutality of those rapes in Rwanda. Many of these stories have received public attention, which assisted in increasing the emphasis on trying rape as a crime of war and an act of genocide. However, far less attention has been given to the long-term effects of rape and the myriad of ways that rape has negatively impacted the lives of survivors.

The Long-Term Effects of Rape for Rwandan Women

The long-term effects of rape have created challenges in multiple spheres of women's lives. Many Rwandan women survivors of rape still face health problems, ongoing effects of trauma, mobility issues, loss of income because of health problems or stigma, and housing instability due to having to move to avoid living in proximity to a perpetrators family.

A Changing demographic landscape: female-led households.

After the genocide, many women were forced to become heads of household and take on additional social, emotional and financial responsibilities for other family members. Immediately after the genocide, the population was estimated to be about 70 percent female, and 50 percent of the households were female led. The 2002 census revealed that 35.2 percent of households were female led, but some of the localities most impacted by the genocide had rates of 72 percent female led homes (Rombouts, 2006). Current census data reported in 2014 states that 52 percent of the population are women and 48 percent are men due to the high birth rates after the genocide. However, many of the women who survived the genocide, particularly those aged 40 or older at the time of the genocide did not remarry, and remained as widowed heads of household.

With this high rate of female-led homes, land ownership became incredibly important because in an agricultural society it meant access to farming land for subsistence and income. At the time of the genocide, women could not hold titles to land, and could not inherit it from their fathers or their husbands. That has since changed, but the current law still stipulates that women have to be legally married in order to inherit land. Many couples in rural areas did not have legal marriage ceremonies, so widows have been denied access to land to farm, which has impacted family income and health in many female-led families (Rombouts, 2006). Because the genocidaires sought to disrupt the economic privileges of wealthy Tutsi families, some of the rapes may have occurred with this purpose in mind, not only racial purification. However, this is a complicated subject with little scholarly evidence to date.

Losing productive and reproductive freedom.

In Rwanda, several scholars and NGO representatives have stated that rape was used to “strip women of their reproductive and productive freedom” (Green, 2004, p.100; Turshen 2000, 2001). Rape served to deny the victims their reproductive freedom in two ways: many women suffered injuries that prevented them from having children, or they were shamed in their communities to an extent that they were seen as “unmarriageable”. Their productive freedom was similarly denied through injuries that prevented them working in the fields. Other survivors experienced such ostracism by community members that they were denied employment in stores or markets where they may have worked previously. Sometimes, victims were actually forced to marry their rapists in order for the men to gain access to the women’s farms and homes (AVEGA, 2013; Green, 2004).

Infertility, and its resulting loss of reproductive freedom is another result of the rapes. In a society that highly values women’s capacity as mothers in determining eligibility for marriage- this has been a devastating outcome for many women. If it is revealed publically that they are unable to bare children, their chances of marrying greatly decrease, which can affect their standard of living and access to income, in addition to their family life (Rombouts, 2006).

Forced pregnancies.

Many of the women who experienced sexual violence from the genocide were left pregnant. Prevalence of forced impregnation in Rwanda is unknown. No access to legal abortions existed for the women who were forcibly impregnated. Thus, many women were forced to seek illegal abortions, which left them with ongoing health problems. Others chose to keep the children; it is estimated that 2,000-5,000 children were born as a result of rapes that occurred during the genocide. Mothers raising these children are ironically denied many of the same social services available to orphans of the genocide because the government labels these children as having a Hutu father and therefore not officially survivors. These survivors of rape are left with the multi-faceted burden of dealing with the effects of rape, raising the children resulting from that rape, and having their children stigmatized as children of perpetrators (AVEGA, 2013; Rombouts, 2006).

Carpenter (2000) raised the overlooked issue of forced impregnation as a limitation in the rape discourse. She rightly questioned how the children of the

rapes were treated and often overlooked in the discourse and the problematic notions that the mothers should come forward and testify, the legal ramifications of forced impregnation as a policy, and the ways that these children navigated their ethnic identities. She focuses mostly on the former Yugoslavia, but the same questions could be asked of Rwandan children who are the product of rape. Very little research has been conducted to date on these children, their needs, and the impact that gacaca had on them. However, there are thousands of children in Rwanda who are nearing 20 years old now, whose stories and experiences with the current government, and the transitional justice system would add to a much-needed area of the discourse.

HIV infection of rape survivors and their subsequent children.

HIV infection as a result of rape was one of the most widespread outcomes of the rapes from the genocide. As mentioned above, HIV positive children who resulted from the rapes, like HIV-negative children of rape, also fell under the government distinction of having Hutu fathers. Thus, these children were ineligible to have their school fees covered by the government like other HIV children who were survivors of the genocide. This sometimes meant that HIV-positive women who were widows and survivors of rape had to face yet another humiliation and brutal burden: their children were forced out of schools for financial reasons.

One of the few large health-related studies of survivors of rape during genocide surveyed 850 women in Rwanda in 2005, with a mixed sample of HIV positive and HIV negative women. Researches found that the majority of women in both groups had depression: 81 percent in HIV positive and 65 percent in HIV-negative; PTSD rates were slightly different: 58 percent in HIV-positive women and 66 percent in HIV-negative (Cohen et al, 2009). In my own observations and reports I have received from survivors over the last nine years, though clinics for women and anti-retroviral drugs are free throughout Rwanda due to funding by NGOs and investments in the Ministry of Health, mental health services are still very difficult to obtain.

Conclusion: Rape During the Genocide and Its Lasting Effects

Rape used instrumentally in war is by no means a new phenomenon. As this chapter illustrated, its effects have been far-reaching and extend for millennia, perhaps to the beginning of the use of war. However, only recently has scholarship in this area begun to critique the acceptance of rape as a by-product of war, and to call for greater punishment of those who organize and encourage mass-rapes during war.

Recent scholarship has revealed the specific complexities of rape in the context of genocide. Troubling similarities exist between rapes that occurred during the last centuries most documented genocides: the Holocaust, the genocide in the former Yugoslavia, and that of Rwanda. While scholars and human rights advocates have documented the atrocities committed through rape during these genocide, there is still a consider amount that needs to be done to improve systems of justice for these rapes, and to improve the lives of survivors.

The effects last for years, in some cases for one or two lifetimes when HIV is passed from mother to child. In these cases, both live with constant reminders of the pain and suffering caused by the rape. Far too little research has examined how women who face these multiple challenges as the result of rape from genocide perceive the transitional court systems established to help them and other survivors seek justice. In examining their decision-making process, the day-to-day realities these women face should not be forgotten. The fact that multiple dimensions of women's lives were affected by rape- their health, their mental health, their family structures, their access to income, at times, even their housing- cannot be ignored. These very real challenges bring daily reminders of rape, and may factor greatly in how women perceive and define justice, and in what ways they seek justice for the rapes they experienced.

**Chapter IV:
Transitional Justice, Reconciliation and Gacaca Courts:
Lofty Goals facing Fierce Critiques**

True reconciliation exposes the awfulness, the abuse, the hurt, the truth. It could even sometimes make things worse. It is a risky undertaking but in the end it is worthwhile, because in the end only an honest confrontation with reality can bring real healing. Superficial reconciliation can bring only superficial healing.

-Desmond Tutu

In societies recovering from conflict and widespread violence, prevention of future violence and efforts to sustain peace often become priorities for governments and local communities. In the past twenty to twenty-five years, societies have developed systems to promote official accountability for violence and human rights abuses, often in the form of truth-telling or truth-seeking processes, which have taken the form of war tribunals and investigative commissions. These myriad approaches toward promoting the truth, finding justice, and seeking reconciliation are known as transitional justice systems (Mendeloff, 2009; Millar, 2014; Sarkin, 2001).

This chapter presents an introduction to the goals of transitional justice systems, and the forms they have taken in the recent past. It provides readers with a broader context with which to view the gacaca courts, the local transitional justice system at the center of the research questions in this dissertation. It explains the relationship of gacaca to the spectrum of possible and commonly used transitional justice systems. This chapter also provides an overview of how gacaca conceptualized “justice”, and how it pursued and sometimes failed to pursue this goal, and perhaps failed to consider other common goals of transitional justice.

The chapter begins with an overview of the goals of transitional justice systems and their multiple, sometimes conflicting goals. I then briefly examine how genocide has been addressed in transitional courts including both the International Criminal Tribunal for the former Yugoslavia (ICTY), which was housed in the Hague, and the International Criminal Tribunal for Rwanda (ICTR), which functioned primarily in Arusha, Tanzania. In describing these tribunals, I emphasize their treatment of witnesses, particularly survivors of sexual violence. I also provide a review of some of the critiques both tribunals have received from scholars. A brief description of South Africa’s Truth and Reconciliation Commission is provided with emphasis on its use as a model for other nations. The gacaca process is then explained in detail, as well as criticisms of its structure and procedures, and its treatment of women who survived sexual violence. The chapter ends with an explanation of the need for my dissertation study based on the transitional justice literature and the literature on rape in genocide.

Goals of Transitional Justice: Attempting to Reconcile Truth, Justice, and Reconciliation

To move toward peace and establishment of a society perceived as just, post conflict societies must deal with the injustices of their past. Most face difficult dilemmas in deciding how to prioritize justice, peace, forgiveness and reconciliation. They are forced to decide if they should quickly prosecute the previous government for past human rights abuses or provide certain levels of amnesty to former leaders in order to maintain peace and foster reconciliation. They also have to decide to what extent an official public record of past injustices is needed, or whether they should place higher priority on providing financial restorations and recovering lost properties (Sarkin, 2009, p. 144).

In order to reconcile competing priorities, post-conflict societies normally establish war crime tribunals, or investigative commissions. According to Mendeloff (2009), either process can claim to encourage peace in two ways: first, through the political and institutional effects of the process- its encouragement of democracy, increased human rights protections, greater rule of law, and the elimination of impunity; second, through the psychological and emotional effects of creating a sense of justice for victims and healing the trauma, and facilitating a decrease in a desire for retribution by victims and an increased willingness to reconcile (p. 593).

Acknowledging the above-mentioned benefits of transitional justice is not sufficient to establish a system that balances notions of truth and justice with reconciliation for that specific society. The needs and capacities of individual post-conflict societies differ greatly. For example, the post-conflict needs and capacities of Rwanda, which chose an adapted local judicial model, differed greatly from those of South Africa, which chose to create the Truth and Reconciliation Commission (TRC) from which so many other truth-seeking commissions have been modeled, though it has been argued that Rwanda's decision may have been in the interests of its new government more than in the interests of its citizens, who may have benefitted more from the TRC model (Ingeleare, 2009; Millar, 2004).

Sarkin (2001) asserted that all countries considering actual trials to prosecute war crimes and/or human rights abuses should assess a variety of attributes of the crimes themselves, the old regime, and the capacity of the new regime, including the type of crimes, and the judiciary's capacity to insure fair trials take place (p. 148). Many critiques of transitional justice systems have revolved around whether the crimes were suited for that particular type of trial or commission, and whether the judiciaries were truly capable of providing fair trials. Sarkin continued his critique of war crimes trials by pointing out the difficulties that the tribunals face in meeting the expectations and hopes of victims, and in attempting to include the victims to the extent that might be needed in order to facilitate what many victims would consider full discovery and consideration of the truth (Sarkin, 2001).

Mendeloff's 2009 study of assessment of the TRC and the ICTY placed less emphasis on truth-seeking than Sarkin's work. Instead, he focused on the goals of healing and reconciliation that both systems claimed to uphold, and how both trauma and vengeance factored into that reconciliation process. He presented an

analysis of previous survey data and interviews on more than 400 reactions of survivors in South Africa, and literature reporting the results of empirical evidence related to the opinions of Bosnian and Croatian survivors who gave testimony in the ICTY. His findings serve as a strong critique of the core idea that transitional justice systems can be psychologically healing or provide tangible benefits for victims and survivors. There were some survivors that found the TRC process empowering and felt a sense of closure, or relief. Yet, for others, it was deeply disappointing, or even re-traumatizing. Survivors who testified in the ICTY reported feeling abandoned and betrayed by the courts; few felt lasting psychological relief, and large numbers did not feel the punishments given by the ICTY were just.

Mendeloff cited Stover's (2005) assessment of the ICTY's treatment of witnesses. Stover conducted interviews with 87 survivors who testified at the ICTY and his conclusions question the myth of catharsis that many human rights advocates and psychologists claim survivors experience during testimony. Though some of Stover's participants stated that they felt relief, and even elation, they also experienced uncertainty about the worth of their testimony and how the judges interpreted it. Stover, like Mendeloff, cautioned against the over-emphasis on positive psychological outcomes for victims who testify. Mendeloff took this analysis a bit further, and reminded readers that it may be that individual healing is sacrificed for "societal peace". He postulated that society may benefit more from the testimony of survivors, making the survivors' testimony instrumental in peace-building, and the idea of catharsis mere propaganda toward this process.

Staub (2006) also highlighted the role of reconciliation in transitional justice systems, but with a much less critical eye than that of Mendeloff, Sarkin and Stover. Staub looked at reconciliation, and how different transitional justice systems sought to achieve it. He defined reconciliation as "mutual acceptance by groups of each other" and believed that justice is a need that must be met for genocide survivors, but that forgiveness overlaps with reconciliation and is crucial for it to take place. He attempted to build a general theory of reconciliation for transitional societies by looking at the efforts of the TRC, ICTY, and Rwanda's gacaca process. However, he was far more laudatory than other researchers who have observed and critiqued gacaca, as demonstrated in the following critique of gacaca.

The Truth and Reconciliation Commission: A Model Vastly Different From Courts and Tribunals

Before continuing the discussion of the recent international tribunals and the gacaca system, which is a hybrid tribunal, alternative models merit discussion. Other models of transitional justice have put far greater emphasis on finding the truth in more expansive terms, and in attempting to reconcile divisions. The example of this type of transitional justice system most widely cited in the literature is the TRC in South Africa. Therefore, it merits a brief description.

Post-apartheid South Africa sought to develop a system unique to its culture and particular to the types of abuses and conflict that had existed there. The South African Parliament designed it and took responsibility for its formation rather than relying on an executive decree, which had been the norm previously (Graybill, 2002). A bill was passed in the South African Parliament on May 17, 1995

establishing the TRC, and was signed into law by Nelson Mandela on July 19th of that same year. The legislation required seventeen commissioners to participate; they were to be highly-regarded members of the community. Recommendations were taken from NGOs, political parties, and churches, then interviewed by a public panel, and the president and his cabinet then made a final selection. The original commission contained a mixed-race group from diverse professions and political parties that included seven blacks, two mixed-race (Coloureds), two Indians, and six whites (Graybill, 2002, p.4).

The Commission swiftly began its work and its doors opened by January of 1996. The Commission was given a two-year period to hold hearings about alleged human rights violations that had occurred during apartheid. It held 140 hearings in 61 towns and received 22,000 victim statements concerning 37,000 violations. Critics have faulted the TRC for the number of amnesty applications it received (over 7,000) stating that this represented a form of impunity for gross human rights violations (Graybill, 2002, p. 8). The goals of the TRC were not to punish those who had committed human rights violations, but rather to determine what had happened and why, enter that into public record, and attempt to compensate the victims at least partially (Llewellyn and Howse, 1999).

Its orientation toward truth above traditional justice is the reason why the TRC is often hailed as an example of restorative justice rather than the retributive justice indicative of trials. Often, perpetrators who confessed were automatically provided with amnesty. This aspect of the TRC has been widely critiqued, but others have lauded the decision to place truth and reconciliation over punishment and praised it as wise given the political situation at the time in South Africa (Llewellyn and Howse, 1999). The TRC represents an approach that differs in its goals and structure from the ICTY, ICTR and gacaca processes, but is one that readers should keep in mind as an alternative model that could have been adapted in Rwanda, and may work alongside trials in other post-conflict societies in the future.

The Difficult Balance in Transitional Justice

In spite of the critiques of transitional justice systems, researchers agree that transitional justice has become integral to post-conflict societies' peace-building efforts. There also appears to be agreement on the need to balance truth-seeking, justice, reconciliation and forgiveness within these processes. However, scholars, and individual governments differ on the emphasis that they believe should be placed on the various components.

An Illusive Goal of Justice: The ICTR and ICTY Trials and Rape Cases

Both the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) have been lauded for the legal precedent set in these courts for trying cases of rape. However, they have a mixed record in actually following through with rape cases, in protecting witnesses, and meeting witnesses' expectations of justice and reparations. Critics of both

courts and advocates for women have chronicled the need for greater attention to female witnesses by both tribunals.

The ICTY: A Mixed Record

The International Criminal Tribunal for the former Yugoslavia (ICTY), created on November 8, 1994, has been seen by some as the forerunner of the International Criminal Courts (ICC) because of the precedence it set, the value it placed on particular war crimes, and the level of international participation (Vokes, 2002). The ICTY trials took place at the Hague, where the ICC is based, and also formed the basis of much of its jurisprudence. The ICTY placed great emphasis on the pursuit of justice, and punishment for war crimes and acts of genocide, and its procedures have been well documented. Its treatment of rape as a crime of war and act of genocide, like the ICTR set historical precedence (Mischkowski. & Mlinarevic, 2009; Nowrarjee, 2005; Owen, 2002; Stover, 2005). While there are many aspects of these tribunals that have been chronicled and critiqued by scholars of transitional justice, it is these tribunals' treatment of rape, and their treatment of witnesses in rape cases that is of particular relevance here.

On May 25, 1993, the UN Security Council made legal human rights history in the form of Resolution 827, in which it established the ICTY to try those responsible for severe violations of humanitarian law in the former Yugoslavia. One of the aspects of this resolution that made it truly historic was its explicit mention of rape among its definition of crimes against humanity. It eventually convicted war criminals of sexual violence, rape, and sexual enslavement, and demonstrated that they were part of a planned genocide. By mid-2011, the ICTY had convicted 28 separate individuals for their part in crimes of sexual violence, setting precedence for upholding international laws against rape (Rittner & Roth, 2012).

In spite of this legal precedence, the ICTY's success in bringing justice to sexual violence survivors and treating them with dignity has been widely questioned. Eric Stover (2005) included rape survivors in his sample of 87 witnesses at the ICTY, and found that they did not always receive the promised security protection when they returned from testifying, they did not feel that their accusers' punishments fit the crimes they committed, and they did not receive the follow-up counseling and debriefing that they were supposed to receive according to ICTY procedures. However, it should be noted that 67 of the 87 (77 %) total witnesses in Stover's study, both rape survivors and survivors who did not experience rape, said that their overall experience of testifying was positive.

In a mixed methods study sponsored by Medical Mondial, Mischkowski and Mlinarevic (2009) conducted interviews and surveys of 32 women who testified at the ICTY for rape cases. They found that 65 percent of these women felt re-traumatized by appearing in court. They also note that fears of retribution and lack of access to the courts prevented large numbers of women from testifying: as of June, 2009, 5494 witnesses had been assisted by the Victim and Witness Support Section of the ICTY and only 790 were women. At the same time, their study results contrasted with the stereotypes of Bosnian women as having little agency and facing extreme ostracism from family members if they discussed rape publicly. Instead, 84 percent of their participants reported being highly motivated to testify and felt it

was very important and over half said they had the support of family members. Others reported feeling supported by friends, NGOs and therapists (Mischkowski & Mlinarevic, 2009).

Niarchos (1995), in her seminal piece on the challenges facing the ICTY, questioned the way that rape was viewed and defined by the tribunal: that of defining rape as an attack on a woman's "honor" and "dignity", which she stated are "wholly inadequate concepts to express the suffering of women raped during war" (p. 363). She also critiqued the nature in which the ICTY and its lawyers, but also society in general, tend to discuss rape: in hush tones, referring to it as "unspeakable". She saw this as censorship, a tendency to overlook the entire tragedy, which becomes neglect of the truth. By silencing the testimony and the narratives of these women, Niarchos believed the public and the legal systems reinforce gender inequalities and complicitly perpetrate acceptance of rape. She described this dual set of obstacles in the following way:

This dismal state of affairs results from the interplay of two systems. One is a legal system that tends to overlook or dismiss women's pain; the other is a war system in which rape is an effective weapon. Both systems reveal themselves as male-dominated, with little regard for the rights of women. This is the legacy that the Tribunal must overcome (Niarchos, 1995, p.689).

Unfortunately, more recent assessments of the ICTY, like that of Mischowski and Mlinarevic (2009) seem to point toward the ICTY having accomplished little toward the kind of widespread change of this legacy that Niarchos sought.

The ICTR: Rhetoric but No Real Agency?

The International Criminal Tribunal for Rwanda (ICTR), established in November of 1994, followed the precedent set by the ICTY and stated that rape and sexual violence "constitute genocide in the same way as any other act as long as they were committed with the specific intent to destroy in whole or in part, a particular group, targeted as such" (ICTR in Hubbard, 2012, p. 106). It portrayed sexual violence as part of the systematic goal of genocide: "Sexual violence was an integral part of the process of destruction, specifically targeting Tutsi women and specifically contributing to the destruction of the Tutsi group as a whole" (ICTR in *ibid*, p.106). These statements led to the ICTR case against Jean Paul Akayesu, the former mayor of the Taba community in the Gitarama district, the first person accused of rape as an act of genocide by the ICTR.

Rape was not part of the original charges of genocide brought against Akayesu. The charges were amended to include rape after the testimony of multiple women, the petitions of multiple human rights scholars and NGOs supporting women's rights in addition to the opinions of the sole female judge, Navanethem Pillay, who also believed rape should be added and considered an act of genocide (Hubbard, 2012). This case was a historic case in international law for multiple reasons. First, it marked the first time that an international court found one individual guilty of the crime of genocide. Second, the Akayesu case marked the first

time an international tribunal defined the crime of rape, which previously had remained undefined in international law; it defined rape as “a physical invasion of a sexual nature, committed on a person under circumstances which are coercive” (ICTR, 1998 in Hubbard, 2012). Third, this was also the first time that an international tribunal found an individual, in this case, Akayesu guilty of rape as an act of genocide. In this particular case, the court saw rape as a crime of genocide, and Akayesu’s complicity in rape was viewed in this light (Hubbard, 2012).

Unfortunately, the ICTR had difficulty prosecuting additional Rwandans associated with the genocide with rape and sexual violence. At the time of writing this dissertation in mid-2014, the ICTR has convicted 32 individuals with crimes, but only one other individual, Arsene Ntahobali, has been successfully convicted of rape as an act of genocide. He was found guilty on June 24, 2011, along with his mother, Pauline Nyiramasuhuko, the former Minister for Family and Women’s Affairs during the 1994 genocide. Mr. Ntahobali was charged with genocide, war crimes, and crimes against humanity, which included rape (ICTR, 2013; Haffajee, 2006; Rittner & Roth, 2012).

Though these cases demonstrate the willingness of the international community to see rape as a crime of war and genocide, there is still much to be done for the survivors of these atrocities. Few survivors have the satisfaction of knowing that several of their perpetrators or the commanders of their perpetrators are imprisoned. The tribunal’s treatment of female witnesses, particularly rape survivors, has faced numerous criticisms.

Buss (2009) recognizes a shift in the public thinking about rape, which was reflected in the media: rather than seeing rape merely as a bi-product of war, it is increasingly being acknowledged as a “weapon of war”. Yet, she questions whether seeing rape as an instrument of war may be beneficial for female victims. She argues that seeing rape as an “instrument” may obscure how and why the rapes happened. She illustrates that the way that the ICTR conceptualizes rape make it necessary to show that each rape was meant as an assault against a collective ethnic group rather than an individual, increasing the burden of proof. At the same time, she feels that the Truth and Reconciliation Commissions in countries like South Africa may do a far better job of gathering evidence of rape and of soliciting the testimony of survivors of rape. She believes the burden of proof and the failure to properly investigate have caused the disappointing record of the ICTR’s rape convictions: as of December of 2008, the Tribunal had overseen completed trials and guilty pleas of 48 men, but only 15 had gone to trial for charges that included rape or sexual violence, only five men total had been found guilty of rape-related charges. Of eight men who pleaded guilty in trial, only five were charged with sexual violence crimes, and all five of these men were able to have their sexual violence charges dropped in exchange for guilty pleas on other counts (Buss, 2009, p. 151).

Nowrojee (2005) was equally disappointed in the low conviction rate and came to the same conclusions, calling the ICTR actions “ a serious miscarriage of justice” (p. 7). She blames inadequate investigations, use of inappropriate methods in investigating, poor training of staff, and not making the rape charges crucial to the prosecution strategy, but an add-on charge instead. She interviewed six victims who

had testified at the ICTR and three who were awaiting trials. One of the participants who was HIV positive said the following:

For those of us on the road to death, this justice will be too slow. We will be dead and no one will know our story. Our families have been killed and our remaining children are too young to know. What happened to us will be buried with us. The people for whom this tribunal was set up for are facing extinction—we are dying. We will be dead before we see any justice (Nowrojee, 2005, p.6).

Nowrojee not only faults the courts for failing to properly investigate rapes, but also cites evidence of their failure to bring charges of rape against accused perpetrators when they did have the evidence, and failure to protect the victims who had testified.

Owen, an international human rights lawyer, conducted a fact-finding mission, and gathered detailed evidence from Rwandan women who testified in the ICTR, and came to similar findings as Nowrojee did in her study. She reported “a raft of appalling human rights abuses in the legal proceedings” (Owen, 2002, p.8). The women were not represented by lawyers, and were often subjected to obscene cross-examination by the defense. They were not given any witness-protection. Many, upon return to their villages, were intimidated, attacked violently, and even killed by the families of the accused, or by other perpetrators who were sometimes still at large. Owen also reported that the court proceedings systematically degraded and discredited these women who were “already traumatized by genocide, rape, and deliberate infection of the HIV/AIDS virus” (Owen, 2002, p.8). The women who came forward were sometimes mocked by male court officials while the male judges failed to intervene. At the time of her report, Owen reported only one female judge.

The largest organization representing widows of the genocide, AVEGA, became so disillusioned with the ICTR and its treatment of women witnesses that it severed all cooperation with the Tribunal (Owen, 2002). The ICTR processes often reduce the testimony of survivors to lonely the parts that are deemed relevant for a particular prosecution, and the “entire truth” may not be heard by judges (Vokes, 2002).

Many female survivors of rape during genocide are left without monetary reparations, without access to continued education, struggling to feed their children who are sometimes orphans that they have adopted, sometimes the outcome of the brutal rape these women have suffered. This is the case for thousands of female survivors currently in Rwanda (interviews and conversations with AVEGA members, 2012). The local gacaca courts also failed to give victims who testified their reparations, which will be discussed in the section on gacaca.

Brief Overview of Gacaca Courts: Seeking Reconciliation, Truth, and Justice

The Gacaca courts were launched in 2002 as a system of prosecuting the thousands of outstanding individual cases from the 1994 genocide that could not be taken to the International Criminal Tribunal for Rwanda (the ICTR in Arusha,

Tanzania). They also served as a method for determining who would be released from the prisons that were overflowing with perpetrators of the genocide. The courts were based on a traditional communal justice system referred to as *gacaca* in the Kinyarwanda language, which literally means “gathering under the tree” in which community members would seek justice from community elders in meetings under the shade of a tree (Schabas, 2005; Wells, 2005).

The final *gacaca* cases were heard in 2008, and many questions still exist about the efficacy of the courts, and their treatment of the victims, and particularly survivors of sexual violence. Before evaluating the specific treatment of rape and sexual violence survivors, it is crucial to understand the operations of *gacaca*.

Structure and Functioning of Gacaca

The *gacaca* courts attempted to blend the traditional system of justice with a Western model. Each community had its own *gacaca*, which often met in government buildings or schools. Larger towns had *gacaca* courts in each “sector” or neighborhood. Panels of nine judges were elected annually by the community, or sometimes appointed by elected officials. Anyone in the community was encouraged attend the *gacaca* courts, and it was considered an obligation to participate, particularly if one had witnessed any incidents related to the particular cases being tried. Many of the 255,000 people who served as judges were illiterate agricultural workers who did not have legal experience, but received a brief legal training in order to serve on the *gacaca* panels (Corey and Jouireman, 2004).

All members of the community at large were given the opportunity to testify for or against the individuals on trial: everyone was encouraged to share what they remember having taken place, and to provide evidence or alibis if a defendant was wrongly accused, or to provide testimony if the act of genocide was witnessed. The judges weighed the testimonies of community members and the defendant and the accusers and then decided a verdict and sentence, or released the accused (Schabas, 2005; Sarkin, 2001). If a known perpetrator was up for release, they could make a public apology in the *gacaca* courts and have the community give testimony as to whether or not they believed the perpetrator was ready to reenter society (Tempest Williams, 2008).

The overview above gives the ideal functioning of *gacaca*- the description the Rwandan government and the *gacaca* officials wanted to promote. In reality, *gacaca* functioned, or failed to function, in a vastly different manner in many communities. Critiques have come from legal experts, from feminist scholars, and from academics who have conducted research involving victims who testified. The modern *gacaca* courts did not really perform the reconciliatory purpose of the pre-colonial *gacaca* system, and their structure differed dramatically. Ingelaere (2009) has pointed this out in his critique and called the modern *gacaca* at best, “an invented tradition” (p. 516) that represents the official truth that the Rwandan Patriot Front (RPF) government wants to have documented. In his 2009 mixed methods study that included data from victims, perpetrators, and observers who had all participated in *gacaca*, he found that none of them felt that *gacaca* uncovered the “truth” of what had happened. Instead, he found that people had ways of superficially reconciling and revealing information that would allow what he refers to as a “thin”

reconciliation to take place, a reconciliation that supported the government version of the truth.

Part of what Ingeleare eluded to in this “official truth” perpetuated by gacaca has also received criticism from other scholars. The dichotomy established by the Rwandan Patriotic Front’s government was mirrored in gacaca- that the Hutus were the only perpetrators of genocide, and the Tutsis were the only victims. This ignores widely-documented revenge killings and massacres carried out by the RPF in 1994-1996, and any acts of torture and rape suffered by Hutu at the hands of the RPF as they fought to capture Rwanda during the genocide (Corey and Joireman, 2004; Eftekhari for Human Rights Watch, 2004).

Others in the international legal community as well as the human rights community have identified several significant drawbacks to the gacaca system. Sarkin (2001) gave a fairly scathing critique of the proposed system prior to implementation, and concluded that it was unrealistic for Rwanda to continue to prosecute crimes of the genocide and predicted that it could lead to insecurity and violence. Corey and Joireman (2004) argued that the system did not pursue “equitable justice” and restated many of Sarkin’s arguments that it could add to instability and insecurity. Sarkin questioned the gacaca courts’ ability to give fair trials to the accused and to find judges who could fairly weigh the actions of the accused, and questioned the enormous power placed upon the panel of judges, who were usually survivors or family members of survivors sympathetic to the current government. Schabas (2005) gave a more rounded view, but pointed out that the numbers being prosecuted in gacaca far exceeded initial expectations, and that up to 1,000,000 additional suspected perpetrators had been identified due to the gacaca court system. Schabas (2005) had concerns about the prisons and the gacaca system to deal with all of these additional cases.

Sarkin (2001) also chronicled the human rights record of the post-genocide Rwandan government. He pointed out that the US State Department (2000) and Amnesty International have raised concerns about forms of torture and beatings by police. Amnesty International (2000) documented inhumane conditions in prisons that included overcrowding, poor sanitation and hygiene, insufficient food, and beatings. Critiques have also been made of the central role played by witnesses. Indeed, witnesses themselves have repeatedly reported being fearful, and have faced threats to themselves and their families. Orphans who considered testifying against their parents’ killers have reported threats. Sometimes, perpetrators have followed through with actual retributions carried out on witnesses by the friends and family members of the perpetrators (Corey and Joireman, 2004).

Millar (2014) in his recent article on the inability of hybrid organizations to produce predictable peace in post conflict societies takes the critique further and wider. He sees some hybrid institutions that attempt to blend traditional indigenous institutions with aspects of international law or goals of international agencies as not creating hybrids that can truly integrate at the conceptual level of a community. He argues this is often because the hybrids are designed by members of the international community and not by the indigenous community itself. In some ways, this could be true of gacaca: it was conceived of and designed primarily by RPF members who were Rwandans who grew up in exile in Uganda, many of whom

had never lived in Rwanda prior to the genocide, who may have not fully understood the way the ancient gacaca functioned or how communities interacted with the true ancient system. Millar's (2009) hypothesis about hybridity does appear to have merit in this context- perhaps some of the problems with gacaca did arise from problematically planned hybridity.

Treatment of Rape Cases in Gacaca

There were very specific problems for gacaca with how to address the thousands of cases of rape. The local gacaca courts struggled to make women feel safe enough to break the strong cultural taboo of discussing the rapes. Rapes were not initially tried in gacaca, but were sent to the national courts of Rwanda, which heard the more serious crimes of the genocide not sent to the ICTR (Amick 2011). Then, in 2008, an amendment to the laws and regulations of gacaca was passed that allowed gacaca to try cases of rape. After that amendment, 6608 cases of rape and genocide were heard in gacaca from 2008 until the final close of gacaca in 2010 (Amick, 2011, p. 1). Though that number appears substantial, it actually demonstrates the minimal attention given to the cases of rape: there are an estimated 250,000-500,000 survivors of rape in Rwanda so gacaca could have conceivably tried a much larger number of rapes (Amick, 2011; UNHCR, 2003). In addition, the number of 6608 comes from the gacaca courts themselves, and may be exaggerated by the government in order to demonstrate the attention it gave to cases of sexual violence.

In 2008 and the years that followed, the gacaca courts experimented with how to access the testimony of the thousands of women who had experienced rape during the genocide. They created private "women only" gacaca courts where only women would hear the incriminating testimony, and women were able to describe their rapes without the perpetrators or any other men present. The government also experimented with having "private courts" for hearing rape cases- one female member of the 9-member panel of judges would listen to the case of the victim and their memory of the rape, and then report back to the full gacaca court. In these situations, the women did not have to testify in front of men, but their cases and the details of the rape might still be heard and known by the entire community in the open gacaca. However, it should be noted that these procedures were not always followed, and often women did have to appear larger audiences where men were present- the application of women's only settings was inconsistent and disorganized in its implementation (AVEGA, 2012, personal conversations; Amick, 2011).

Little research has been conducted on victims who brought rape cases to the smaller gacaca courts, or the outcomes. However, Emily Amick conducted one of the most comprehensive overviews of the treatment of rape cases by gacaca and how the gacaca procedures and structure affected rape survivors was conducted by in her article entitled, "Trying International Crimes on Local Lawns: The Adjudication of Sexual Violence Crimes in Rwanda's Gacaca Courts" which appeared in the *Columbia Journal of Gender & Law*. She did not conduct primary research, but rather looked comprehensively at the gacaca law and procedures and at the extensive reports by observers and NGOs. Amick provided evidence that showed that many of the perpetrators of crimes of sexual violence during the genocide actually received

de-facto amnesty for these crimes. Amick acknowledged there were cultural factors around the taboo of speaking about rape that contributed to fears of going to court, and justified fears of retribution, as other authors have claimed (Amick, 2011; Corey and Joireman, 2004). After a careful analysis of the gacaca process and a review of interviews that NGOs and human rights advocates had conducted with survivors of sexual violence, Amick concluded “the structure and process of the judicial mechanism prohibited women's access to justice” rather than solely cultural influences or concerns for safety (Amick, 2011, p.2).

Amick drew attention to the way that the process itself, and what testimony would be accepted and heard by the courts, affected the participation by rape survivors. She concluded that while some women did choose to keep their rapes a secret because of fears of being ostracized by family or community, the vast majority chose not to speak in gacaca because of the rules of gacaca itself. Amick pointed out that sexual violence was not properly defined within gacaca law, and instead, the term “sexual torture” was used with confusion as to how courts should define that term (2011, p. 25). Amick also highlighted the fact that gacaca required women to name their rapists- meaning that had to know who raped them. It also mandated that the courts had to be able to physically bring the accused to the trial in the specific locale where the rape took place. Thus, if the rapist had died, or if the rapist had fled the country, the victims were prevented from having their cases tried (Amick, 2011). As will be evidenced in the results of this dissertation, these requirements of gacaca prevented women who were survivors of rape from participating fully in gacaca. Amick eloquently stated:

Victims of sexual violence have been left behind as the community narrative was inscribed. In order to achieve the recognition that women desire, it is critical for cases of sexual violence to be included in the community narrative while concurrently protecting individuals who might be injured in the process (2011, p. 29).

While Amick’s study has similarities to this dissertation study, she relied on secondary data, and several conclusions are somewhat problematic. First, while true that the gacaca system prohibited women from coming forward with their cases of rape because they did not know their rapists or could not physically bring them to court, this is standard procedure for most Western courts, as well. It is tempting to accuse the gacaca system of not taking into account the needs or the “truths” of rape victims, but this represents a bigger problem of the courts: namely, that they are that- courts. The gacaca system, in its modern form, is primarily judicial, and, as pointed out by several scholars cited above, it is concerned with one common narrative of truth. Gacaca did not seek to find a comprehensive truth nor did it seek a deeper form of reconciliation, as might have been the task with a system like the TRC. If gacaca had operated under a TRC model, then the accusation that the courts prevented women from coming forward would have more validity. Second, Amick places undue emphasis on the structure of the courts themselves rather than looking more concretely at women’s lives. My own study looks more comprehensively at an array of possible factors in women’s lives, and reaches beyond a mere structural look at gacaca itself. I believe this wider lens provides a

glimpse of the agency that women have, and the agency that supportive organizations can have in women's lives.

In no way do I wish to deny that the gacaca process excluded many narratives of rape. Mibenge (2013) has also commented on the way that gacaca required an established narrative of the women who testified. She reminded readers that there was no place in the public sphere of gacaca for testimony about any of the rapes that occurred after demilitarization took place in Rwanda and the genocide was "officially" over according to the RPF, even though those rapes may have been motivated by the genocide. Mibenge explained how women were forced to either self-censor their experiences or to alter their narratives in order to have their rapes acknowledged and their perpetrators punished.

Another researcher, Karen Brounéus (2008), conducted 16 interviews with rape survivors who were members of AVEGA and had interacted with the gacaca system. Her participants reported being retraumatized by giving testimony in the gacaca process, which led her to question the premise that "truth-telling" can be cathartic or offer a healing process for PTSD. Participants in her study also reported multiple cases of reprisal, fears for their safety and the safety of their family members, and destruction of their homes and property as a result of giving testimony. Brounéus concluded that gacaca failed to adequately protect women, particularly rape survivors who testified, and that testimony may have caused retraumatization through having the women relive the rape publically in front of perpetrators once rather than having them tell the story multiple times in an emotionally safe environment in the way that effective PTSD treatment would.

Though gacaca attempted to remedy some of the errors that led to accusations of human rights violations, and did give attention to the critiques around equity and treatment of victims, it still left a vast number of rape survivors out of the process. With truth-seeking as one of its major functions, as well as a community narrative that incorporated the input of all members of the community, part of the "truth" of Rwanda went untold. The issue of balancing truth-seeking, reconciliation, and justice should remain in forefront readers' minds as the factors related to women's decisions to take cases of rape to gacaca are explored in the proceeding chapters.

Reparations and Gacaca

Another problematic feature of the Rwandan government's use of gacaca was its failure to provide the promised reparations to victims who testified. Reparations were extremely important to women in Rwanda. In many cases, it appears that a promise of reparations was made to women in an almost coercive manner, and then, the government failed to provide those reparations (Rombouts, 2006).

Rubio-Marin (2006) has written widely on the role of gender in debates on reparations. In the ground-breaking book that she edited, *What Happened to the Women? Gender and Reparations for Human Rights Violations (2006)*, she points out that human rights abuses victims' right to reparations has been widely recognized within international law, but domestic debates continue about what constitutes reparations and how they should be applied. She calls for greater inclusion of women's voices in deciding upon policies for reparations in post-conflict societies.

Her research and that of other scholars in that book have identified a difference between the type of reparations women request, and the reparations provided by most male-dominated policies. Reparations are often thought of as “*resitutio in integrum*” which means restoring the victim to their financial or social status prior to the violation, essentially attempting to compensate the victim for what they lost. However, most women often request reparations in the form of basic medical and psychological services and assistance with education expenses for their children. This points to the need to consult with women victims as to how they conceive of reparations (2006, p.28).

Rombouts (2006) contributed a chapter to *What Happened to the Women? Gender and Reparations for Human Rights Violations* specifically on women and reparations in Rwanda. Rombouts conducted an undisclosed number of interviews with victims, and NGOs working with female victims. She describes exactly how the reparations system was meant to operate, and how it failed. Gacaca courts at the cell level were supposed to create lists of victims and the damages that they suffered in order to evaluate the impact of damages and the amounts that should be awarded in reparations. Then, an indemnification fund (FIND) was supposed to deal with the payments. The indemnification fund was never created (p. 198). Another fund, called FARG (Assistance Fund for Genocide Survivors) was created by the government to operate outside the legal reparations policy debate. The beneficiaries of FARG are all survivors but do not have to be direct victims of the genocide (they include some repatriated Rwandans who were outside Rwanda at the time of the genocide but lost family members)(Rombouts, 2006).

Rombouts (2006) found the current reparation system has created a dependency solely on FARG, which she saw as highly problematic. Community leaders make most decisions about eligibility for FARG assistance and are sometimes easily corrupted. A huge disparity exists in the treatment of sexual violence survivors depending on what community they live in. FARG offers some monetary assistance, but has focused on providing social services for survivors. However, because of funding shortages, many deserving survivors have not received these services: assistance with obtaining government medical cards to receive low-cost healthcare was given to only 70,000 people. FARG has also prioritized education assistance, but older widows have felt excluded. Finally, FARG helped with constructing housing for widows in several areas, but the houses were often only partially constructed and many of the older or disabled widows lacked the physical ability to finish the houses themselves and were forced to live without roofs or without proper floors.

At this late date, the FIND fund is not likely to actually provide reparations through direct payments, as the law stipulates. Rombouts (2006) believed that even if it was instituted and began to pay victims, its structure might still exclude women and sexual violence survivors. Her most prominent critique: it promises only to give reparations to those survivors who participated in gacaca. For women, particularly survivors of sexual violence, fears of reprisal, or fears of destroying relationships with Hutu neighbors whom they relied on economically and socially prevented them from participating.

Actual efficient and equitable distribution of reparations that takes into account gendered notions of reparations, and differential needs of victims based on gender is critical for successful transitional justice systems. The authors above believe that Rwanda has failed miserably in this respect. Future transitional justice systems might show wide improvement based on some of the unfortunate errors and failures that have occurred in Rwanda.

Transitional Justice and Decisions for Survivors of Rape: The Need for this Dissertation Study

Transitional justice policy and structure is an ever-evolving process. The multiple goals of justice, truth, and reconciliation are not easily balanced, as evidenced in the examples in this chapter. It may be impossible for a particular society's balance to please all its citizens. However, most observers and critics of the gacaca process agree it failed to approximate a real balance. Instead, it opted for its own version of justice, and a limited version of the truth.

Even with ICTR cases setting international legal precedence and drawing attention to the discourse surrounding sexual violence in armed conflict and genocide, very few systematic studies of female sexual violence survivors' court related decision-making have been conducted (Haffagee, 2006; Hubbard, 2012; Ritner & Roth, 2012). Studies, like those of Amick and Green have looked at the impact of individual female survivors or groups of survivors who gave testimony in gacaca or at the ICTR. However, no researcher of this topic has attempted to gather data related to the court decision-making with a number of women survivors of this size.

There is very little existing data on what influenced the decisions of the women who were raped in the 1994 genocide, and how they perceived the gacaca. To date, the existing research relies on individual case reports, the reports of visiting human rights observers, or small clusters of cases. Until now, no researcher has asked women if the goals of gacaca and its view of justice met their own, and asked them to suggest improvements for gacaca. No other researcher has tried to assess the impact of possibly critical factors like socioeconomics, social support, education, and the role of women's organizations as possible influences that impact women's decisions to bring these cases to the courts after genocide. We know almost nothing about the characteristics and experiences of women who decide to prosecute cases of genocide rape, thus breaking a taboo present in many societies including that of Rwanda. We also know almost nothing about what may encourage or discourage them to make this decision, or about what we can do to help and support these women.

My research also bridges human rights and social welfare in a novel way for both the transitional justice literature and the literature on rape in war. Social workers are often posed to be the first responders to human rights abuses, and to be the on-the-ground protectors and advocates for human rights, yet because of a failure to engage in human rights discourse, social workers do not always claim this role. Because this research focuses on such a crucial human rights issue, and will provide information valuable to all who work in the field of human rights related to

genocide, it will assist in positioning social welfare and the role of social workers within this discourse.

Survivors of rape often face fears and real dangers that are specific to them as rape victims. Reprisal by perpetrators and family members of those perpetrators, and ostracism by their own families and neighbors exist as constant possibilities and often, realities for these survivors. The type of justice that survivors of rape during genocide seek, the type of truth that they feel free to tell, and the level of reconciliation that they seek can be quite different from that of other survivors. We still know very little about how these women actually manage to find the courage to engage with systems often ill suited to their needs. Some do find the courage to come forward. Some do engage with flawed systems like that of gacaca. The rest of this dissertation provides insight into how and why some survivors of rape from genocide engaged with gacaca despite its flaws.

Chapter V: Exploring Conceptual Frameworks for Decisions to Break Taboo

To surmount the situation of oppression, people must first critically recognize its causes, so that through transforming action they can create a new situation, one which makes possible the pursuit of a fuller humanity.

– Paulo Freire, *Pedagogy of the Oppressed*

The decision to break the fierce taboo of discussing rape publically is not a simple or easy decision for Rwandan women. It can be deeply personal and dependent on individual circumstances. The literature on rape and decisions to prosecute contains little consensus or understanding of what may impact the decisions of women who suffered rape during a war or genocide. In fact, theories specific to this population do not even exist yet.

This chapter provides an overview of possible theories and conceptual frameworks related to the decision to take cases of sexual violence from genocide to transitional courts. The frameworks presented are based on the general literature on rape, and on a hypothesized framework based on my experiences in Rwanda and the literature on developmental economics and empowerment. I begin with an overview of research on decision-making among victims. I then illustrate the supports identified as important for rape survivors in post-conflict societies. I explain how these relate to supports I hypothesized might have been important Rwandan women who went to gacaca.

The Decision to Prosecute: Witness Support Frameworks

The literature on decision-making by survivors of rape establishes that support in various forms is crucial to a survivor deciding to press charges and/or testify. This section profiles the types of support that may be most pertinent to the rape survivors in this study.

Social Support, Help-Seeking Behaviors and Social Influence

The decision-making process of victims of crime is often a complex and emotional one. Individuals often consider or are influenced by a number of factors depending on their social and emotional contexts. Greenberg and Ruback (1992) conducted one of the most comprehensive efforts to understand victim decision-making to date. Over a thirteen-year period, they conducted over 20 studies of victims' decision-making using a variety of research methods. These included: experimental procedures, secondary data analysis of large organizational data, and interviews of victims and witnesses of crime.

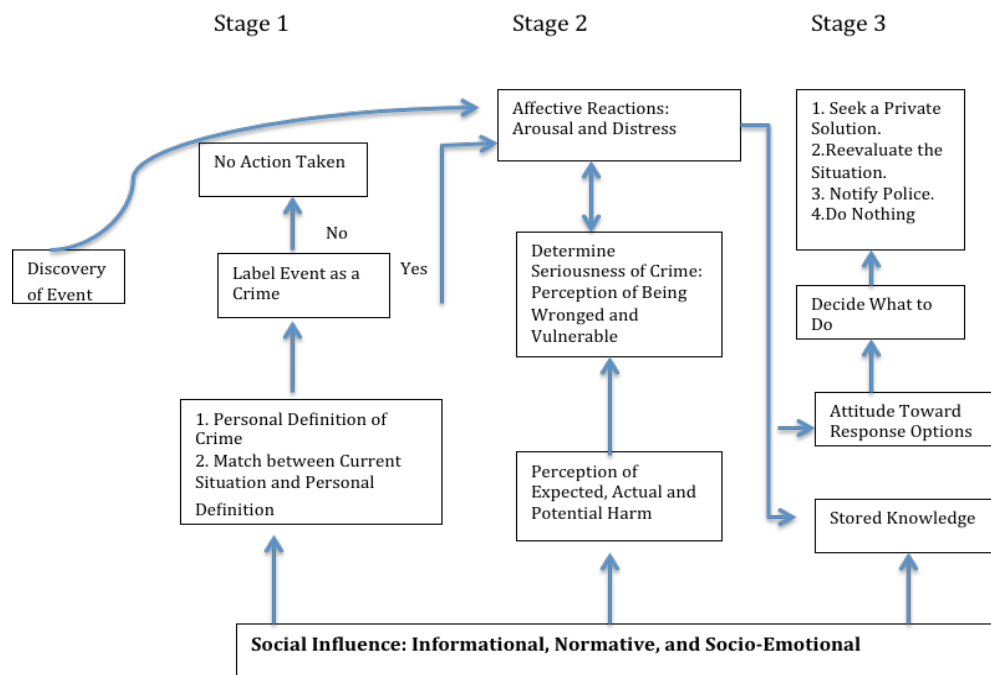
One of Greenberg and Ruback's studies involved the analysis of data archives at the Rape Crisis Center of Grady Memorial Hospital in Atlanta, Georgia. In this study of institutional data, 2526 sexual assault victims were asked about their actions immediately following a rape (1992, p. 134). Greenberg and Roback identified social influence and the impact of social support- through calling a friend

or relative and discussing the rape with that social support person- as having the biggest impact on whether a rape victim reported the crime (1992, p.148).

Greenberg and Ruback’s findings supported previous conclusions by social psychologists on the impact of social influence upon the decisions of victims (Sarason, Sarason, & Pierce, 1990; Spellman & Brown, 1981; Van Kirk, 1978). Spelmand and Brown’s (1981) study of 4,000 crime victims and bystander reporters in four US cities found that 26% spoke with someone else before calling the police. One of their earliest comprehensive studies took place in Kansas City, and found that among 949 crime victims, 58% delayed reporting the crime to the police because they discussed it with another person. These studies demonstrate the impact of social support and the power of those giving support to influence the victims’ decisions.

Greenberg and Ruback developed a model of crime victims decision-making based on the findings of their 20 studies (1992, p.183) in Figure 5.1:

Figure 5.1



The first two stages are not as generalizable to Rwandan women who survived rape during the genocide. In the Rwandan context, most survivors applied normative labeling of the event as an act of war and genocide, and one could argue that the “crime” label might be far too tame in these circumstances, and would have been quite obvious and immediate to the women. They were not likely to question the criminal nature of the rape because it occurred in the context of war.

The time frame also differed: the decision to go to the transitional courts and provide testimony about the case was made long after the event. Thus, initial feelings of arousal like those in Greenberg and Ruback’s study were irrelevant. However, the importance of perceived harm and risk involved in reporting played a critical role for Rwandan women, and the idea of social influence upon behavior also applies to the Rwandan context.

Stage 3 of Greenberg and Roback's model and its emphasis on how social influences might impact the knowledge, attitude toward decisions as will be discussed later in the results. Thus, Greenberg and Ruback's Stage 3 might be adapted to inform the model of decision-making for rape survivors in post conflict settings.

Belief in a Just World and Taking Action

Another set of studies around victimization looks specifically at the "belief in a just world", a theory developed by Melvin J. Lerner following a set of experiments that were first published in 1965 (Lerner, 1970; Lerner, Miller & Homes, 1976; Lerner, 1980). According to Lerner's "just world" theory, individuals assume that they reside in a just world, a world in which people get what they deserve. Thus, according to the theory, if positive things happen, it is because of the good character and actions of those individuals, whereas negative events and fates happen to those who have poor character or have themselves acted against societal norms and ethics in some way. If someone who believes in a "just world" witnesses an injustice toward an innocent victim, they seek to explain this injustice in a way that reaffirms their belief. Consequently, observers of injustice may often blame the victims and seek to see them as deserving what has happened to them in order to preserve the belief in a just world (Lerner, 1980; Maes, 1998, p.9).

Contrary to the premise of much of the research based on Lerner's just world theory, which has explored the phenomena of blaming victims, Lerner never claimed that victim blaming was a direct and inevitable path for those who held the belief in a just world. He also listed other options: restoring justice and altering one's belief in a just world. Subsequent researchers have seized on this, and suggested variants in the belief in a just world: one is belief in "immanent justice" and another is that of "ultimate justice" (Maes, 1998). The belief in ultimate justice allows observers of injustice to look beyond present events and see that an injustice now might be righted later- that the good will eventually get what they deserve. Research on how individuals deal with their own suffering through disease and adverse educational outcomes and its relationship to this belief has shown belief in ultimate justice can provide comfort, and lead to adaptive processes (Maes, 1998; Lerner, 1980).

Recommended Supports and Services for Victims of Sexual Violence in Conflict

The decision to report sexual violence that occurred in the context of an armed conflict or genocide is particularly complex. It often involves real physical and emotional dangers for the survivor. These may surpass even the danger and fears that other rape survivors face. The International Criminal Tribunal for Rwanda (ICTR) developed a *Best Practices Manual* specifically for "the Investigation and Prosecution of Sexual Violence Crimes in Situations of Armed Conflict" (2008). In it, they state specific measures that courts can provide in order to facilitate testimony by victims of sexual violence.

The recommendations of the ICTR are not supported by empirical data on how these supports were developed by the tribunal, or on how their presence positively impacted the witnesses that had access to these supports and services. The manual mentions all-female settings for victims to give testimony and the importance of training female investigators in a way that includes empathy and care not to re-traumatize victims. They also mention the importance of fully informing witnesses about the very real risks of reprisal they face through testifying: violence on the part of the perpetrators' friends or family members. Related to this, the courts and support services for victims should not make any promises which they cannot follow up on in return for testimony: they should not promise reparations, payment of school fees, or relocation that they cannot provide.

Counseling services are also recommended for all rape victims. The ICTR cites a number of cases of "rape witnesses who testified have had their identity revealed, which has prompted their intimate partners, previously unaware that they were raped, to leave them" and thus, also recommends providing counseling services for male partners of victims who testify, where appropriate (2008, p.13).

In addition, the manual recommends that specialized medical and psychological care should be available to all rape witnesses. It states that a tracking system should be developed to follow-up with witnesses post-trial and assess any threats that witnesses face and to monitor the safety of witnesses. The ICTR explicitly states that tribunals should liaise with women's organizations that can "provide support and assistance" and offer "continuing care" after tribunals close (2008, p.14).

Another pertinent list of recommended supports comes from the UC Berkeley Human Rights Center's Sexual Violence & Accountability Working Paper Series. The Working Paper entitled "Responding to Sexual Violence: Community Approaches" (Freccero, Harris, Carnay and Taylor, 2011) makes mention of community level supports and specific roles of community organizations in a way that the ICTR recommendations fail to do. Rather than encouraging victims to depend solely on the ICTR staff for emotional support and access to needed services, Freccero and colleagues recommend stronger connections for victims to community-based organizations that will remain in victims communities offering support for years to come.

To summarize, a table below provides clues as to the supports that the ICTR and the UC, Berkeley Human Rights Center recommend for survivors of sexual violence:

Figure 5.2: Possible Supports for Survivors of Sexual Violence



(Based on information provided by the ICTR, 2008; and Freccero et al, 2011).

These supports and services are likely to increase the emotional wellbeing of survivors, and to assist them should they decide to take cases to court. However, the interaction of these supports and services upon the decisions to testify in transitional courts or tribunals by women survivors of sexual violence in conflict is not clearly established. This dissertation does not examine all of the categories of support services above, but a number are assessed: involvement with all-women's courts, whether or not women testified in an all-women's court or with men present, access to group support in a women's organization, economic opportunities, and emotional support through an organization.

Defining Empowerment and Social Development and Outlining their Importance for a Framework of Decision-Making

The framework presented in the final section of this chapter is partially based on ideas found in theories of empowerment, and in social development theory. Before I present that framework, I want to more fully explain my use of these concepts. Several of my hypotheses that I will explain in later chapters are pulled directly from empowerment and social development. Thus, this overview will augment readers' comprehension of the research.

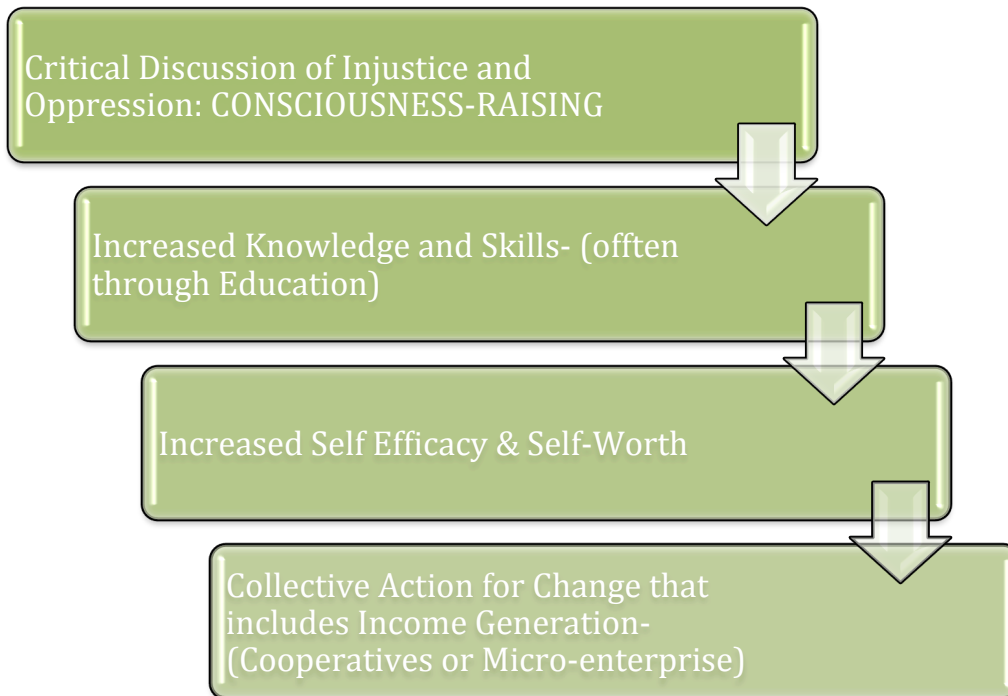
Defining Empowerment

Empowerment has become new buzz-word in international development, mental health, community development, politics, and even business. It is often over-used and misused, and a myriad of definitions, or complete lack of definition in some cases, has caused confusion about what “empowerment” really means (Lutrell Quiroz, Scrutton & Bird, 2009). Many so-called “empowerment” programs tend to operate without clearly defining the term. This lack of definition can lead to questions: who has power? Who is in need of power? What kind of power is being sought? How is this power obtained? Is empowerment a process of gaining power, or a result that demonstrates “empowerment”?

Unfortunately, even the United Nations Development Program (UNDP, 2008) fails to explain its use of this term. This program uses the term “empowerment” without clearly exploring notions of power and how power structures affect the women that they are serving. In many ways, this failure to define the term could be seen as propaganda and false advertising, which is rampant with regards to the term in the media, but one would expect more of Inter-Governmental Organizations like the United Nations.

For the purposes of my dissertation, I use a definition adapted from Gutierrez and her colleagues’ (2003) definition of empowerment. Programs must have all of the four critical elements below in order to qualify truly merit description as “empowerment” programs: 1) processes that strengthen self-efficacy and self-worth, 2) validation through collective experience and collective education of some kind, 3) transmission of knowledge and skills that contribute to critical thinking regarding injustice and oppression, and 4) collective action in some capacity around issues of injustice and income creation. These are not always easily achieved goals and objectives, but should be components of any empowerment program working in social development. For the “development empowerment” framework, that final element, “action” needs to be in the form of creation of a cooperative or some micro-enterprise creation. Table 2.4 illustrates these key components.

Figure 5.3: Components of Developmental Empowerment Programs:



This “developmental empowerment” definition draws directly on the work of Lutrell (2009) and Gutierrez (1989, 2003) who argue that all empowerment programs must have critical consciousness-raising combined with collective action and capacity-building. This represents an evolution in the way that empowerment has been perceived by practitioners in the field.

This expanded definition grew out of an earlier one that focused on consciousness-raising. It viewed empowerment as “critical consciousness and knowledge of the structural inequalities and oppression.... Transformation occurs as people are empowered through consciousness-raising to see alternatives. Transformation is a vision of social change as well as a process and outcome of throwing off oppression in one’s life and in the life of the community”(Lee, 1994, p.34). Paulo Freire’s notions of oppression guided Lee’s vision, particularly the philosophy and methods he developed in *Pedagogy of the Oppressed* (1970). Freire believed that communities needed to engage in a discourse on power, that power could be both positive and negative, and that in order for oppressed individuals and communities to gain positive power, they needed to embark on a dialectical process of understanding power, its implications, and how it affects individuals. Freire called this process “consciousness-raising”, and believed it should be a critical part of the educational process for all citizens, particularly the oppressed. Consciousness-raising involved learning to think and observe critically the systems of oppression that surrounded oppressed communities, and then to think and plan action to change those systems (Freire, 1985; Freire, 1974; Freire, 1970).

As Gutierrez points out (1990, 1998, 1999), empowerment must have consciousness-raising as a goal, process, and outcome. “A love of the whole person, a love of justice, a hope of changing conditions that are unjust and a willingness and ability to act are necessary in a Freirian approach to empowerment practice” (Lee, 1994, p.36). Empowerment is seen as the process of achieving this understanding, and the ability to critically examine all power structures and systems of oppression in society. It then involves taking some form of collective action against oppression and injustice (Lee, 1994; Gutierrez, 1990; Mancoske and Hunzeker, 1989; Freire, 1970).

In the context of Rwandan women who survived rape during the 1994 genocide, empowerment would programs would need to involve a discussion around gendered violence, sexual violence, and how this relates to the role of women in Rwandan society. Ultimately, Rwandan women would come to their own conclusions and understandings about how and why women’s bodies were used in this way. Women would also wish to seek greater equality and power together in a way that they defined according to their own ideas about society. I hypothesized that if women were having discussions about the injustices of the genocide, and specifically about sexual violence and its injustice to women, they might be more likely to speak in the transitional courts. If there was an understanding among Rwandan survivors that rape in the context of war perpetuates beliefs in women as property- both material and cultural property- perhaps women would decide collectively that they should come forward with their cases in order to take a stand against this abuse of women.

Defining Social Development

“Developmental Empowerment” programs like those outlined in the definition above draw directly on the interventions within the social development repertoire. Thus, briefly, in order to fully illuminate the context for “developmental empowerment”, a definition of social development is provided.

Social development, in the context pertinent to this study, has morphed over time. In 1995, the United Nations convened the World Summit on Social Development, which established specific social development goals which eventually became the Millennium Development Goals adopted by the UN General Assembly in 2000 with one of the major goals to drastically reduce global poverty by 2015 (United Nations, 2005). Despite the enormous growth and attention given to social development projects and methods a clear definition has not been agreed upon by scholars and policy makers. Midgley (1995) proposed one definition:

... social development’s most distinctive feature is its attempt to link social and economic development efforts. Social development explicitly seeks to integrate social and economic processes, viewing both elements as integral facets of a dynamic process of development. It is this emphasis on *development* that characterizes the social development approach. Within the process of development, social and economic development form two sides of the same coin. Social development cannot take place without economic development

and economic development is meaningless unless it is accompanied by improvements in social welfare for the population as whole (pp.23).

Social development is based on the theory that improvements in social welfare are interconnected with economically development, and that the two must happen concurrently.

Ife (2008) also provides an excellent definition of social development in the context of collective rights. He states that social development “involves working with a community to help strengthen its social structures, cohesion, and interaction” (p. 46). He states that social development relates to what are often considered “second generation human rights”: economic, social, and cultural rights. Ife does not go into detail concerning the methods and intervention strategies used by social development to accomplish these goals, yet, his mention of social development within the context of human rights is crucial: often social development does seek to achieve protection and promotion of human rights, even when these goals are not stated explicitly.

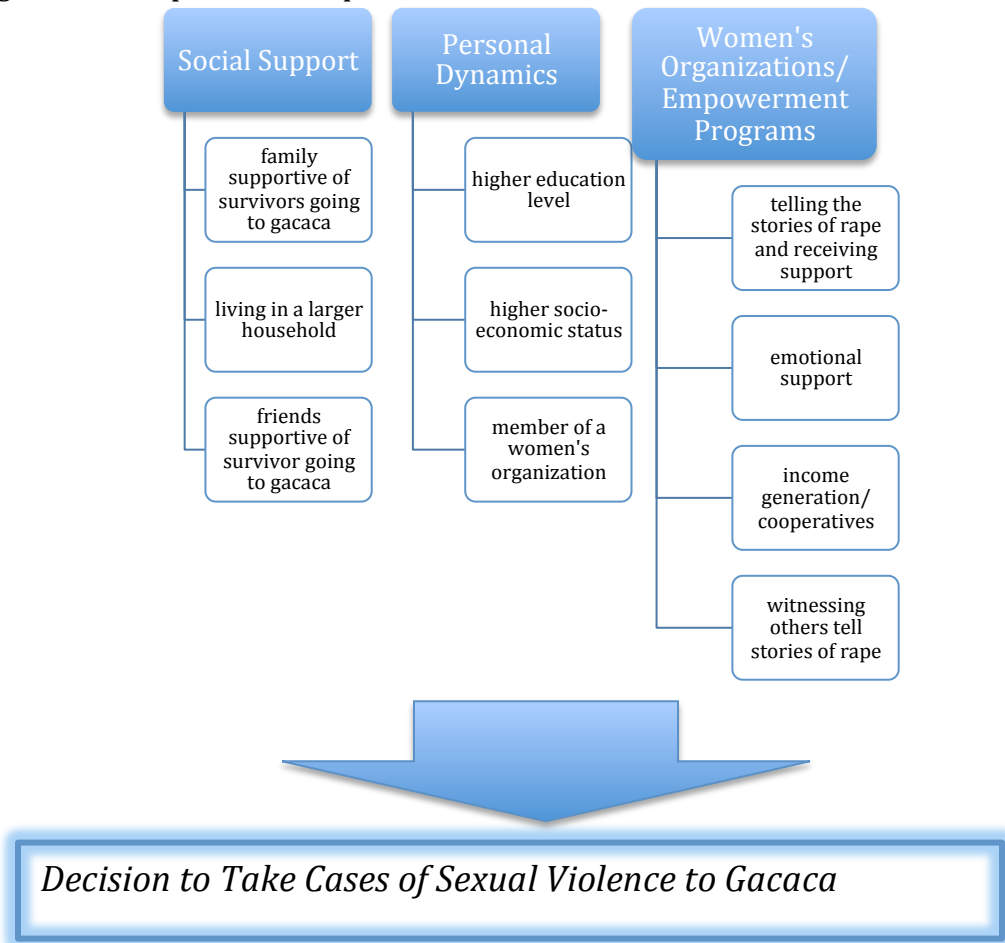
Summarizing these two definitions yields a description of the goals of social development and gives a definition that I use throughout this dissertation: social development is a process that integrates economic development and increased social welfare and human rights of communities. In social development, social and human rights programs are linked with economic development programs, and seen as complementing one another. Empowerment programs, when properly conceived and implemented should share these goals and improve social and human rights within communities.

In the context of female survivors of rape during genocide, social development scholars might envision government services in the form of physical and mental health care, education, and strong structures for reparations within transitional justice systems. These could combine with income generation programs and support groups to create better social and economic well-being for these survivors. Social development informs the belief that greater access to information about the gacaca courts themselves, and information about the importance of seeing rape as a crime of genocide, coupled with economic development would improve individual lives and impact the rate of women taking cases of sexual violence to the transitional courts.

A Framework for Factors Impacting Decisions of Rwandan Women

I devised a working conceptual framework based on the court decision-making literature regarding survivors of rape, the suggestions for services to support these survivors, and my own hypotheses from my work with Rwandan women for eight years. Please see this framework illustrated below.

Figure 5.4: Proposed Conceptual Framework



I believed that the research on social support would likely also apply to Rwandan women, that if they had supportive friends and family, this might impact their decision-making for gacaca. I also believed that social support might impact their daily lives, and those who had more family members living in the home may be more likely to take a case to gacaca due to greater general social support. From my own observations in work with survivors and my knowledge of Rwandan culture, I assumed that education level and socio-economic status might provide women with the social capital that made them more comfortable to break the taboo of talking about rape. Perhaps wealthier or more educated women could afford to speak about rape with less fear of being ostracized by friends and community members. Finally, I thought that sexual violence survivors who were involved in women's organizations might be more likely to take their cases to gacaca. Within the women's organizations, I thought that sharing a story of rape or witnessing another women share her story of rape and have a positive experience might impact court decision-making. I also thought that if the women's groups themselves had an economic development component, this might also impact the decision to take a rape case to gacaca. Fundamental to my study was the notion that exposure to a developmental empowerment program might have a relationship to women

deciding to take a case to gacaca. I thus conceived of a conceptual framework for women's decisions that took these hypotheses into account.

The framework above illustrates the assumptions and hypotheses I held when designing this dissertation study. My study explored these hypotheses in an attempt to formulate a more accurate conceptual framework that could inform practice and support services for these survivors. The following chapter provides explicit detail on the methodology I used, and in the final chapter I will present an adaptation of this framework based on the results of the study.

Chapter VI: Study Design and Methods

Witnesses often scorned the notion that justice somehow possesses miracle-working powers. Instead, they speak of it as being highly intimate and idiosyncratic and, at times ephemeral. 'How can you measure justice against all that I have suffered?'

-Eric Stover, 2005, p.142

This chapter provides a detailed explanation of the methods used for this dissertation study. I begin by discussing the study design, and then proceed by explaining my sampling strategy. A thorough description of all constructs and variables explored in this study follows. Next, I explain my procedures for both the survey and the interview portions of this study. Finally, I outline the human subjects protocol that was developed to protect my participants from harm.

Study Design

This is a descriptive exploratory mixed-methods study of female survivors of genocide rape. The study used a purposeful sample that attempted to be representative of age and urban/rural distribution while relying on convenience.

A survey was used to gather descriptive data for the research questions that asked what factors may be related to women's decision to take cases of sexual violence from the 1994 genocide to Rwandan transitional courts. The survey also contained several open-ended questions that provided qualitative data. A total of 106 women were surveyed.

The study also utilized follow-up semi-structured interviews with 19 of the survey participants. These semi-structured interviews gathered information that helped me to better understand trends in the quantitative data, and help to answer the qualitative research questions: *What were the definitions of justice held by the women who survived sexual violence? Did the women find the gacaca system met their own definitions of justice? What suggestions do rape survivors have in order to create more secure and "just" systems for their cases?*

Initially, the study sampled only women in the Western province of Rwanda. I conducted this research in January and February of 2013. There were fewer living survivors of rape in this province than I initially presumed, so the study was extended to include the Eastern Province and the Capital District of Kigali, see the figure below for orientation. I traveled with my research assistants to cells (local communities) and districts (counties) throughout these three provinces in order to meet with participants. Most of the research in the Eastern Province and the Capital District was conducted during one short stint in Kigali in February of 2013, and then, by basing myself out of Kigali for six weeks in August and September of 2013.

Figure 6.1 : Map of Rwanda with Provinces



Wikimedia Commons, 2014

Participants and Sampling

All participants in this study survived rape during the 1994 genocide. I made the decision to allow the participants to define the parameters of “rape during the genocide” and relied on how they defined that term rather than imposing my own limitations. Participants included women who chose to come forward to the gacaca courts with their cases of rape, as well as women who did not. I attempted to get equal numbers of women who did take cases of rape to gacaca and those who did not. However, women who did not take cases far outnumbered those who participated and it proved extremely difficult to survey more than 30 participants who took rape cases to gacaca.

In order to obtain access to participants for the survey, I sought the assistance of AVEGA Agahozo, the largest women’s organization of survivors of the genocide. Commonly referred to as AVEGA, the organization was originally a support group for widows, but now has members who are female orphans, widowers, and other women survivors. It also broadened its mission from a support and advocacy group to one that assists women in certain areas to form and obtain seed funding for cooperatives, assists with access to women’s clinics, assists with housing needs, and tries to encourage discussion of violence against women, including sexual violence. Three participants were recommended by the Rwandan

Red Cross, rape survivors known by its staff that it invited to participate. Another two women were my neighbors who volunteered to participate, but the vast number of participants were AVEGA members. AVEGA has local chapters in every District (county) of Rwanda, and in most of the cells (local neighborhoods). They gave me permission to contact the local AVEGA representatives in each District of the three provinces targeted for the study: the Western Province, the Eastern Province, and the Capital District of Kigali (which has its own three Districts within its borders).

The District representatives, elected annually by members in that District, assisted in arranging local meetings within the cells. Sometimes, the information meetings were special meetings, but often, we attended pre-arranged weekly or bi-weekly meetings. Normally, the meetings took place at the normal location of AVEGA meetings for that chapter, which most often were local government buildings.

These women's meetings where information on the study was provided usually occurred in a private room or in a quiet and private location outdoors on a government property. It was explained that the study sought only women who had survived rape during the 1994 genocide. After receiving a detailed explanation of my study, and having time to ask questions about the survey, the women were invited to participate if they had survived rape, but they were also invited to ask family members, neighbors and friends who might be eligible to participate. They were given a research assistant's contact information to give to other women so that they could arrange a time to meet with the researcher if they were willing to participate.

The women would be invited to stay after the meeting or to leave and return later the same day to maintain privacy if they wanted to and were eligible to participate in the survey. If they chose to participate, surveys were conducted in private rooms, or private areas on the property where they could not be seen or heard by others.

The sample of 19 follow-up interview participants is a convenience sample, with an effort made to purposively sample according to diversity of age, education, and the urban/rural distribution. Women who did take cases to the all-women's courts were over-sampled for the interviews in order to get as much information on their experiences as possible. This sample is a convenience sample in the following ways: women who were closer in proximity to the researcher, could be easily contacted, and had already expressed interest in participating in a follow-up interview formed the interview sample. Within that convenience sample though, efforts were made to make it representative in the ways already mentioned. Many of the interviewees did come from the Kigali metro area, where the researcher was living during the period when the 19 interviews were conducted.

Because the sample is generally representative of the overall population of women survivors, it is hoped that these results can be generalized to women throughout Rwanda, and to female survivors of rape that occurred during genocide or war, as well. By assessing the factors that contributing to these women breaking taboo and coming forward or not with their cases, it is hoped that NGOs,

governments, and courts can build on protective factors and create greater support for women who choose to come forward with their cases in other regions.

It should be noted that reaching the participants, and dealing with logistical obstacles represented one of the greatest challenges in this study. Our research team often traveled 2-3 hours each direction (a total of 4-6 hours per day in travel time) in order to reach remote areas. Often, we had to combine travel by *matatu*, a Rwandan mini-van, with moto-taxis, which are small scooters that operate on dirt roads in remote areas. The roads could be rough, and in the dry season, we sometimes arrived with a layer of dust that colored our hair and clothing a light brown. I want readers to be aware of this because many of the AVEGA groups we visited rarely saw Westerners, and rarely received visits of this type. We made concerted efforts to reach these women in rural areas whose voices are not often heard by English-speaking researchers and readers.

Constructs and Variables for the Survey

I designed the survey to answer the following questions: 1). *What factors related to the decision to take cases of rape and sexual violence to the gacaca courts?* 2). *Is there an association between women's programs such as support groups, women's empowerment programs, and/or women's organizations and deciding to take cases of rape to gacaca courts?* 3). *Did having a positive experience of sharing one's story of rape in an all-women's group was related to women being more likely to take their case of rape from the genocide to the transitional courts?* These questions have already been explained in detailed in Chapter I. Rather than explain their purpose again here, the following section provides additional information on how variables were constructed within the survey to answer these questions. The factors explored were: social support, education, income and socio-economic status, participation in women's organizations, self-esteem, depression, and fears and positive feelings about going to court.

Social Support

Social support was one of the independent variables that were assessed as factors that might be related to the decision to take a case of rape from the 1994 genocide to the gacaca courts (the dependent variable). Several scales were assessed for their applicability to this study based on the researcher's previous work in Rwanda, and with this population. In consultation with my committee, I adapted questions based on a social support scale used by the National Alcohol Research Group's annual survey. Their survey is based on US cultural norms was not tested with Rwandans and therefore its validity could be questioned, therefore I took liberties to adapt in a way that approximated the scale's questions but took into account Rwandan social norms. I also consulted with the Regional Rwandan Red Cross Director in Gisenyi, Rwanda and my Rwandan research assistants to determine that these questions were appropriate (please see Appendix I).

First, the survey asked: "In your life, do you have a friend who is around when you need a friend, whom you trust, and who comforts you?". The participants answered "yes" or "no" to this. Next, the survey asked "In your life, do you have a

family member who is around when you need someone, a family member you trust, and who comforts you?”. Once again, participants could answer “yes” or “no”. The following question assessed whether multiple social supports existed for a participant: “Do you feel that you have several people who support you, help you, and comfort you when you need them?” Again, participants could answer “yes” or “No”. The section on social support concluded with an open-ended question, “Who is the person you can trust the most, and confide in the most in your life? What is their relationship to you?”. The researcher assistants who were reading the surveys to the participants would write in their answers to this question. Participants answered with “my sister”, “my daughter”, “my son”, “my neighbor”, “my friend”, “members of AVEGA”, etc.

In addition to the questions above, household composition was assessed by asking about marital status and who lived with the participant. These questions were asked in similar wording to the 2010 US Census, but some additions were made to allow for the multiple members of extended family and adopted family members that often reside in Rwandan homes. In order to be precise about household composition, the question was set up with each type of family member as a separate question (see Appendix I for examples). It was presumed that those living in the home with the participant would form part of the social support system for that participant and assist in supplementing the questions above. Though it was not analyzed in detail for the dissertation, the researcher also wanted to be able to determine whether social support from one specific type of relative seemed to be more influential in the decision to take cases to the transitional courts.

Education

Education level was another major independent variable explored as possibly having a relationship to women deciding to take their cases to of rape to the transitional courts. Education was assessed using a question that is worded based on the 2010 US Census. This wording is general related to education levels, and has been found to be successful across the diverse US population, including immigrant groups educated in over 100 countries. The question, number 28, asks what is the highest level of education the participant has completed and breaks education levels into the following categories: Graduate School, University (Bachelor’s level), some university, high school (called “college” in Rwanda under the French system), 8th grade, 6th or 7th grade, 4th or 5th grade, and less than 4th grade. Participants were asked to answer which level of education they had completed. If they had no formal education, as was the case for a number of women, they fell into the “less than 4th grade” category.

Income Level and Socio-economic Status

Income and socio-economic status were also considered as independent variables identified as factors that might have had a relationship to the decision to take a rape case to gacaca. Income was also be worded based on the 2010 US Census wording, but was translated into Rwandan Francs. Extensive consultation with staff and community members in Rwanda went into devising the income groupings, which divided those in extreme poverty from other income levels. Participants

were asked to give an estimate of their average monthly income according to categories from a very low income to what would be considered extremely wealthy by Rwandan standards (see Appendix I for the exact breakdown of categories). Because income alone does not determine socio-economic status, participants were asked two follow-up questions: they were asked how many cows they owned and how many hectares they owned. Cows are highly valued in Rwandan society, and are a measure of wealth and family status within each community that dates back to pre-colonial times, and the number of cows owned by an individual or family still serves as a way of determining a family's wealth regardless of their monetary income. In addition, families that have more land, particularly farmland, are able to accrue more wealth or are often seen as having greater status within a community.

Participation in Women's Groups and Organizations

Participation in women's organizations including: support groups, women's empowerment programs, all-women's cooperatives, and women's advocacy/women's rights organizations were also explored as possibly related to a decision to take or not to take cases of rape to the gacaca courts. I sought to determine whether participation in any women's organization might have been a factor related to the decision to take cases of rape to the gacaca courts. I also wanted to explore whether any of the four particular types of organizations seemed to have a stronger relationship to the decision than the other types of organizations. Finally, participation was also related to the question about whether sharing one's story of rape in one of these types of organizations and having a positive experience made the women even more likely to take their cases to the gacaca courts.

Participants were asked about each type of organization separately. They were first asked if they had ever been involved in that type of organization, and provided a definition of the goals and activities of that organization. Women's support groups were defined as "a group of women who met regularly on a set schedule in a particular location and discussed their problems and helped each other with solutions to these problems". Women's empowerment programs were defined as "a program of women who met regularly, usually with a leader of facilitator, and discussed problems, injustices, and oppression that they faced, and also received training that would change their situations, and/or as a group decided to take action together to change these situations that were causing injustice for the women and their communities." The survey's definition of women's cooperatives was "a group of women who formed a business together and shared the profits equally between them". Women's advocacy/women's rights organizations were defined as "non-governmental organizations whose mission was to protect the rights of women through education, advice and/or legal counsel."

If the participants stated that they had been involved in a type of organization, they were asked follow-up questions. First, they were then asked how long they were involved in the organization: less than one month, 1-6 months, 6 months-1 year, or more than two years. They were then asked how frequently they attended meetings: less than one month, monthly, several times a month, weekly, or more than once a month. These questions about participation and frequency were

developed by the researcher and reviewed and endorsed by Rwandan women and Red Cross staff.

Next, participants were asked if they had shared their stories of sexual violence in this organization. If they answered yes, they were asked to rank how true a series of statements about their experience of sharing their story were for them. Please see Appendix I for the full list of statements that the participants ranked. The scale asked participants to rank as 0 being “not at all true”, 1 as “slightly true for me”, 2 as “fairly true for me” and 3 “very true for me”. These statements were used as a scale to assess whether the overall experience of telling one’s story of sexual violence was a positive experience for the women. It was hypothesized that a positive experience of sharing the story of sexual violence in an all-women’s group could have had a positive relationship to women’s decision to take their cases to the transitional courts.

The women were then asked if they had witnessed other women in the organization telling their stories of sexual violence or rape that occurred during the genocide. If they answered that they had witnessed this occur, they were then given a similar list of statements and asked to rank them on the same 0 to 3 Likert scale as to how true each statement was for them. Please see Appendix I for these statements. It was hypothesized that observing other women have a positive experience with telling their story of sexual violence in an all-women’s setting might also have a positive effect on women deciding to take their sexual violence cases to the transitional courts.

Fears, Challenges, and Encouragement for Deciding to Prosecute

The survey also assessed participants’ fears of reprisals and repercussions of taking sexual violence cases. The same section asked about how encouraged and supported they felt. Fears of reprisal from perpetrators or families of perpetrators is known to be a major concern of survivors of genocide giving testimony (Hafagee, 2006; Hubbard, 2012; Stover, 2005). A scale was developed with questions that aimed to address the possible fears that participants and the possible types of encouragement that they might have received from friends and family.

The participants were given the same Likert scale of how true each statement was for them on the scale from 0 being not true at all to 3 being very true. The fears and challenges to taking the sexual violence case to gacaca included: the fear that the perpetrator would retaliate physically or verbally; the fear of retaliation by the perpetrator’s family; fear of being ostracized by the community; not wanting children to learn about the rape; not wanting a husband to learn about the rape; fear of losing one’s business. The encouraging or positive thoughts and feelings about the courts included: seeing other women supported by friends and family member when they took cases to the women’s gacaca; feeling that friends and family would be supportive of taking the case to gacaca; wanting to set an example for other women by taking the case to gacaca; and thinking it might help other women if the case was taken to gacaca (please see Appendix I for the structure of the questions and the exact wording).

Self-esteem and Depression

Self-esteem and Depression were included on the survey as two possible variables that may have had a relationship to the trial decision-making process for survivors of rape. Effort was made to word questions based on short scales that had shown validity in multiple settings, and then, further adapt these for the Rwandan context. However, because there was no way of empirically assessing the women's self esteem or their level of depression at the time that they made the decision to take or not to take their case of rape to the gacaca courts, it was decided that these variables would not be considered in the analysis. It was also determined that both constructs may not fit Rwandan notions of health and well-being and that far too little was known about how to properly test for both constructs. For the two reasons mentioned, these variables will not be discussed further. I want to acknowledge that I gathered this data but did not analyze this portion for the reasons stated above (please refer to Appendix I in order to view the questions related to these constructs).

Interview Constructs and Questions

The data collected from the interview sought to answer the questions: *Did the women find the gacaca system met their own definitions of justice? What suggestions do rape survivors have in order to create more secure and "just" systems for their cases?* Therefore, "justice" was a major construct in the interview. The women were asked what justice meant for them to elicit their definitions of justice and how it might be operationalized for them. They were also asked their thoughts about gacaca. If they took their cases of sexual violence to the gacaca courts, participants were asked to describe their experiences, then they were asked if that experience changed their opinion of the courts and how. Then, participants were asked if they attended the all-women's' gacaca or a mixed gacaca and how that might have affected their case and their experience. Then, participants were asked if they had suggestions to improve the courts. Several other questions were added to the interview guide, (please see Appendix II for the complete list of standard questions). These questions could possibly illuminate any additional concerns or incentives the women experienced around the gacaca decision, and also could serve to help the researcher understand if there were other factors in the decision-making that had not been addressed as separate factors in the survey.

Procedures and Human Subjects

A Human Subjects Protocol was developed for this dissertation and approved by UC Berkeley's Committee for the Protection of Human Subjects, its Internal Review Board. This section explains the research procedures and the efforts that were made to protect the participants in my study.

Translation of Survey and Interview Guide

First, the survey was translated from English into Kinyarwanda by an experienced translator. This translator has worked a volunteer interpreter for several NGOs in Rwanda and has completed undergraduate studies in the United States, and is bilingual in Kinyarwanda and English. Next, another Rwandan translator conducted a reverse translation. The second translator was a professor in

the Social Science Department of a local university in Gisenyi, Rwanda. He is bilingual in Kinyarwanda and English, and had no previous knowledge of the survey material or scales. He was asked to translate the survey back into English. I then assessed the reliability of the translation, and highlighted questions that were problematic culturally or linguistically, and made the necessary revisions. I then showed these questions and concerns to the second translator and we worked on the translation until we could be sure that the meaning of the original English questions was conveyed in the Kinyarwandan translation.

The interview guide questions were given a more simple forward translation from English to Kinyarwanda because of their straightforward nature, and the fact that the guide was rough and would be adapted and open to follow-up questions for each participants individually. A recent university graduate in Rwanda who is fluent in English translated the interview guide. Then, the researcher assistants were trained on how to conduct the interview and each question was explained carefully to them.

Survey Administration

The data was collected by a small team of trained female Rwandans, who were selected through the Red Cross, AVEGA, and an educational consultant originally from the US who often uses bilingual field researchers for her work in Rwanda. One team member was a trained Red Cross volunteer who serves as a Regional Disaster Manager and attends nursing school. Another was a female orphan of the genocide who was a member of AVEGA and a recent graduate of veterinary school. A third team member was recommended by the American educational consultant and had a background in sociology and interest in women's health. The fourth team member was recommended by the third, and has a background in women's studies and a strong interest in sexual violence prevention, and completed her university education in English in Uganda. A fifth member of the team was recommended by one other friend, but was not compatible with the project and was dismissed after one week.

The research assistants administered the surveys in person in Kinyarwanda. They read all the research questions and possible answers and filled in the surveys based on how the participants answered. This process was chosen in order not to exclude those who are illiterate. A large number of the participants were illiterate and had no formal education. By conducting the surveys in person, with a trained person filling them out, this maximized the sample.

I conducted a two-day training in Gisenyi and a one-day training in Kigali for the volunteers wherein they were familiarized with the background of the project, all of the materials, and conducted mock surveys with one another in order to practice and fully understand how to fill out the survey forms for each answer. They were also trained on how to read the consent forms and on the crucial issues of confidentiality related to this research.

The research assistants were able to record Red Cross and AVEGA volunteer hours for their time, and had their meals covered during work hours, their transportation costs covered, and received a small daily stipend for the days worked. I was present for almost all of the women's meetings in order to recruit

participants, and almost all of the surveys. On the few days when I was not present, the research assistants were able to contact me with any questions or concerns by phone.

All surveys were collected without names: they were anonymous. At no time did the research assistants ask the name of the participant. At the end of the survey, participants were given an option of participating in follow-up interviews and were asked to provide a phone number where they could be contacted if they were selected for a follow-up interview. Their name was still not collected.

Interview Procedures

Follow-up interviews were conducted with a representative sample of 19 women who indicated they were willing to participate in follow-up interviews. As described in the section on constructs earlier in this chapter, the interviews were semi-structured and asked follow-up and explanatory questions related to the questions on the survey. They also asked for additional information on the actual decision-making process in which the women engaged in as they chose to come forward, and their definitions of justice.

When a participant was selected for a follow-up interview, the number provided was called and the woman who answered was asked if she participated in a study recently, and had agreed to be interviewed. If she answered positively, an interview was scheduled at a time and location that was convenient for her. Normally, all interviews were conducted in the same government offices where the surveys were conducted. Other times, follow-up interviews were conducted in homes if the participants preferred.

The research assistants were provided with the interview guide and were given training on the importance of each question, and prepared for the researcher to ask follow-up questions that would need to be translated. All research assistants understood the importance of clarifying answers and of attempting to have all interview participants answer all of the questions that pertained to them.

For almost all of the interviews, three team members were present: one research assistant asked the questions on the Interview Guide, while another research assistant simultaneously translated the participant's answers to me. If an answer was unclear, needed follow-up, or led to another question not on the Interview Guide, I would ask the research assistants to translate a follow-up question into Kinyarwanda from my English. The interviews proceeded in this way.

All of the interviews were recorded with the permission of the participants. They were digitally recorded and stored on locked digital devices, and then transferred to a secure online data storage system to which only the Committee Chairs and the Ph.D. Candidate researcher have passwords to enter the system.

Translation of Interview Transcripts

All 19 follow-up interviews were translated and simultaneously transcribed into English. A Master's student in Speech Pathology at the University of Utah originally from Rwanda, with a Bachelor's in Psychology and extensive experience as an interpreter for NGOs in Rwanda conducted all of the translations. I accessed the digital recordings where they were stored online, and would slowly play the

recordings for the translator. As he translated to English, I simultaneously transcribed. This process, while time-intensive, allowed me to work closely with the translator to insure that all phrases and transcripts matched the original meaning as closely as possible. He would often stop and ask me for a specific phrase or slang word that might describe what the participant meant, and I would give him phrases in English until he found the one that fit the particular context. Other times, he would provide a list of possible meanings for a participant's answer and we worked together to decide which meaning fit the context of this particular response. Thus, the process allowed for precision of the transcripts and a more nuanced translation that may have greater validity than a simpler process.

Human Subjects

An IRB protocol approval was obtained through the UC Berkeley Committee for the Protection of Human Subjects Group 2 for this study. Although there was not significant risk of physical or emotional harm, the study was assessed following the full IRB process because of the sensitivity of the population. All participants were informed of the possible risks which include: retriggering of PTSD symptoms for some, a possible increased awareness of the social and physical risks associated with bringing their cases to court, and for some, an increased risk of reprisal by perpetrators if they are aware of the research or made aware of the trials as part of this research. These risks were addressed in the consent form, and the research team took precautions to prevent these scenarios occurring. All participants gave verbal consent in order to prevent use of their names and protect their privacy. They were also informed that they could discontinue their involvement in the study at any time. Minimal personal identifiers were linked to the specific surveys and confidentiality and privacy was protected to the fullest extent possible. All interviewers were trained in confidentiality, as mentioned above, and signed agreements to keep all that they learn confidential. Finally, to give extra support to the participants, they were offered information about counseling services if they needed it. Follow-up calls were conducted approximately two weeks after each survey to check on the emotional and physical well being of the participants. The phone number of the researcher was given to any interview participants who wanted it, in order for them to call if they were experiencing distress as a result of the interview.

All of the participants received detailed information on the study and its purpose. They were then asked to give consent. A waiver was requested of the IRB in order to accept verbal consent. Verbal consent was approved by the IRB because many of the research participants were illiterate, and the protection of their privacy was deemed a high priority so the need for gathering names was waived.

Thorough Attention to Methodology

The methodology for my study was developed over two years time. I wanted to insure that my methodology would serve to answer my research questions, but also that it was appropriate for the Rwandan context. I also wanted to gather data that would be helpful to my participants in its aggregated form, and that could serve to improve support systems for others like them. I felt strongly that attention to the

methodology could increase these outcomes. There are some limitations to the methodology and I provide a thorough critique in Chapter VIII. However, as an exploratory study that is the first to look at the factors I identified in this context, I feel confident that the methodology was well-conceived and implemented.

Chapter VII: Supports and Suggested Improvements to Gacaca: Analysis and Results

There are things that went well in gacaca courts but there are other things that were done to keep up appearances. There are problems that they solved, but there are other problems, which were not solved. Gacaca improved some situations but there are others that were not improved.

-Comment by a participant

This chapter tells the story of the data. It provides an overview of both the quantitative and qualitative analyses. I present the interview data first for two reasons: the interview data inform the more quantitative data that follows, and the qualitative data offers some of the most convincing arguments for improving policies and services for survivors of sexual violence. I start with an exploration of the participants' meanings of justice. I then present their suggestions to improve gacaca. The final section describes the results and analysis of the quantitative data to explore which factors related to the decisions to go to court with rape cases. A more detailed discussion of the implications for policy change and future programs for survivors of sexual violence from war and genocide is provided in the next chapter.

What is justice? The Participants' Definitions

The third research question asked: "What were the definitions of justice held by the women who survived sexual violence?" I sought to compare these definitions to the actual functioning of gacaca to answer the fourth research question: "Did the women find the gacaca system met their own definitions of justice?" This issue of understanding the expectations of justice and the way the participants themselves conceptualized justice was addressed primarily through the 19 qualitative interviews.

Because the sample is somewhat representative of age and rural/urban distribution, it is hoped that it can assist in giving some indication as to whether the way that gacaca was structured met the expectations of justice that survivors of sexual violence had. Where dissonance exists between the definitions of justice held by the women and those of the courts themselves, it is hoped that the results can inform policies in other post-conflict countries. Ultimately, establishing transitional justice systems that are more in line with the ideas of women survivors of sexual violence, but also of other women survivors, is a worthy goal for transitional justice systems, and this data can help to inform those future improvements.

One issue regarding translation merits explanation: "justice" is a very complex word in the Kinyarwanda language with multiple meanings. My Rwandan friends and research assistants pointed out in multiple conversations that "justice" and "judicial courts" are not separate words in Kinyarwanda. While "justice" can be seen in Kinyarwanda as an abstract concept or idealistic goal, similar to the English word, in Kinyarwanda it can also be more concrete and simply mean "courts". However there is no other word that means "justice" in the abstract sense, and thus

we did ask about this one word. Some of the participants' answers may reflect this confusion: some of them may have answered more abstractly, but many actually appear in their definitions to describe court systems that they are familiar with or may have heard about. This linguistic difference may make it more difficult to assess whether the women's definitions of justice really matched that of the courts, but some conclusions can be drawn from the answers nonetheless.

All nineteen interview participants were asked to give their definitions of justice. If they struggled to find an answer, they were asked the follow-up questions: "What does justice mean to you?" and "If you can imagine an ideal justice, what would that look like?" (Please see Appendix II for the full interview schedule). Their definitions were coded into the major themes that emerged: providing fairness to the victim and defending the victim's rights; punishment by the government or authorities; court convictions; oppression of victims; and unity and reconciliation. (See Table 8.13; five participants gave multiple definitions bring the total number of definitions to 24, while there were only 19 participants in the interviews).

Table 7.1: Definitions of Justice

Categories of Definitions	Number of Participants
Providing Fairness and Defending the Rights of the Victim	14
Punishment by the authorities	5
Courts and Court Convictions	3
Oppression	1
Unity & Reconciliation	1
Unsure of Definition	1
TOTAL DEFINITIONS	25
(Total Participants)	19

Providing Fairness to and Defending the Rights of the Victims

By far, the most common theme among the 19 interview participants' definitions of justice was of providing fairness to the victims and of defending their rights in some way. A total of 14 of the 19 participants had definitions that fit into this theme, and 16 excerpts were found related to this theme. One of the rural participants who answered in this category defined justice in this way: "Justice is for defending your rights. When your rights are abused, you know that justice is there for you. You know that the government is there. If the government is there, you can say that you have justice and nobody can abuse your rights." For this participant, the defense of rights is clearly among the most important aspects of obtaining justice. Another rural participant answered in a more straightforward manner:

“Justice is something gives fairness to a Rwandan who experienced any type of violence”. Of the definitions in this section, six of them were very straightforward and simple definitions similar to this one.

Interestingly, 12 of the participants whose definition fell under this category were from Kigali, and two were from the Western province. There may be something particular about the way the participants in the capital district believe justice should function or how they define an ideal justice that differs from Kigali’s urban residents or the rural residents living in the other provinces. It is also interesting to note that this particular type of definition is more in line with the definition of justice promoted by and encapsulated in the gacaca courts. The women in Kigali received more visits from gacaca representatives, and had more contact with government officials discussing gacaca, and it could be that this impacted the definitions of justice for women living in Kigali capital district.

Punishment of the Perpetrators by Authorities

The answers in this category were much more concerned with punishment and actual jail time or payment of reparations by perpetrators. Though they had some concern for the rights of the victims like the previous group, they were much more concerned that punishment be given by the government or authorities, and they emphasized the role of the government in ways that the previous group did not. These answers were similar to those given by the next group, which supported court convictions, but this group placed greater emphasis on both the punishment itself and the responsibility of the government rather than the court proceedings or the court publically finding the perpetrator guilty. Only five participants answered in this category: two from urban areas of Kigali, one from rural Kigali, one from a rural area in the Western province, and one from a rural community in the Eastern province.

One participant exemplified the idea of government involvement in her answer: “If we hear “justice”, we think of the government programs. We understand that the government established justice. We understand it that way.” Another participant described how punishment of perpetrators was important in order to compensate for injury and emotional turmoil caused by perpetrators: “Justice? Justice to me is that they advocated for me, and people who raped me were put in jail. Actually, people who raped me caused me so much pain.”

The Courts and Court Convictions

This category contained three definitions that defined justice in the most direct way that the Kinyarwandan language defines justice- as a judicial system or a set of courts. They were primarily concerned with the justice system or with having a public trial and knowing that the perpetrators were convicted of the crime of rape. As one participant clearly described: “In my opinion, justice should convict people who committed crimes, and go into the field and ask victims themselves and if a person is convicted, that person should get the punishment he/she deserves.” Of the three participants answered in this category, the two from rural areas answered in the very straightforward manner, and the one urban participant in this category provided the answer above. The low number of answers in this category calls into

question the theory I mentioned about fairness and protecting the rights of the victims: if women in urban areas were indeed influenced by the outreach from the Rwandan government and gacaca officials, we would expect them to also see courts and court convictions as synonymous with justice.

Individual Answers: Oppression, Unity, Reconciliation, and Uncertainty

The remaining participants all gave unique answers. One believed that justice meant unity and reconciliation, and stated this in a question: “Isn’t justice unity and reconciliation, isn’t that right?”. When the interviewer stated that people had many different definitions for justice and there was no right and wrong- we wanted to know her definition, she explained that for her justice was not about an individual punishing the criminal for his crimes, but instead it was a group process.

Another participant appeared to feel disillusioned with the gacaca process and with courts in general. She had strong feelings about justice that led her to define it quite differently than most of the other participants. She explained: “It’s not about giving us, as victims, our rights. I feel like it’s oppressing people. That’s what I see.” Unfortunately, she did not elaborate on this despite the interviewer’s attempts to get her to explain this further. In this case it does appear that she was referring to “courts” in the Kinyarwandan language rather than the more abstract notion of an ideal justice. Her frustration at justice not giving victims their rights seems to indicate that she might expect that from a more idealized form of justice. Unfortunately, the interviewer and I were not able to solicit more information from her on this topic.

Finally, one other participant stated that she did not know how to describe justice or provide a definition, and despite the attempts of the interviewer to have her try to provide an explanation, she did not move beyond this uncertainty. She stated that she was unfamiliar with the term, and that she had had no experience with courts, which seemed to indicate that she believed she needed to personally experience the courts to be able to provide a definition of justice.

Comparing Gacaca to Participants’ Notions of Justice

The differences of the Kinyarwandan language to English, and the limitations in how we could translate “justice” from English admittedly made the attempts to understand the concept of justice challenging. I knew this would be a difficult aspect of the study when my friends and research assistants explained to me that “justice” could mean the concept I am familiar with in English, but that it could also mean “courts”. However, we attempted to ask questions that would help obtain those more abstract or idealized notions that we sought.

In cases where we were successful in this, the results might be viewed as slightly surprising: it appears that the participants did actually have notions of justice similar to those of gacaca. Gacaca did claim to emphasize reconciliation, and in its traditional form before it was used as transitional courts to hear crimes of the 1994 genocide the courts, reconciliation was a critical component of the traditional process. However, in its modern form, gacaca courts were designed primarily to try perpetrators of the genocide for crimes that were not being heard in the ICTR or the National Court, and the emphasis was on finding adequate punishment for the

perpetrators, and having “court convictions” that would lead to those punishments. The government propaganda did give the perception that another primary goal of gacaca was the protection of victims’ rights, though the victims who participated in gacaca seem to have a mixed opinion of whether that truly occurred.

In looking at the major themes in the definitions of the participants, it appears that there are many parallels to the gacaca system. The discord in expectations or notions of justice that I expected to find simply does not appear in these definitions. Instead, it looks as though gacaca did share goals and notions of justice with these survivors of sexual violence. It appears that gacaca for the most part, was a system that while admittedly flawed in the eyes of many of the participants, and many international observers, shared the same goals for justice that these women had.

The expected dissonance seems to appear not in the definitions, but in the fulfillment of promised intentions and stated goals, as evidenced in the suggestions below that the participants made for improving the gacaca system. Many of the women had harsh criticisms of the way that gacaca actually operated and its failure to fulfill its promises to survivors.

Suggestions to Improve Gacaca for Survivors of Sexual Violence

When they were asked directly to improve gacaca, many women appeared surprised by this question. Some of them protested that gacaca was over- what was the point of giving suggestions that could not change anything or make their situations better? Others seemed uncertain about critiquing a process sanctioned and designed by the government. Still others seemed surprised that I would want to know their opinions about gacaca, and sought clarification as to what we would do with their answers.

For the seven participants who showed concern, the interviewers assured them in Kinyarwanda that their answers could possibly lead to improvements in other transitional courts attempting to hear the cases of survivors of sexual violence. The research assistants explained that we were sincerely interested in how they perceived the courts and their treatment of women who had survived rape from the genocide. Sometimes I also offered additional comments in English that were translated by my assistants. We reminded them that their names and locations would not be tied to any publications of their answers, and reminded them of the consent form we had read. Once reassured, many of the participants openly revealed the multiple problems and disappointments they encountered in the gacaca system.

A detailed account of the different categories of suggestions follows with examples of the suggestions from the interview transcripts. As with the definitions of justice, the suggestions were all read and coded into the categories that emerged as themes, which are shown in Table 8.14. The most common suggestion (n=8) was for more support, which included emotional and financial support. The second most common suggestion (n=6) was a request for more reparations or for fulfillment of promised reparations.

Table 7.2 : Suggested Improvements to Gacaca

Suggestions to Improve Gacaca	Number of Participants
Support the victims more	8
More reparations	6
No suggestions/ Courts did What they could	5
Courts should investigate/follow up with more cases	5
Financial assistance to victims	4
Courts & judges should be more truthful	1
TOTAL SUGGESTIONS	29
(Total Participants)	19

It should be noted that several of the participants gave multiple suggestions or suggestions that were coded into two of the categories, thus the 19 interviewees answered with 29 suggestions. A full account of all of the coded categories follows.

More Support for the Victims

The most common suggestion given for improving the gacaca court system was that victims needed additional support (n=8). The term “support” was a common request, and most of the time, the translator and I were able to deduce from the context and follow-up questions what was meant by support. Sometimes the women wanted emotional support, other times they wanted greater financial assistance, but often they wanted both.

One of the most compelling pleas for additional emotional support came from a woman who was concerned not only about herself but about the impact on children who were also victims of sexual violence during the genocide, a highly unrecognized population of survivors. She gave the following suggestion.

What I can tell you is to support people who experienced sexual violence- when you go to places and you ask people if they testified, and they tell you they didn't, if you have a conversation with them and encourage them to testify, they would feel more comfortable to talk about what they kept a secret. It helps them and strengthens them. It also helps their children because there are children who experienced the same problem and if they ask their parents “Mom, what should I do?” they tell them “Keep it secret so that nobody will know about it.”

She makes a crucial point that additional emotional support for survivors could impact the court-related decisions of the women who receive that support, but it might also impact their children and potentially others who could also testify and take cases of sexual violence to the courts. Another participant also indicated that encouragement to go to courts could have a tremendous impact. After her explanation, an interviewer clarified with this participant that she thought visits and encouragement from court representatives should be widespread. The participant replied, "Yes. I myself went because we had different meetings and they encouraged us. The people who came to increase public awareness told us that we could feel comfortable to speak". These quotations seem to reflect the importance of support and encouragement that emerged in the statistical analysis, which I will describe later in this chapter. These answers testify to the power of encouragement and knowledge of the courts, and the ability of this encouragement to overcome fears of reprisal and ostracism, a finding indicated by the results of both methods used in this study.

Another woman explicitly used the Kinyarwandan word for "empowerment" in describing the process of testifying and of being encouraged to testify. She felt that knowing she could go and stand up for her rights was given access to knowledge that helped her to feel supported and empowered by her community:

Regarding gacaca, my suggestions for other countries, which experienced genocide: they should empower the victims. As we experienced genocide in Rwanda, women have the problem [need to be empowered]. You know that it's not common to have education in Rwanda. We don't have education. We could not support ourselves. Besides that, living alone is hard. This is why I would recommend gacaca courts for other countries. You learn about what happened to your family- because they say everything, even what was said then [during the genocide, when they were killed]. There are people who said things to try to protect the victims but they didn't have power to protect them because there were many killers but at least they tried to protect them.

In my case, they told the perpetrator when he was confessing in gacaca courts, "Remember that girl from that family, you raped her even though we pleaded with you not to. That family used to give us milk and would give milk to sick people. So whatever you confess, remember to confess that you raped her." Fortunately, he had already confessed. If he hadn't confessed, since there were many people in gacaca, I would not have known who raped me.

Others emphasized the financial support that they needed. One participant stated: "Something can be done. If people who got raped could come forward and testify, they should give them justice. If they raped her, and transmitted HIV to her, her children have to get support to survive, if she has children. Why shouldn't justice defend her?" She tied the issue of financial support to her own sense of justice and seems to accuse the courts of being unjust because they failed to assist the most

vulnerable of victims- the victims of sexual violence who contracted HIV due to the rapes, and were left with children that they were raising with little financial support.

More reparations

Six women suggested greater attention be given to reparations. Many of these women were promised reparations by the courts, and most received only partial reparations or none at all from their rapists or from resources that the government had to attempt to give reparations to victims.

One participant, in describing her own situation, described that of many of the participants:

They should give us reparations. We lost our families, we were raped. For example, I stayed alone with nobody to support me. Those are the consequences [of the genocide]. Instead of helping us, the victims, they focused on taking the perpetrators to prison.

This woman seems to indicate that the focus of gacaca should have been slightly less on the court convictions, and more on the reparations. Although she did not go into greater detail on this, it appears that she might have welcomed a more balanced system of “truth and reconciliation” that attempted to give more attention to the victims and their needs rather than the court convictions.

Another woman asked quite candidly, “They should defend our rights and help us get reparations because we were raped, we were hurt, don’t you think we deserve reparations?” She alludes to a perception that the courts or the community felt that the victims who did not receive promised reparations were somehow less deserving. One of the largest of the AVEGA local chapters that assisted with this research actually formulated a letter to the president of gacaca in order to protest the fact that they had not received the reparations that they had been promised when they agreed to testify about their rape cases. They received no response: “We told her [the president of gacaca] about the issue hoping that the government would provide something but gacaca ended without any reparations. We didn’t see any change.” She continued by explaining that reparations could truly never be enough to compensate for all of the loss: “You know what? You can’t have reparations for your losing your whole life.” Several other participants echoed this notion that the reparations could never replace all that was lost, but they would help with survival and with eliminating some of the dire financial needs that the women faced.

Several of the survivors were in urgent need of financial assistance, like one survivor who knew exactly how she would use her reparations:

We have a problem: the place the government gave us to live, the government is asking us to pay for that land. Then, you think about people who refused to pay you or give you reparations for your loss. If you get a call from the cell [local government] and you go, they put you in jail [for failing to pay for the land]. They’ll release you from jail if you pay them or you can tell them when you will pay but they keep following you. It’s irritating if you wonder where you will find the money to pay while your property was stolen.

Her situation does seem incredibly unjust: that the only assistance she received was in the form of housing, but that the government, after reneging on its agreement to provide reparations, then asks survivors to pay for land that they originally offered as a gift.

One woman made it clear that she tied reparations to her notion of justice, and that the gacaca courts did not uphold justice in her opinion because they failed to give promised reparations:

I think justice should give justice to the victims. They don't give us our reparations. I think justice should give justice to the victims. I think we didn't get justice. They didn't give us reparations and they didn't pay us for the damages [things that were stolen].

All those who shared in this sentiment agreed that while the reparations could never equate with or make up for all of the loss suffered by the victims, they would serve as a symbol of justice at least being partially served.

More Investigations, and Follow-up with Cases

Another group of survivors felt that the courts should have conducted more thorough investigations of cases. Five of the 19 participants shared this as one of their suggestions for improvement to the gacaca process. Interesting, four of the responses came from rural participants, and only 1 from urban areas. It may be that there was a difference in efficacy of the investigative process in urban areas versus rural areas, or that the women in urban areas once again, received more communication from the courts or had more contact with court representatives, which made them perceive the courts as following through more than rural areas. Either way, more than one quarter of all the participants did feel that greater attention toward investigating cases and following up with matters related to the cases was needed.

One woman summed up the sentiments of this group in saying:

Something I can add is that, if possible, they should go dig deeper and learn what they were supposed to do but they didn't do. There are many things they didn't consider for victims that they were supposed to. That's what I can add. If possible, that's what I would do.

She was among three that felt that follow-up was needed on the investigative end on the cases for the victims. The other two participants who gave answers in this category wanted more follow-up on the arrests or greater assurance that those who were convicted actually went to jail.

It is not clear how widespread the lack of follow-up with cases was, and in what ways the courts might have neglected to follow through with their own established or advertised procedures. It would be beneficial for another study to look at this in-depth, particularly with regard to the cases of survivors of sexual violence. It does appear that a substantial number of the women sampled for interviews did feel that that improvements needed to be made in following through with both investigations and arrests of those convicted.

No Suggestions to Give- “The Courts Did What they Could”

The idea that “the courts did what they could” was echoed again and again. Five of the 19 participants answered this way at some point when they were asked to give suggestions. Four of them truly appeared to not find any details they would change about the gacaca process. One of them provided this answer at first, but later came up with a suggestion. Yet, in general, all five of these participants were satisfied with gacaca, and how it handled their cases.

The following excerpts express what those in this category seem to believe:

“All was good with gacaca....Gacaca courts did a good job. In addition, I was impressed that the killers confessed their crimes. Believe me, we were impressed by that. We are also impressed by unity and reconciliation. They [the killers] used to run when they saw the survivors. Now they shake hands with us.”

A sub-theme of accepting the government’s rhetoric of unity, forgiveness, and reconciliation emerged among the answers. Those in this category who elaborated in their answers all mentioned forgiveness and reconciliation, and seemed to find that the process met these goals. Except for one woman who expanded on her answer, the participants who answered in this category spoke less of justice and convictions, and more of the reconciliation process. The following quote exemplifies this difference:

Gacaca, what they were supposed to do- the people who committed crimes were tried and they were put in prison for their crimes. People who committed crimes but they confessed, were forgiven. There are some, we ourselves, we forgave.

Another explained:

I don’t have criticisms of gacaca. I was pleased that they tried the person who did terrible things to me. He stood there and I stood here, face to face, and he confessed what he did and gacaca sentenced him to life imprisonment. So I don’t have any criticisms of gacaca.

It appears that for this minority of participants who didn’t find gacaca lacking in certain aspects, that having their perpetrator confess and publically forgiving him was a critical part of this process. It should also be noted, and cannot be excluded as a strong possibility, that these women were particularly fearful of the Rwandan government and saying anything against the government. Even though the interviews were conducted in private, these women may have been afraid of the government spies that are known to exist throughout all sectors of Rwandan society. Both their loyalty to the Rwandan government and its public propaganda about gacaca, and their absolute fear of speaking against something directed by the totalitarian regime should be considered as possibilities for the responses in this category.

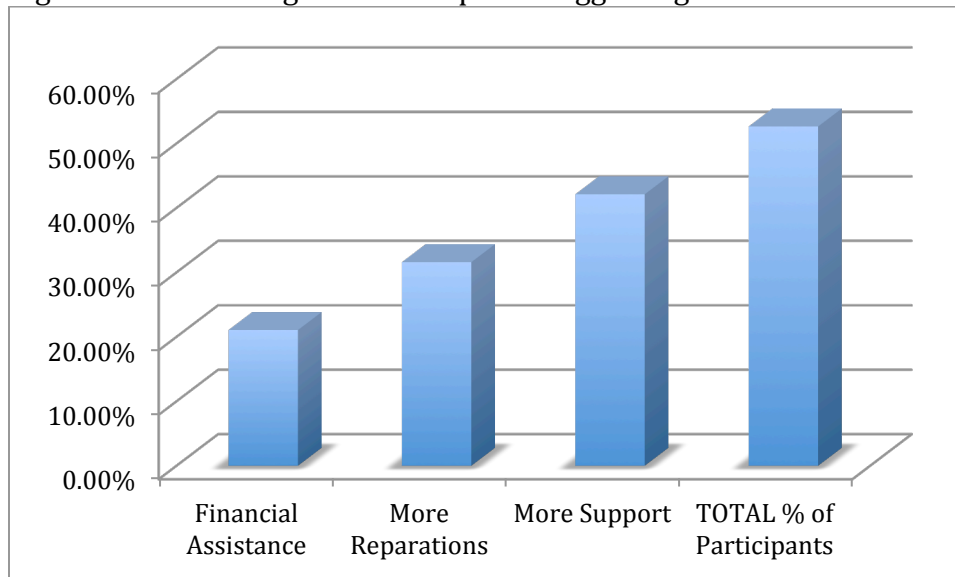
Financial Assistance to Victims:

Four of the victims felt that the courts should have helped the women to obtain additional financial assistance instead of, or in addition to, the reparations. There were three women from rural areas that gave answers in this category, and one from an urban community. Once again, the sample size for the interviews was low, but it does appear that there may be a difference in needs or perceived needs between the urban and rural survivors. This definitely merits further research.

The women in this category asked for very specific types of financial assistance. One asked for additional transportation assistance so that the women could afford to go to the courts. Another asked for assistance with medical bills for survivors of sexual violence and their children, who had often contracted HIV because of the rapes. Another participant asked for assistance with affording help in the fields during times of planting, and help with purchasing needed seeds and agricultural materials: "They have land but they can't grow crops. It would be helpful to have money or something to do so that you can pay somebody to help with the farming. They have land but no strength". She made the point that many of the survivors are elderly women whose sole source of income is farming, but they are getting too old to farm by themselves, and many lost their children, who would normally be expected to help them, in the genocide.

Another way of looking at these suggestions is to group them into a larger category of "Greater Economic Support" as a new meta-category with the requests for more reparations and the requests for greater support for the victims. Greater support is included because some of the women wanted economic support in addition to emotional support. If these three groups are combined, 10 of the women, or just over half felt that some type of economic assistance needed to be better provided by the courts, or by the government as a result of testifying. The table below illustrates the portions of women who answered in each of these categories. Because some of them gave answers in both categories, the total percentage of participants is slightly lower than the combination of the preceding percentages. Still, 52.63% of the participants wanted some type of additional economic assistance.

Figure 7.1: Percentages of Participants Suggesting Greater Economic Assistance



n=19 total participants; the final column represents $10/19 = 52.63\%$

This, together with earlier data on the average monthly income, can make a strong case for greater economic development funding to survivors of sexual violence in developing countries like Rwanda. Though a small sample of women participated in the interviews, it does appear that the women expected and wanted the courts and the transitional justice process to take into greater account their need for economic justice, not only prosecutorial justice. This will be discussed in more detail in the following chapter. More research is definitely needed in this area, including comparative research with survivors' in other countries to assess whether this may be a widespread concern among sexual violence survivors interacting with transitional justice systems. A direct question asking "Did you take your case to court primarily because you were promised economic compensation?" or "If you were promised economic compensation, would you take your case to court?" might be a method of getting at this issue. This will also be discussed further in the next chapter.

A Single Call for Decreasing Corruption:

One sole interviewee listed in her suggestions that she wanted the judges to be more truthful, or for the system to be less corrupt. There were widespread accusations of corruption within the gacaca system, and problems with bribery were known to have occurred in all of the regions where I conducted the study. However, only one woman explicitly mentioned that she would suggest for the process to somehow insure greater honesty on the part of the judges. Her suggestion was compelling:

My suggestion for gacaca courts is to be truthful. The thing that especially compromises the courts is when people put their bellies first [meaning that they take bribes, allow themselves to be corrupted]. When people let themselves take bribes for

influencing decisions of the courts that comprises gacaca courts. But, if people are united [and honest], and they say 'We have to convict the people who need to be convicted and give the victims justice', things go well. My suggestion is for people to be united, [to be honest], and convict the ones who should be convicted and give justice to the ones who deserve justice. But if one is corrupted, and they say "We can try this person this way", that's when things go wrong. My suggestion is for people to be united, [to be honest] and find innocent the ones who are really innocent.

The translator was careful to explain that the Kinyarwandan saying “put their bellies first” means to accept bribes. He also elucidated “to be united” actually implies honesty in Kinyarwandan- perhaps more akin to the idea of “integrity” in English.

It is fascinating that more women did not express frustration at bribes. I do not want to engage in conjecture, and want to reiterate that more research is needed. However, I would venture to hypothesize that the tense political climate and high censure of public criticism of the government may be a factor. The women were hesitant to give suggestions about gacaca, and it may have been that they were even more hesitant to speak publically about problems of corruption and bribery in the courts for fear that someone from the government might find out that they had made these accusations.

Searching for Factors Related to Going to Gacaca

The first research question that framed this study sought to identify factors that may have a relationship to the decision to take cases of sexual violence to gacaca courts. This was addressed in two ways: first, the participants were asked to identify in their own words the most significant thing that impacted their decision; then, the factors on the survey were placed in logistic regression models to further explore the relationships to the decision to take the cases to gacaca. This section presents the results of both avenues for answering this first research question of the dissertation.

Participants

Out of 106 participants in the survey, 32 took cases to gacaca and 74 did not. Of the 32 who took cases to gacaca, only 30 were included in the SPSS analysis because two of the participants did not answer survey questions with key variables and their cases were dropped. Only 34 of those who did not take their cases to the courts were able to bring their cases forward due to court rules. Thus, portions of the quantitative analysis only include only the 64 participants whose rape cases were eligible for gacaca (34 who did not take rape cases to gacaca and 30 who did).

Among the women who did take their cases to the courts, there are subsamples : 10 took their cases to the all-women’s courts, 14 women who went to the mixed courts with men present, and 1 woman who reported that her case was heard privately; 5 did not describe the particulars of their testimony setting. There are not verifiable numbers of how many rape survivors participated in gacaca and

how many went to mixed gender courts or all-women’s settings, but from conversations with AVEGA administrators and participants, it seems that this sample may be fairly representative.

Asking Directly

In beginning the discussion on factors important to the decision-making in cases of sexual violence, it seems appropriate to begin with factors identified by the participants themselves. Early in the survey, following a question that asked if they had taken their sexual violence case to gacaca, participants were asked, “What was the one thing that most influenced your decision?” Participants then shared their own answers. All participants were asked this question regardless of whether they had taken their cases to the courts or not.

Their answers identified certain factors that had not been considered in the survey design. Those who did not go to gacaca also identified aspects of the gacaca system that reflect its nature as more of a court or criminal tribunal system than an truth and reconciliation system. This may have major implications for other countries designing transitional justice systems, and could help to build the argument for more truth and reconciliation commissions to accompany court procedures.

Those who took cases to gacaca.

The women who took their cases to gacaca (n=32) gave a variety of reasons (see Table 8.1). All the women were asked the question, and their answers were written down by the research assistants who directly translated the answers into English if they felt comfortable doing so, or were written in Kinyarwanda as the women answered, and then translated into English later. The answers were broken down into groups based on the themes that emerged. Six women reported that they wanted to share their story; they felt it important to speak publicly about what happened to them.

Five women stated that their HIV positive status was the most important thing they considered in making the decision to go. Their status was already known by the community, and the communities often knew that the women contracted HIV through rape, so these women felt that they had nothing to lose by testifying publically about the rapes.

Four participants stated in various ways that the rape had greatly affected them emotionally. Most expected to have the burden lifted in some way through testifying or seeing their perpetrators convicted or apologize. Yet, they were not driven by those results but rather by the effect that the rape had had on them and their lives.

Table 7.3: Reasons for taking sexual violence case to gacaca

Reason	Number (n)	Percentage (%)
wanted to share story	6	18.75
HIV positive	5	15.62

very affected by rape	4	12.50
encouraged by someone	4	12.50
perpetrator was nearby	2	6.25
to punish perpetrators	2	6.25
wanted relief	1	3.13
witnessed other survivors testifying and was encouraged	2	6.25
felt morally or legally obligated	1	3.13
perpetrator died	1	3.13
wanted to help a loved one who survived	1	3.13
identified as a trusting person	1	3.13
wanted to stop sexual violence	1	3.13
Missing	1	3.13
TOTAL	32	

Four women reported that someone else encouraged them- for some it was a member of AVEGA or FARG (a service provider for survivors connected directly to the government), a representative from gacaca, or a member of government. These women reported that they better understood the process through the person who encouraged them.

Two participants stated that the perpetrator was nearby, and presumably having to see or interact with the perpetrator was an incentive to have them put in jail to prevent further contact. Only two participants stated explicitly that they wanted to punish the perpetrators, and one said she wanted relief through testifying. Another two stated that they witnessed other survivors testifying and this encouraged them to feel comfortable taking their cases to court.

One woman reported that she felt morally or legally obligated to testify. Another said that she testified because her perpetrator was dead, contrary to court rules; unfortunately, the research assistant did not follow up with this unusual statement so I cannot determine why an exception was made for her testimony. Another single participant reported that she went to court because she is a trusting person and trusted the court system. One participant explained that she wanted to stop sexual violence and believed her testimony could help to do this.

The most surprising of these results were that HIV positive status was a factor for five of the women who testified about sexual violence. There were no questions on the survey about HIV status, as it was presumed too private and intrusive to ask about status. Yet, the women seemed fairly comfortable sharing their status, and most reported that others in their community knew of their status. When they were HIV positive because of rape, the participants implied that community members already knew this. Because they had already experienced the stigma of rape and HIV, and had faced being excluded because of these labels, these women seemed to take an attitude of “nothing worse can happen” and/or “I have

nothing to lose”. Thus, having a court know about the rape or question them about details seemed less of a risk than to others whose rapes had been more secret. The women who were HIV positive were also promised medical assistance, and sometimes financial and/or housing assistance in return for their testimony, as part of the reparations. Consequently, the benefits of testifying appeared to far outweigh the costs for those who were HIV positive.

Those who did not take cases to gacaca.

The 76 women who did not take their cases to gacaca had similar reasons for deciding not to testify about the sexual violence. Almost a quarter, 17 (22.37%) wanted to keep their rapes secret: some were afraid of the stigma they might face if family, friends, or community members learned that they were raped. Others did not want their children to know about the rape. Still others felt that it was deeply personal and they were not comfortable discussing the rape in person. The percentage of women choosing to keep the rape secret is substantial, but actually lower than what I expected based on Rwandan culture and the stigma of rape. I expected closer to a majority of the women to give this as the primary reason for not taking sexual violence cases to gacaca.

Instead of stigma regarding rape emerging as the major reason for not taking cases, themes emerged pointing to cases being impossible to try within the gacaca system. The way that gacaca was organized prohibited these women testifying: they literally could not take their cases to the courts- their cases would not be heard because of the particulars of gacaca’s rules. These rules mandated that all accused be physically present in the courts as with a criminal court (see Table 8.2 below).

Table 7.4- Reasons given for not taking case to gacaca

Reasons	Number (n) N=76	Percentage (%) of 76
did not know perpetrators	21	27.63
wanted to keep rape secret	17	22.37
perpetrators died	12	15.79
perpetrators fled country	5	7.89
does not trust anyone	2	2.63
perpetrator helped her survive	2	2.63
Traumatized	2	2.63
RPF raped her	1	1.32
someone discouraged her	1	1.32
forgave perpetrator because he did not infect her with HIV	1	1.32
was never asked to go to gacaca	1	1.32
multiple perpetrators	1	1.32
gacaca asked her son to testify	1	1.32

could not afford transportation to gacaca	1	1.32
afraid of dying soon	1	1.32
did not believe gacaca would help	1	1.32
did not want husband to know	1	1.32
did not want children to know	1	1.32
Unemployed	1	1.32
Missing	5	6.58
total answers*	78	

*4 members gave multiple answers.

The largest number of participants who did not take cases to gacaca reported the number one reason as not knowing their perpetrators. Like most court systems internationally, in order for a trial to take place in gacaca, there had to be a named accused, or a specific person on trial. In most cases of rape in the context of war, the perpetrators are not known or not recognized by the victims. At times, the perpetrators are part of roaming gangs of assailants from another village or another region. Other times perpetrators injure a victim so she cannot see or is unconscious during a rape. In other cases, the rape occurs in a dark place where the victim cannot actually see her perpetrators. It therefore might be expected that few of the victims of the 1994 genocide did not actually know or were not able to identify their victims. Some of these women might have joined the 22.37% who wished to keep their rapes secret, but others might have testified against organizers of the genocide in their province or district if they had been given that opportunity. They might have also decided to have their testimony kept for public record, if that had been possible. However, because of the more judicial nature of gacaca as opposed to a truth and reconciliation committee, the process did not allow for this.

Twelve women stated that their perpetrators died. This can also be expected from a conflict situation in which combatants are the perpetrators of rape, and engage in combat following a rape. Finally, five of the women who did not take the cases to gacaca, knew their rapists but were aware that the perpetrator(s) fled the country following the genocide. This is also common during a war or genocide, in which a substantial number of those involved in a conflict leave the country when and if the group or ideology that they support loses power, and/or they fear being prosecuted for crimes should they remain in the country.

These three groups of women: those who did not know who their perpetrators were, those whose perpetrators died, and those whose perpetrators fled the country represent exactly 50% of the group who did not take the cases to gacaca. Participation in gacaca required that the victim be able to tell gacaca officials the name of the accused exactly where that person was at present so that the officials could physically bring all of the accused into the courts to testify for themselves and to engage with the community where their crimes occurred. There was no way for the courts to take testimony from victims who did not know their perpetrators and to use that testimony to accuse or add to the cases of the known organizers of the genocide in a specific region of the country.

Further research is needed in order to clearly determine the number of woman who might have given some sort of testimony if the transitional justice system had allowed for this in the manner that a truth and reconciliation committee might have permitted. Conducting this research in Rwanda might be mute because the Rwandan government and most in the international community consider the gacaca portion of the transitional justice process over. However, taking these numbers into account does demonstrate the possible need in other post-conflict countries for a truth and reconciliation process. This branch of transitional justice could gather the stories of communities and allow those who wish to speak about rape by unknown perpetrators to come forward and do so.

The remaining reasons for not testifying vary. I expected some of them: one woman was afraid for her husband to learn about her rape and another was afraid of her children finding out about the rape. Two women either feared they were too traumatized to testify or feared the gacaca would re-traumatize them. One woman lacked the money to cover her transportation costs to the courts and another said she was unemployed, which may mean that she also had no means of paying her bus fare. Two women explained that their rapists had actually saved their lives or helped them to survive. Several answers were truly surprising: one woman courageously explained that she was raped by the RPF and so the government refused to acknowledge her rape as a crime of the genocide. Another spoke about how the gacaca demanded that her son testify as a witness to the rape and she refused this. One woman explained that she had forgiven her perpetrator because he had not given her HIV; presumably, she knew of so many other women who had been intentionally infected that she felt grateful she had been spared having to survive with AIDS.

The answers that women gave to the very direct question of what most influenced their decision to take or not to take their rape case to gacaca illuminated factors in ways that the more quantitative analysis of factors may not have. I had not considered how the rules of gacaca excluded certain survivors. I had also not fully considered the fact that urban women might have had more outreach from the courts and from advocacy organizations in the capital that encouraged them to go to gacaca. The answers above reflect the reality of the decision-making process according to all of the 106 participants, and represent their self-identified primary factors affecting decision-making related to their rape cases. The analysis that follows explores further factors that might have had a relationship to the decision-making with the sub-sample that qualified according to gacaca's rules.

Exploring Factors Related to the Decision to take Rape Cases to Gacaca

The rest of this chapter provides a detailed description of my analysis of the quantitative data in order to explore possible factors in women's lives that may have related to their decision to take cases of rape to the gacaca courts. This data serves to answer the first research question: *What factors in women's lives related to the decision to take or not to take cases of sexual violence to gacaca courts?* A statistical analysis was conducted with all these possible factors: (1) social support, (2)

education levels, (3) income, (4) rural/urban location, (5) province, (6) attitudes about the courts, and (7) involvement with women's organizations. In order to conduct an accurate analysis of the relationship between possible factors and the decision to take a case to the courts, the 42 cases of women whose perpetrator was unknown, dead, or had fled the country were removed from this part of the analysis. This left 64 cases including 30 women who went to the courts, and 34 who did not.

Logistic regression models were tested with each of the factors above as an independent variable. For all of the regressions, the decision to take a case of sexual violence to gacaca (or not) was the dependent binary variable, where 1= did take case and 0= did not take case. Logistic regression was used because the dependent variable is binary, and the independent variables were binary ordinal numerical variables. The same logistic equation was used throughout the models.

The logistic regression model was used to explore the role of each possible independent variable alone because multiple regression was virtually impossible with a sample this small because the cell sizes would be too small to make any probable assumptions about relationships. For that reason, the emphasis is placed on individual factors' relationships to the decision to take cases to the courts. Hopefully the interactions of these factors, the relationships between factors, and how these interactions affect decisions will be assessed in future research with larger data sets.

In consultation with a statistician, I decided to use a p-value of 0.10 as a cut-off point for determining whether a possible statistically significant relationship may exist, and to set the Confidence Intervals at 90% confidence rather than 95% confidence. I consulted with several statisticians who use logistic and multiple regression in their work, and they advised that a wider range of confidence was more suitable considering the small size of this sample, and the room for error in making any determinations. The study's exploratory nature and the fact that no similar research has been conducted with this population also support this decision.

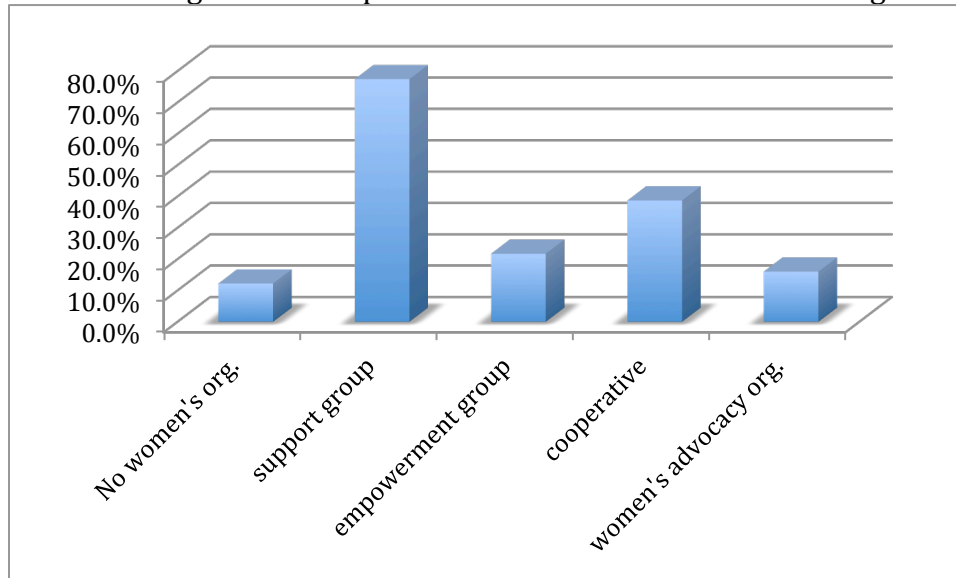
This section includes an overview of the analysis of each of the factor. I refer to the "total sample" (N) as the 106 women surveyed, and the quantitative sample (QN) as the 64 women who were eligible to make a decision and were included in the logistic regression models, which I explained above. I explored 26 different logistic regression models based on answers to survey questions and interpretations with Likert scales. Three of those models showed possible relationships, and I present those in this section. I also include some descriptive data in order to fully explain the survey data for these three relationships.

Participation in women's groups and organizations: A Nuanced Relationship

A much greater portion of the study participants were active in some type of women's organization than predicted (see the figure below). Only 13 women reported no participation at all in a women's organization, and many of the women reported being involved in more than one type of group. Support groups were the most common type of women's organization that the women reported being involved in with 82, 77.4% of all participants, in support groups. Only 17 women, or 16% of participants, were involved in advocacy groups, making them less common.

In fact, several women were unfamiliar with the type of work conducted by advocacy and women's rights groups.

Figure 7.2: Percentages of Participants' Involvement with Women's Organizations



It is not known how representative the sample is with regard to participation in women's organizations compared to the general population of women throughout Rwanda. Because the sampling strategy involved working closely with one women's organization, AVEGA, which the participants usually described as a support group, it is likely that the sample shows much greater participation than is typical of Rwandan women. However, in the process of conducting research, rural community members, staff members of Red Cross, and staff members of AVEGA all shared their perception that most survivors of the genocide were part of one of the large survivors' organizations like AVEGA or FARG. It seemed rare for survivors not to be connected to one of these groups. So, among survivors, membership in a women's organization may be quite high and could be close to this sample's frequency. More research is needed in cooperation with the Rwandan census to ascertain how typical this sample is.

When the study was initially designed, networking with women's organizations was not a part of the sampling strategy. The initial sampling strategy involved attempting to get contact information for women who had gone to gacaca through public records, and attempting to contact these women directly, and then asking them to help recruit those who had not gone to gacaca. Though this strategy would have yielded a more random sample of those involved in women's organizations, and might have been more representative concerning this variable, this strategy was deemed too invasive for participants and too impractical in nature.

The high rates of participation in women's organizations might affect the validity of the data on this variable. However, the actual rates of participation for the general population are not known. There is reason to believe, based on the comments of the women surveyed, the interview transcripts, and additional conversations with Rwandan survivors during the data collection, that they are in

some way extremely high compared to the general population. Involvement with women's organizations was tested as an independent variable that might have a relationship to the dependent variable of deciding to take cases of sexual violence to gacaca but it is highly likely that these models fail to demonstrate the true relationships that may exist. I tested membership in all four types of organizations: support groups, empowerment programs, cooperatives, and advocacy organizations as separate independent variables and no significant relationships were found. I also created a new variable that tested whether membership in any of the four groups might have been a significant factor, and this also failed to show a significant relationship. Finally, I grouped membership in a cooperative and/or membership in an empowerment program into a new category using the hypothesis that a women's program with an economic development focus might have had a significant relationship. However, I could not find evidence for this hypothesis either.

While participation in a group did not yield any statistically significant results, sharing one's story of rape in an all-women's (or nearly all women's) group does appear to have a positive relationship to the decision to go to gacaca. When I looked at three separate models where women shared their stories of rape in the three main types of women's groups: support groups, empowerment groups and cooperatives, no statistically significant relationships were identified. It was not deemed feasible to test a model where sharing in an advocacy group was an independent variable because so few women actually shared in these groups.

I combined the data into a variable with women who shared in any of the four types of groups. When I tested this new variable as an independent variable, it did indeed appear to have a statistically significant relationship to the decision to take the cases to gacaca. Sharing in any group at all seems to have a fairly high significance, as demonstrated by the p-value of (.031). However the confidence level for the Odds Ratio is quite large, which does indicate that these results may not be as strong as the p-value would indicate, and further research is needed. It does appear that sharing one's story of rape in a setting of all women may in fact have positively impacted Rwandan women's decisions to take a case of sexual violence to gacaca, and it may be that the specific type of group mattered less than the experience of sharing one's story to a group of women. I did hypothesize that sharing would have a positive impact on the decision, but my hypothesis predicted that sharing in an empowerment program or a support group would have a greater impact on the decision. I also hypothesized that witnessing another woman share her story of rape might have impacted the decision. However, this factor does not appear to have a significant relationship to the decision.

In meeting with more than 30 groups in the three provinces where women participated, it was noted by the research team and demonstrated in some of the interviews that certain AVEGA groups prioritized discussions of rape, and actively encouraged participants to openly discuss their experiences of sexual violence. The elected leaders of groups where discussion was more common condemned sexual violence, and seemed to create an atmosphere where women faced less stigma when they revealed that they had experienced sexual violence.

In contrast, there were at least five local AVEGA groups where the participants and leaders revealed that rape was taboo or never discussed. At least

two of the leaders vehemently denied that any rapes had occurred in their communities at all, even though some of the members of their group approached the research team privately and wanted to participate in the study because they were survivors of rape. This contrasted greatly with other AVEGA groups where the leaders had intentionally led multiple discussions about sexual violence. Based on observing these inter-organizational differences, the research team did determine that leadership and the atmosphere created by the leadership played a crucial role in whether or not members felt comfortable sharing their stories of rape from the genocide. The data seems to indicate that women in the groups where there was a norm to share openly about sexual violence, and where stigmatizing survivors of sexual violence was actively discouraged, might have been more likely to engage with the gacaca system.

Fears, Challenges and Encouragement to Prosecute

The results of this section contradict some of the existing research around fears of reprisal and indicate possible intervention strategies to encourage more participation. The results of the data related to fears: of reprisal, stigma, and ostracism, and of encouragement: belief in gacaca, support for taking a case of rape by friends and family, etc. were analyzed in several models, please refer to Appendix I for the survey in order to see the exact questions that were asked, and to understand the explanation of how the answers were analyzed.

First, a binary variable was created to encompass participants who answered that they even slightly agreed with any of the statements related to being fearful of going to gacaca. This meant that on the Likert scale of 0 to 3, for the fear-related statements, if a participant answered from 1-3 on any of these statements, they were included (coded as a 1) in this binary variable, and those who answered 0 to all fear-related statements were coded as (0). This “any fear” variable was tested in a linear regression model as an independent variable, but no significant relationship to the decision to go to gacaca with the sexual violence cases was detected.

This was one of the first surprises in this part of the data: previous research (Chinkin, 1997; Fitzgerald, 1997; Greenberg & Ruback, 1992; Kilpatrick et al, 1979; Salisbury, 1986; Stover, 2005; Wells, 2004) has indicated that fears of reprisal are one of the biggest indicators of non-participation and/or testimony in a court for survivors of sexual violence. I expected to find the same: that with more fear, women would be less likely to take their cases to gacaca, and with less fear, women would be more likely to do so. It may be that the particular circumstances in Rwanda, where many survivors had to live in close proximity to perpetrators of the genocide made the fears of reprisal by those responsible for sexual violence less important to the decision-making around taking cases to courts. There may have simply been so many fears of reprisal and of ostracism that they became irrelevant to the decision-making. More research would be needed using this same scale with other populations to assess whether these results seem to indicate a trend in survivors of rape from genocide that could possibly make them different from survivors of sexual violence that did not occur in the context of genocide. Another possibility is that there may be a relationship between fears of reprisal and sharing of one’s story in an all-women’s group, such that sharing the story in some way

mediates the fears of reprisal, which is something that I hypothesized. However, due to the small sample size and the disproportionate number of women who were involved in women’s groups and shared there, I did not feel comfortable testing for this with this particular sample. It would be highly beneficial to test for this with a larger sample of rape survivors.

Next, another variable was created in which the sum of each participant’s total answers to the seven fear statements was calculated. Because the seven fear-related statements were on a Likert scale from 0-3, the summed answers could range from 1-21. The new variable containing the sum was tested as a semi-continuous variable in a linear model, but it also did not reveal a significant relationship.

Then, a similar sum was created for all of the pro-court attitudes that reflected the participants’ positive feelings about the court and their belief that others supported them taking their cases of sexual violence to the courts. There were five of these pro-court statements and so the summed answers could range from 1-15 because the answers were on the same 0-3 Likert scale. When this sum of pro-court was tested in a logistic model as a quasi-continuous independent variable, it revealed the possibility of a significant relationship. The p-value was less than 0.000, and the range of the Confidence Interval for the Odds Ratio was close to 0.5, which indicates a very high likelihood that the more positive attitudes a participant had about the courts, the more likely they would be to take their sexual violence cases to the gacaca courts (see the table below). I did think this might have a relationship, but this level of significance was surprising, and reveals several opportunities for changes in the supports given to victims, which will be discussed in the next chapter. To summarize here: if NGOs and courts can encourage pro-court attitudes and help to clarify the role of courts and their possible positive impact, women may be more likely to take their sexual violence cases to transitional courts.

Finally, one other variable from this scale was created by taking the difference between the sum of the pro-court attitudes and the sum of the fears. This can be represented by the equation $q = p - f$ where “p” is the sum of the pro-court attitudes, and “f” is the sum of the fears of reprisal and ostracism. When this new variable of the difference in the two types of attitudes was tested in a logistic model as an ordinal variable, it was also found to be highly significant, as evidenced in the table below.

Table 7.5: Fears and Pro-Court Attitudes

Model	Parameter	Odds Ratio	Standard Error	p-value (significance)	90% Confidence Intervals for OR (higher, lower)

$\log(p/1-p) = p$	p= sum of pro-court attitudes	1.506	0.103	<0.000	1.272, 1.782
$\log(p/1-p) = q$	q=(sum of pro-court attitudes)-(sum of all fear values); or q= p - (sum of fears)	1.188	0.058	0.003	1.080, 1.306

These findings indicate that there may be a possibility for some of the pro-court attitudes to overcome the fears of reprisal. If there is a way to encourage more of these attitudes than the fears, transitional court systems may see more participation by survivors of sexual violence, even in societies like that of Rwanda, where discussing rape is highly taboo. This will be discussed further in the next chapter.

A Note on Other Factors:

The other factors explored: social support, education, income levels, urban or rural residence and province did not demonstrate any statistically significant relationships to the decisions to take rape cases to gacaca. Because this was a small sample, it could be that some of these other factors did impact court-related decision-making but the sample size inhibited the ability for the data to demonstrate these relationships. For this specific sample, the attitudes about the courts, and sharing in an all-women’s group were the factors that did appear to have relationships to that decision for rape survivors.

There were several findings from the descriptive data that did not directly answer the research questions, but do add to the discussion on structural impediments, economic justice and reparations, and illuminate the daily living situation of the women who participated in the study. Thus, they merit mention. Perhaps the most obvious of these findings related to income: 67 women reported earning less than 5,000 Rwandan Francs (approximately \$8 US) per month, a majority (63.2%) of the 106 survey participants. This amount is far less than the one dollar a day often used by the United Nations as an indication of absolute poverty. I knew that I would find severe poverty, particularly among the widows in remote rural areas, but I did not expect the levels to be so extreme or the portion of women living in this type of poverty to be so large. This illustrates the ongoing need for socio-economic development initiatives with widows and rape survivors, particularly in rural areas. Another surprising finding was that of education levels. Almost 40 percent of the 106 survey participants had less than a fourth grade education, and another 19.8 percent completed only the fourth or fifth grades. This meant that almost 60 percent of the woman had less than a sixth grade education.

Only one of the 106 participants had some university, and none had graduated from university. These descriptive findings relate to the women's suggestions to improve gacaca and their own statements of personal need that they shared in the interviews.

I also want to mention again that measurements of self-esteem and depression were taken but were not tested for statistical significance. In no way does this decision reflect any assumption that these factors have less importance. In fact, I would like to look at these factors more closely in future research. However, I found the way that we measured these factors problematic, as I mentioned in the methods section. In order to assess constructs like self-esteem or depression, we needed to have better measures, measures that actually reflect cultural norms in Rwanda, not those imposed by Western psychological notions. We also needed to find a way to assess depression and self esteem at the time that the decision to go to gacaca or not to go was made, not five to seven years later. I therefore decided to discard these factors from the analysis.

Summary of Results

Through this exploratory study, I found three factors that appear to be significant to the decision to take sexual violence cases to gacaca: sharing the story of rape in any all-women's group, having more encouragement to attend court and positive attitudes and opinions of the court, and having more of these positive attitudes about the court than fears of reprisal. The implications of these factors for practice and policy for survivors of sexual violence, particularly those who experience rape during genocide and war will be discussed in the next chapter. However, it is important to reiterate here that these statistical findings indicate that all women's organizations may play an important role in women's decision to take cases to transitional courts. The data also indicates that encouragement women receive and their positive opinions of the courts may be crucial to the decision-making process, and may, perhaps even have the role of over-riding their fears of reprisal at times. This will also be discussed at length in the next chapter.

The results of this study were surprising in that they did not support some of the hypotheses that I most expected to find supported. Instead, they give a more nuanced interpretation of the way that factors like sharing in an all-women's group, and having more positive attitudes about the courts and encouragement than fears of reprisal and ostracism may relate to the decision to take cases of sexual violence to transitional courts, some of which may be generalizable to other populations and some of which may be very specific to Rwandan populations.

These factors: sharing in an all-women's group, more encouragement and social support for testifying than fears of reprisal and ostracism, should be explored in other studies within Rwanda, but should also be tested in comparative studies in other countries where rape has been used as a tool of war and/or genocide and where a country is exploring methods to try the cases of rape in transitional justice systems. These factors lend themselves quite easily to future studies of intervention strategies. Ideas for these possible interventions and programs will be discussed at length in the next chapter.

In response to the interview questions, participants' definitions of justice were actually much more closely aligned with the notions of justice represented by the gacaca courts. However, in their hypothetical suggestions to improve gacaca for women in other countries, the participants gave a very different view of what gacaca might have done to help them more. In these comments, they shared what they expected and often did not receive from the court process. They indicated a real need for greater access to economic development programs, and reparations for their loss. It is not clear from my study how many of the women who chose to take their cases of sexual violence to the gacaca courts actually did so primarily in order to access services, additional economic assistance, and/or reparations. Either way, these suggestions, partnered with the data on the average monthly income of the women, demonstrate a dire need for additional economic development programs for survivors of sexual violence. The following chapter will also give a detailed account of ideas for these programs, and how they may be partnered with more normative notions of economic justice within transitional justice systems in other countries.

Chapter VIII:
**Conclusions and Suggestions for Programs and Policies for Survivors of Sexual
Violence from War in Rwanda and Other Nations**

Transitional justice should reach beyond its traditional mechanisms, rooted as they are in criminal law, and pay proper attention to economic, social, and cultural rights. By embracing social justice, transitional justice will not only realize its full potential but also challenge the traditional justice agenda to do likewise. This is not a matter of possibility; it is a matter of choice: one which we now can-and must-make.

-Louise Arbour

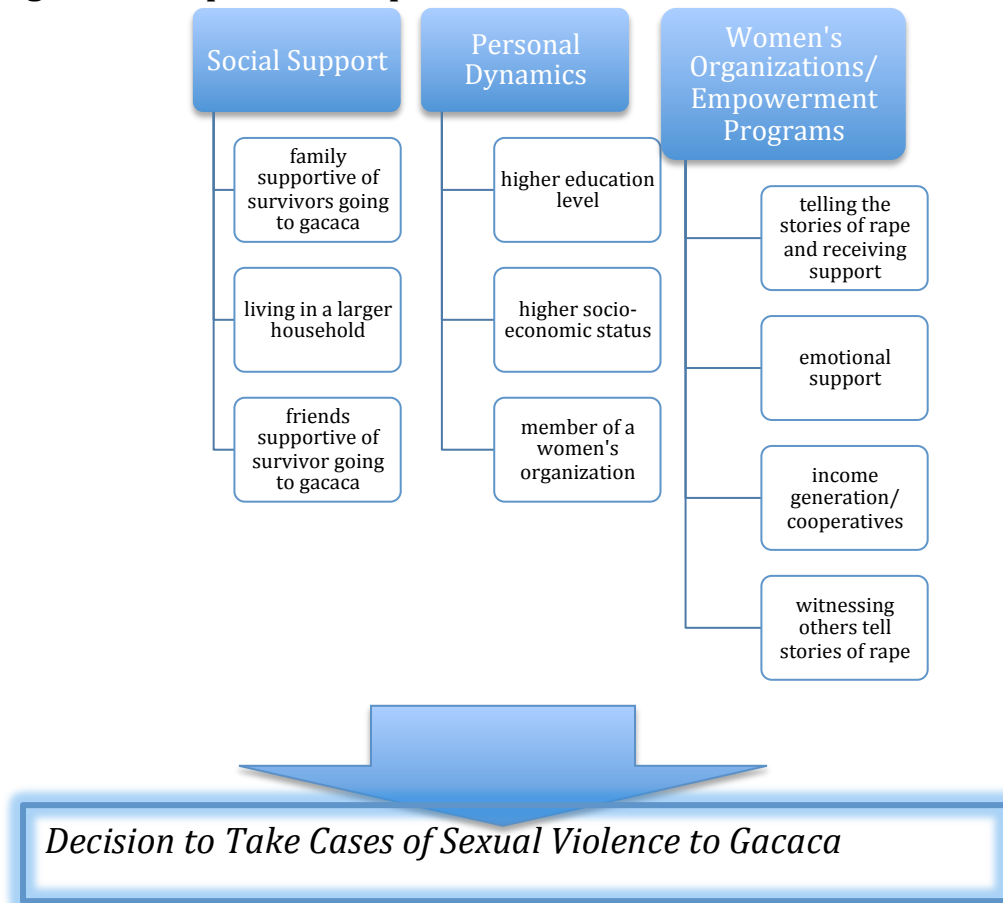
The results of this study have implications that apply to Rwanda, but also to other countries attempting to create equitable transitional justice systems that address acts of sexual violence in war and genocide. There is a need for future research replicating aspects of this study and investigating whether findings may be truly applicable to other countries' contexts.

This study sought to find factors related to the decision to go to gacaca with rape cases, to explore women's definitions of justice, and to gather their suggestions to improve transitional justice systems like gacaca for survivors of rape in other countries. In identifying factors related to the decision-making of survivors of rape in the Rwandan genocide, I also wanted to propose a conceptual framework for this decision-making. This chapter begins with an analysis of how this rough framework relates to my findings. I then discuss the limitations of this study. Suggestions for practice and policies arising from the data follow. Next, I explore ideas for future research. Finally, I conclude with a few personal thoughts and insights I gained from the research process.

Does the Conceptual Framework Fit? Considering the Results

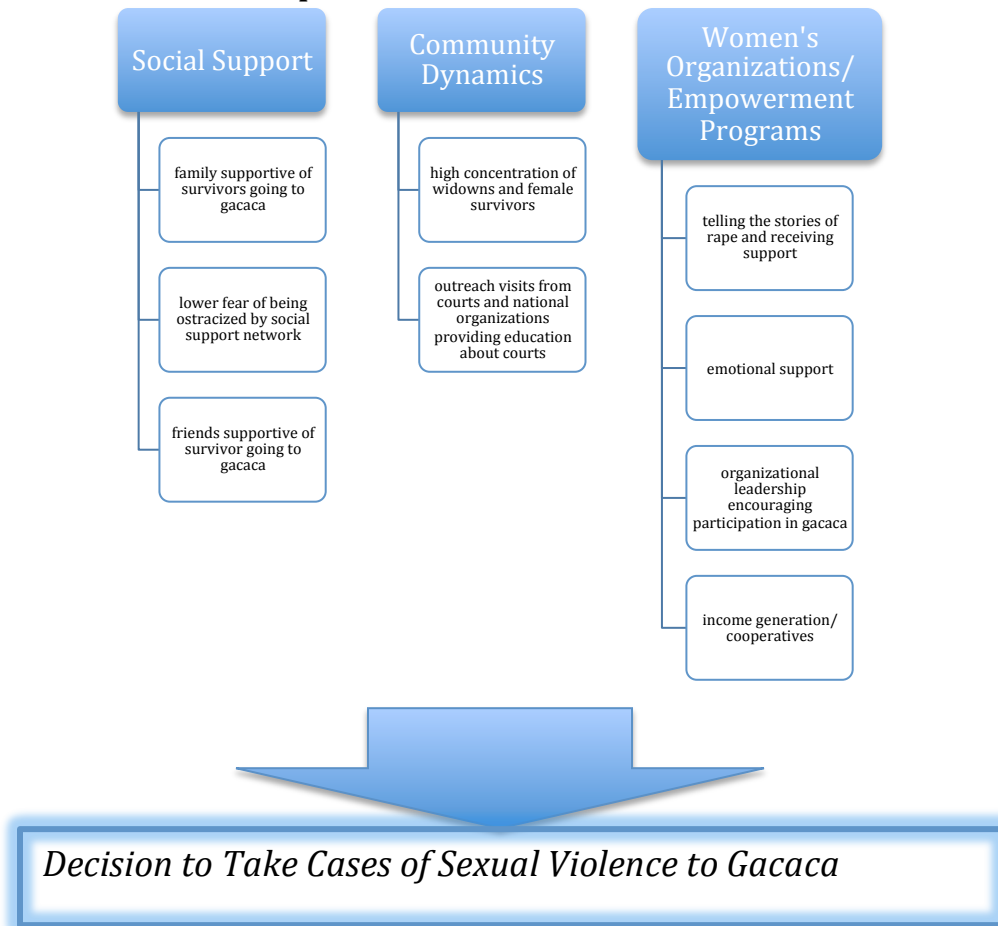
The conceptual framework at the end of Chapter II attempted to illustrate, and perhaps predict factors that might influence the decision to take cases of rape to the gacaca courts. The framework listed factors under three categories: social support, personal dynamics, and women's organizations or empowerment programs (see Figure 8.1 below). The results presented in the last chapter do fit the framework in some ways, but many of the proposed factors may not impact the decision in the way that I had expected.

Figure 8.1 Proposed Conceptual Framework



The proposed framework above includes many of my hypotheses that were not supported by the data. Specifically, the data do not support the idea that social support functions in the way that I proposed, education and income did not relate to decision-making, and witnessing someone else tell their story of rape in an all-women’s environment did not impact decision-making. Thus, based on the data from this exploratory mixed methods study, a more accurate conceptual framework might look like Figure 8.2 and focus less on individual factors and more on community factors and the characteristics of women’s organizations.

Figure 8.2: Revised Conceptual Framework



Within social support, it appears that encouragement and reassurances that a survivor will not be ostracized are critical to survivors deciding to take rape cases to gacaca. In fact, when the three sub-categories of social support are present, the data suggest that a survivor may be more likely to take a case of rape to gacaca. When elements of this factor are present, they may even be able to override the impact of fears of reprisal and ostracism. However, I would caution NGO workers, tribunal victim support staff and others working with victims that encouragement and desire to demonstrate support of a victim coming forward should not in any way lead to a failure to assist a victim to weigh the real risks. The fact that the data show fears of reprisal and ostracism can possibly be overcome to some extent can offer some ground-breaking insight into needed supports, but it does not in any way diminish the reality: for some survivors reprisals do take place; some survivors may be better off considering those fears and need to be given additional protection if they do testify.

These sub-categories of social support are incredibly specific. The data suggest that simply living with a large extended family, or simply feeling that you have someone to confide in may not impact a decision to take a case of rape to court. Instead, it appears that those offering social support must give actual encouragement and engage with the survivor in reassuring that she will not be ostracized and will be supported in her decision.

The second category, “Community Dynamics”, was lamentably, not explored in this study. Yet, based on observation in the more than 30 communities that we visited, the characteristics of a community appear to matter. Based on the observations of my research team, and the personal conversations that we had with the individual team leaders in the three provinces where we conducted the research, there may be community characteristics and leadership characteristics that create environments where more women feel comfortable coming forward. We noticed that where more widows lived as direct neighbors or in close proximity, women were more likely to come forward. In our interviews, women reported to us that they were greatly influenced by visits from the gacaca courts or from government officials who explained the gacaca court procedures and emphasized the importance of testimony from rape survivors. Women who lived closer to the capital were more likely to receive these visits. The finding that more encouragement and reassurance may be related to women deciding to take their cases to gacaca also supports this. I find this area of community dynamics fascinating and wish that I had had the foresight to examine this more empirically. In my own future research, this will be a major area of focus: I observed unique dynamics in communities that were almost entirely made of widows, and I believe this area merits further inquiry.

Finally, the role of women’s organizations or empowerment programs may also relate to women’s decision-making processes, but not in the way that I had originally believed. The first sub-category, telling the story of rape, and the third category, of organizational leadership, may have some relationship to the gacaca decision for these survivors. The data indicated that telling one’s own story of rape might relate to taking a case to the transitional courts rather than witnessing others share their stories. Leadership is another factor that our observations and the interview data indicated may play a role in decision-making. When local leadership in women’s organizations encouraged discussion of rape and open support for women to discuss their rapes at gacaca, we saw far more participation. I also include income generation because women had asked again and again for greater access to income generation initiatives during the survey and interview process. In my own future research, I want to focus specifically on the leadership and community dynamics and attempt to better understand how leadership can foster the breaking of the taboo around discussing rape. I believe this could lead to better training and more encouraging leadership in communities throughout Rwanda, and perhaps in other post-conflict countries.

The revised conceptual model better fits the data, but as this study is exploratory in nature, much more work needs to be done. This conceptual model can be tested and compared to studies with larger data. When that is done, it is

likely that other categories and sub-categories might be added to give a more full picture of the decision-making process.

Limitations

This study has multiple limitations. First is the small sample size. It was not feasible or financially possible to conduct a larger study at this time and findings may not be greatly generalizable to all regions of Rwanda or to women in other countries who have experienced genocide, giving it low external validity.

Without external validity, the importance of this study may be greatly diminished. As I have reiterated several times, the main purpose of this study is twofold: to identify the most crucial and most common factors present in women who come forward with their cases of genocide rape, and thus, to be able to establish programs in Rwanda and elsewhere that empower these women to break taboos and bring their cases to trial. It is also to create information on the decision-making process of Rwandan women who have brought their cases to court with the hope that policy-makers in other countries can learn from these women, and from the gacaca process, so that it might be replicated in other locations.

It could be argued that the circumstances surrounding the rape of Rwandan women in 1994 were somehow so unique that their decision-making processes were completely different from that of any other genocide locations. In the absence of information on the decision-making process of these populations in other locations, it is hoped that their may be enough to inform some decisions on the supports needed to facilitate those other survivors engaging with transitional courts. Therefore, future research that uses similar methods, and an examination of similar factors' effects on decision-making for transitional justice systems is truly necessary to compare and assess how generalizability these results might be.

Despite my concerns, there may actually be a reasonable degree of external validity for the particular issues being assessed in this study. It may be that the relationships between certain factors and decisions to take cases to courts are generalizable to a certain degree. It may also be the case that the support of a women's organization may have a universal role in encouraging women to take cases to court. It is also likely that certain positive and negative feelings about the courts themselves are shared by women across cultures, for example, where the fear of physical reprisal by the perpetrator or the perpetrator's family is strong, women in many different countries are discouraged from participating in court. Finally, courts may universally find it important to uphold their promises of reparations for victims of sexual violence. Therefore, it may be that there are sufficient shared characteristics about the decision-making process that the external validity is higher than one would generally assume. In order to fully assess the external validity, the study would need to be replicated in multiple locations, which proves impossible at this time. Yet, it is hoped that other researchers will proceed with similar studies.

Another significant consideration is the following: Rwandan culture is one in which it is common to defer to those perceived to have higher status or power.

There is an extremely high risk of social desirability bias, particularly because of the research methods and the use of Red Cross and AVEGA volunteers. The participants may have answered questions in ways that they believed the volunteers wanted them to answer rather than giving the answer that actually best fit their own thoughts or experiences. It may also be that at times my presence as a white Western woman might have hurt the research process because participants gave answers to please me rather than opening up and answering honestly. In addition, there is a similar risk of acquiescent response bias- the tendency to agree with statements regardless of their content (Hoyle, 2002). Efforts were made to encourage honesty and to make the participants feel as comfortable as possible sharing their opinions and thoughts with the researcher and her assistants. The importance of honest answers was stressed in the presentations given to women's groups on the purpose of the study. It was also reiterated in the consent forms.

Finally, there was a possibility of emotional and physical danger caused by the research process. Some of the women did still suffer from severe PTSD, and the task of thinking about their rape, even without considering or recounting the details, could have risked triggering serious symptomatic reactions and emotional distress. However, efforts were made to minimize this possible damage. All participants who had cell phones were contacted two weeks after participating in the study to ask if they were feeling okay, and if the study had caused them to feel any additional anxiety or for traumatic memories to bother them as a result of the study. The leaders of particular local AVEGA groups were asked to follow-up with those who did not have cell phones, and to alert us if any of the women felt they needed additional counseling or support services as a result of our research. None of the women reported any adverse side effects. I was relieved that the study did appear to have so little negative impact, and felt reassured that my decision to purposefully not solicit or collect any rape stories, or personal accounts of the rapes was influential in having the women feel so little effect from this research.

In addition, there may have been some physical danger to some of the participants related to reprisal. Meetings with Red Cross volunteers in January of 2012 confirmed that they believed the risk was minimal, as did an initial meeting with IRB Staff at UC, Berkeley.

The generalizability remains the biggest limitation. As mentioned previously, this study is the only one looking at these factors and their relationship to decision-making in a systematic empirical way with this population to date. At this point, based on research of survivors of sexual violence from non-conflict settings, there may be some fairly universal qualities, attributes, and suggestions from supports that can be generalized to other post-conflict settings. However, in order to have greater statistical power, and greater general confidence in making any assertions or suggestions, a larger sample size that includes all of the Rwandan provinces would be needed, and several comparative international studies, with larger samples are also needed.

Programmatic Suggestions Implied by the Findings of this Study

Though many of the hypotheses of this study were not supported by the findings of this study, the few that were supported point toward ways that programs might better support survivors of sexual violence. The findings indicate several programs that may be particularly useful to sexual violence survivors. Some of these programs and services may already be quite common. Yet, this evidence might serve to encourage countries to continue to promote and encourage particular types of organizations and programs for women, and to cater their operations in specific ways that may be most helpful.

Women's Organizations: Breaking Taboo and Getting Encouragement

One of the major research questions asked whether involvement in a women's organization was related to the decision to take a case of sexual violence to the gacaca courts. The evidence from this study strongly suggests that women's organizations serve dual functions that can support women deciding to participate in transitional justice systems: they often give women a space to share their stories of sexual violence with one another in an emotionally safe and supportive environment, and they sometimes offer encouragement to engage with court and reassurances that women will not be ostracized by their peers. Telling a story of rape to an all-women's audience appears to have a critical relationship to deciding to tell one's story of rape. So does encouragement, and knowledge that friends and community members will support a decision to take cases of rape to courts. Women's organizations can serve both of these roles.

Creation of women's organizations and widespread participation does not appear to be sufficient, according to the data. Instead, women's organizations need to be encouraged to have open conversations about sexual violence, and to invite their participants to share, preferably in a non-judgmental and confidential atmosphere where women feel safe that their experiences will be heard without leading to ostracism by others in the community. Women's organizations can be given additional information on how to initiate these conversations, and how to establish ground-rules that allow participants to feel safe sharing stories of rape that they may have felt were taboo to discuss.

Women's organizations can also be the settings for informational sessions on transitional justice systems, sessions that demystify the process and address the particular concerns of survivors of sexual violence. This seemed to be critical for the AVEGA members who chose to go to court. Often, whole local chapters of AVEGA decided to take cases of rape to court, and encouraged one another after receiving visits from the National AVEGA chapter, and from gacaca outreach workers. It seems that this model could be replicated, and that possibly, when paired with special training for program leaders to learn to facilitate discussions on rape, that women's organizations may continue to play a crucial role in prosecutions of sexual violence cases.

Knowledge=Action: Outreach and Education

Knowledge really does seem to equal action in the context of Rwandan survivors of sexual violence. As mentioned above, the model of education through outreach by representatives of courts appears to have played a critical roll in women deciding to take their cases to courts. Because so many women reported that AVEGA and government encouragement influenced their decision, it appears that outreach and education may have led to more of those pro-court feelings that were highly correlated to the decision to take a case to gacaca.

Seelinger, Silverberg and Mejia (2011) in their Human Rights Center Report that offers suggestions for the treatment of witnesses in sexual violence cases for transitional courts suggest this type of outreach. In order to test the efficacy of outreach and court/transitional justice education, pre and post tests could be conducted that assess fears and feelings of support, and intention to take a case to the courts. Education paired with evaluation of its efficacy could be critical to understanding what type of support and education most directly impacts decision-making.

Empowerment Programs- They May Still Address Multiple Programmatic Needs

Though involvement in empowerment programs did not appear to have a significant relationship to the decision to take sexual violence cases to gacaca, they should not be discounted completely. When empowerment programs meet the definition used in this study- that they involve an open discussion of injustice and oppression, and they have some program of economic development as an aspect of collective action- they may meet several of the programmatic needs above. The data indicate that if women's programs can be created where stories of rape are shared as part of a larger discussion of the injustices of war, and the oppression of women, and cooperatives or micro-enterprise initiatives are integrated into the mission of these programs, they would perhaps create multiple supports for survivors of sexual violence. Outreach and education about transitional justice systems could also occur within these empowerment programs.

Though I am admittedly more hesitant in my endorsement of the widespread benefits of empowerment programs I believe that when operating correctly, they may represent an incredible resource for survivors of war and genocide, and particularly sexual violence survivors. More research is needed, and greater evaluation of these programs and their impact may show more definitively whether or not they are having the hypothesized positive effect.

Policy Suggestions

The last research question asked: *What suggestions do rape survivors have in order to create more secure and "just" systems for their cases?* The participants asked for greater support, and attention to receiving reparations. Perhaps a decision by individual post-conflict governments and international policy members to create policies with greater attention to economic justice would be helpful. At the very least, these findings indicate that when governments promise female rape survivors reparations, they should follow through and give those reparations.

A More Developmental Economic Approach to Justice

The participants in this study did not define “justice” in more economic terms as I had expected nor did they suggest that future transitional justice systems have a greater approach to economic justice. However, as I mentioned above, they did call for greater emphasis on distributing reparations, and asked for greater financial assistance, which illustrates a desire for more economic justice.

Transitional justice systems and efforts toward reconciliation between warring factions have often been a part of peacebuilding efforts. Some experts in this field have called for greater attention to development and for an incorporation of development practices directly into transitional justice systems. Duthie (2008) makes a compelling argument that economic development must be integrated more fully into transitional justice systems, and have the possibilities of creating synergies toward peace. He aptly quotes Alex Borrairie as stating that “reconciliation without economic justice is cheap and spurious” (2000, p. 357). Economic development can be critical to citizens feeling that justice has been served, and reparations to victims of war and oppression can be facilitated through transitional courts in a justice and reconciliation process. Duthie (2008) points out that without reparation and attention to economic development, citizens often feel less support for the transitional courts.

It is important to note that human rights lawyers and transitional justice scholars are now calling for greater attention to economic factors in creating “justice” post-conflict. They are asking for greater funding for reparations promised to victims, but also for integrated funding for transitional justice systems to provide funds and support for income generation efforts among survivors and witnesses (Arbour, 2008; Duthie, 2008; Miller, 2008). Yet, many of these calls for reform and re-thinking of how transitional justice systems are established and organized lack the quantitative data to support the theoretical arguments that these reforms should take place. Scholars who are aware of the economic needs and income levels per capita in countries with transitional justice systems like Liberia, Sierra Leone, East Timor, look toward the UN Conventions on Economic, Social and Cultural Rights, calling for a more holistic view of “justice” (Arbour, 2008; Duthie 2008).

Truth and Reconciliation Commissions- Allowing More to Come Forward

More than one third of the participants in this study were excluded from attending gacaca because of the rules of gacaca that mandated that the accused be physically present when the survivor testified against him. This was often impossible because of a myriad of reasons common in all conflicts: perpetrators dying, perpetrators who are unknown or strangers to their victims, and perpetrators who flee the country. These are also circumstances that in most courts of law would exclude a trial. Yet, in the interest of finding truth, and giving all victims of genocide opportunities to be part of a truth-seeking process, it seems that the court-style procedures of gacaca were inadequate. Greater participation on the part of survivors of sexual violence might have occurred if women had had a space

where they could testify about the rapes that occurred by strangers and have this testimony entered into a public record, and perhaps acknowledged by other women.

Transitional justice experts, and international observers are beginning to call for more integrated or parallel systems for post-conflict nations (Ingeleare, 2009; Mibenge, 2013; Nowrojee, 2005; Rubio-Marín, 2006). These systems would have courts that pursue convictions and conduct judicial procedures, but these might run parallel to truth and reconciliation commissions. It appears that dual systems of this type might engage greater numbers of sexual violence survivors, particularly if some of the commissions allowed for all-women's settings, or established additional privacy protections for sexual violence survivors.

Suggestions for Future Research in This Area

There is limited systematic empirical data on court and testimony decision-making by survivors of sexual violence from conflict that almost any additional empirical research would be welcomed. I have already mentioned the need to expand the study inside Rwanda in order to increase the sample size, and consequently, the power of these findings. I also mentioned the need to ask some of these same research questions, and use some of the same scales and measures of this study in other post conflict settings contexts. The two that seem most pertinent might be Rwanda's neighbor, the Democratic Republic of Congo because of some shared cultural beliefs and some of the same dynamics of the conflict, and Syria because of the reports of widespread rape and sexual violence that will make this issue particularly pertinent there. Both of these countries have on-going conflicts, but once these conflicts end and transitional justice is established, it is predicted that participation by sexual violence survivors will be crucial in both locations.

Regardless of the places where future research is carried out, the scale measuring fears of reprisal and pro-court attitudes, social support and encouragement might be helpful in other contexts. I am particularly interested to know if the pro-court attitudes might be able to overcome some fears, particularly those fears of ostracism that exist in other countries.

Additional research, preferably action-based research, might look specifically at what happens when women's organizations take an empowerment approach and openly discuss sexual violence, share their stories of sexual violence, and discuss the need to obtain justice for sexual violence. The data from this dissertation study indicate that sharing one's story of rape in an all-woman's group may be related to women being more likely to take their cases to courts. I am curious to know more about this process, and would like to see a study done that chronicles at least 200 women, with at least half who are part of groups that tell their stories, perhaps in 2 or 3 different ways, and to see how this might effect their decision-making. Mixed methods could be used to assess the impact statistically, but also to ask questions about how telling their story might change how they think or feel about testifying. I would also want to look at how these same groups support and encourage women, and perhaps take a more participatory approach to investigating different ways of encouraging.

A related study could address the impact of female leadership in how taboo was broken in discussing rape. As I discussed in my analysis of the conceptual framework, it became very obvious to us that leadership played a major role in setting the tone for discussions of sexual violence, and also at times, for silencing the stories of sexual violence. Doing qualitative research that involves careful observation, and in-depth interviews, and perhaps even surveys of the leaders of women's groups that could be compared with participant data could provide insight into how women leaders may be influencing their members.

The qualitative data in this study indicate that economic incentive and economic need may play a huge role in women's decision-making. This study did not have a good mechanism established to measure how the need and average income might have made the women desperate for the reparations that they were promised by the gacaca courts and the government. Future studies could look at how economic need and expectations of economic justice might color and shape women's relationship and engagement with transitional justice systems. It would also be interesting to contrast this relationship for sexual violence survivors with that of women who did not experience sexual violence, and with widows who experienced sexual violence with women who are partnered or re-partnered. It may be helpful to ask women quite directly: "Did you go to the courts because you were promised reparations?" or to set up a scale where they measure the impact that a promise of reparations, or a promise of financial assistance in return for testimony had upon their decision to take a case to the transitional courts, on a scale from 0-3.

Finally, there is still a need for gathering empirical evidence of women's expectations of transitional justice and their notions of justice very early in the design and policy-making process of transitional justice systems. As Rubio-Marín (2006) points out, policy makers often neglect to include women's perspectives in the design of transitional justice systems and procedures. If the international community is going to continue to emphasize justice for sexual violence as a crime of genocide and a war crime, then understanding the way that those victims wish to receive justice, and understanding what might motivate them to take part in trials to obtain that justice is crucial. Therefore, asking about the meaning of justice, and about the notions of economic justice in countries that are in the initial stages of establishing transitional justice systems seems critical.

Final Thoughts on Sexual Violence, and the Courage to Come Forward

Convictions of perpetrators of sexual violence are important, and recognition of sexual violence as a war crime and a crime of genocide is a momentous step for international law and the rights of women. However, it may be important to begin to examine the normative idea that having as many survivors of sexual violence as possible take cases to court should be the goal in post-conflict societies. Instead, it could be fruitful to take a nuanced view of the courts, and of the lives of the women who survive sexual violence. Court convictions may at times do absolutely nothing to improve the lives of some of the survivors, survivors who are struggling with HIV, and have children and grandchildren who are dependent on them.

Instead, reparations that assist with their needs of daily living may be equally or more important. For these women, access to anti-retroviral drugs, payment of school fees for children and grandchildren, free housing, and lifelong assistance with their farms may be much more in line with appropriate justice for their losses than a court conviction. Both might be optimum, but I might now advocate more attention being given to programs like the latter. For some of the women, their perpetrators had a higher standard of living inside prison than the survivors and their children had outside. Is that the legacy of justice the international community and post-conflict Rwanda intended to leave when it attempted to view rape as a war crime and act of genocide?

The only way to truly improve the lives of survivors of sexual violence, and the transitional justice systems attempting to hear their cases, is for them to have the courage to come forward, and for us to have the courage to listen. Respecting the courage of these women who came forward means listening to their suggestions for the future, and acting on them. This may require equal courage on the part of these institutions and policy-makers to rethink their own paradigms.

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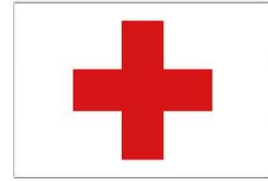
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Appendix I: Survey In English

Survey for Rwandan
Women
Survivors of Genocide
Trauma

Draft Interview Instrument

December 2012 Updated Copy



School of Social Welfare, UC Berkeley

Rwandan Red Cross

Survey for Rwandan Women Survivors of Genocide Rape

Instructions for Interviewer:

All instructions NOT TO BE READ will be written in this font. All NON-SURVEY question information TO BE READ to participants will be italicized. Please circle or fill in ALL answers on the survey. Read anything that you do not see noted in this font- except "I don't know" and "missing" answers to questions.

Before you begin, please fill in the following information.

Date: _____ (dd/mm/yyyy)

Time: _____ AM PM (please circle one).

Thanks!

Social Support

I would now like to ask you a few questions about your relationships with friends and family, and those in your life.

[7=refused to answer

8=missing

9=N/A]

1. In your life, do you have a friend who is around when you need a friend, whom you trust, and who comforts you?

Yes (1)

No (2)

2. In your life, do you have a family member who is around when you need someone, a family member you trust, and who comforts you?

Yes (1)

No (2)

3. Do you feel that you have several people who support you, help you, and comfort you when you need them?

Yes (1)

No (2)

4. Who is the person you can trust the most, and confide in the most in your life? What is their relationship to you?

7=refused to answer

8=missing

Self-Esteem

[7=refused to answer

8=missing]

5. What do you think about yourself and your abilities overall? Do you have positive feelings about yourself?

Depression:

[7=refused to answer

8=missing]

I am now going to ask you about your feelings in general.

6. What is the feeling that you have most of the time?

7. Do you feel that you are happier or more sad than most people that you know?

Yes (1)

No (2)

Fears and Challenges for Deciding to Prosecute

The next two sections are more personal and may be difficult to answer. I want to tell you again how much I appreciate your being willing to participate, and that I understand this questions may be hard to answer. Please take your time, with these and let me know if you need a short break.

Note to interviewers: you will need to write in some of the answers on this section!

For this section:

7=refused to answer
8=missing
9=N/A

8. * Screener question: I know that this is very sensitive, but I require the following information for our study: There were many women who were raped and sexually abused during the 1994 genocide.**

Were you a victim of rape during the 1994 genocide? ___ yes ___no

(IF NO, Skip to Final Section- Question XX)

9. It was a very difficult decision for women to take their cases of genocide rape to the gacaca women's courts. Did you take your case to the women's court? ___yes ___no

10. [IF YES], Did you take your case to the all women's gacaca or the regular gacaca courts where men were present?

11. IF Yes, was there one person who was particularly supportive of you taking your case to the courts? Yes NO

12.If yes- what was this person's relationship to you? (family member, friend, neighbor, spouse)? _____

13. What is the one thing that most influenced your decision? _____

There can be many reasons why women who experienced genocide rape would decide to take their cases to the women's gacaca.

Hold up the card with THIS scale on it, for the participant to view as you read the questions.

Can you rank how true the following statements are for you?	very true for me (3)	fairly true for me (2)	slightly true for me (1)	not at all true for me (0)
14. I was afraid my perpetrator would retaliate- physically or verbally.	3	2	1	0
15. I was afraid my perpetrator's family would retaliate against me- physically or verbally.	3	2	1	0
14. I saw other women in my community supported by friends and family when they went to the women's gacaca.	3	2	1	0
15. I believed in what the women's gacaca was doing.	3	2	1	0
16. I was afraid my family with ostracize me or exclude me if I went to the women's gacaca with my case.	3	2	1	0

17. I was afraid my friends and community would ostracize or exclude me if I went to the women's gacaca with my case.	3	2	1	0
18. I felt my family and friends would support me if I went to the women's gacaca with my case.	3	2	1	0
19. I was did not want my children to find about my rape.	3	2	1	0
20. I did not want my husband to find out about my rape.	3	2	1	0
21. I was afraid I might lose my job or business if I went to the women's gacaca with my case.	3	2	1	0
22. I wanted to set an example for other women by going to the women's gacaca with my case.	3	2	1	0
23. I thought it might help other women if I went to the women's gacaca with my case.	3	2	1	0

Involvement in Women's Organizations and Groups

I am now going to ask you some questions about types of women's groups and organizations, and how you might have been involved with them.

For this section: 7=refused to answer
8=missing
9=N/A

Hold up the card with THIS scale on it, for the participant to view as you read the questions.

*** Fix this whole section in the Kinyarwanda version!!!

24. Have you ever been involved in?	Yes	No		
a. A women's support group- a group of women who met regularly on a set schedule in a particular location and discussed their problems and helped each other with solutions to these problems?	Y	N		
b.[if yes] For how long were you involved?				
Less than 1 month	1			

1-6 months	2			
6 months-1 year	3			
1-2 years	4			
more than 2 years	5			
c.[If yes], How frequently did you attend meetings?				
less than once a month	1			
Monthly	2			
Several times a month	3			
Weekly	4			
more than once a week	5			
d. Did you share your story of sexual violence in the organization?	Yes	No		
[if yes], can you rank how true the following statements are for you:	very true for me (3)	fairly true for me (2)	slightly true for me (1)	not at all true for me (0)
e.the group of women understood me and my experience				
f, I felt the group of women listened to me when I shared my story.				
g. I felt relieved to share my story with the group of women.				
h..While involved in the group or organization did you witness other women in the group telling their storis of sexual violence or rape that occurred during the genocide?	Y	N		
[if yes], can you rank how true the following statements are for you:	very true for me (3)	fairly true for me (2)	slightly true for me (1)	not at all true for me (0)
i. I obsereved other women felt understood by the women in the group when they shared their story.				
j. I observed that the other women really listen to the women in the group who shared their story				

k. I observed that the women who shared their stories felt relieved after doing so.				
25.a. Have you ever been involved in a women's empowerment program- a program of women who met regularly, usually with a leader of facilitator, and discussed problems, injustices, and oppression that they faced, and also received training that would change their situations, and/or as a group decided to take action together to change these situations that were causing injustice for the women and their communities?	Y	N		
b.[if yes] For how long were you involved?				
Less than 1 month	1			
1-6 months	2			
6 months-1 year	3			
1-2 years	4			
more than 2 years	5			
c.[If yes], How frequently did you attend meetings?				
less than once a month	1			
Monthly	2			
Several times a month	3			
Weekly	4			
more than once a week	5			
d. Did you share your story of sexual violence in the organization?	Yes	No		
[if yes], can you rank how true the following statements are for you:	very true for me (3)	fairly true for me (2)	slightly true for me (1)	not at all true for me (0)
e.the group of women understood me and my experience				
f, I felt the group of women listened to me when I shared my story.				
g. I felt relieved to share my story with the group of women.				

h..While involved in the group or organization did you witness other women in the group telling their storis of sexual violence or rape that occurred during the genocide?	Y	N		
[if yes], can you rank how true the following statements are for you:	very true for me (3)	fairly true for me (2)	slightly true for me (1)	not at all true for me (0)
i. I observed other women felt understood by the women in the group when they shared their story.				
j. I observed that the other women really listen to the women in the group who shared their story				
k. I observed that the women who shared their stories felt relieved after doing so.				
j. I observed that the other women really listen to the women in the group who shared their story				
k. I observed that the women who shared their stories felt relieved after doing so.				
26. a. Have you ever been involved in an all-women's cooperative- a group of women who formed a business together and shared the profits equally between them?	Y	N		
b.[if yes] For how long were you involved?				
Less than 1 month	1			
1-6 months	2			
6 months-1 year	3			
1-2 years	4			
more than 2 years	5			
c.[If yes], How frequently did you attend meetings?				
less than once a month	1			
Monthly	2			
Several times a month	3			
Weekly	4			
more than once a week	5			

d. Did you share your story of sexual violence in the organization?	Yes	No		
[if yes], can you rank how true the following statements are for you:	very true for me (3)	fairly true for me (2)	slightly true for me (1)	not at all true for me (0)
e. the group of women understood me and my experience				
f, I felt the group of women listened to me when I shared my story.				
g. I felt relieved to share my story with the group of women.				
While involved in the group or organization did you witness other women in the group telling their stories of sexual violence or rape that occurred during the genocide?	Y	N		
[if yes], can you rank how true the following statements are for you:	very true for me (3)	fairly true for me (2)	slightly true for me (1)	not at all true for me (0)
i. I observed other women felt understood by the women in the group when they shared their story.				
j. I observed that the other women really listen to the women in the group who shared their story				
k. I observed that the women who shared their stories felt relieved after doing so.				
j. I observed that the other women really listen to the women in the group who shared their story				
k. I observed that the women who shared their stories felt relieved after doing so.				
27. a. Have you ever been involved in a women's advocacy or women's rights organization or non-governmental organization whose mission was to protect the rights of women through education, advice and/or legal council?	Y	N		
b.[if yes] For how long were you involved?				

Less than 1 month	1			
1-6 months	2			
6 months-1 year	3			
1-2 years	4			
more than 2 years	5			
c.[If yes], How frequently did you attend meetings?				
less than once a month	1			
Monthly	2			
Several times a month	3			
Weekly	4			
more than once a week	5			
d. Did you share your story of sexual violence in the organization?	Yes	No		
[if yes], can you rank how true the following statements are for you:	very true for me (3)	fairly true for me (2)	slightly true for me (1)	not at all true for me (0)
e. the group of women understood me and my experience				
f, I felt the group of women listened to me when I shared my story.				
g. I felt relieved to share my story with the group of women.				
h. While involved in the group or organization did you witness other women in the group telling their stories of sexual violence or rape that occurred during the genocide?	Y	N		
[if yes], can you rank how true the following statements are for you:	very true for me (3)	fairly true for me (2)	slightly true for me (1)	not at all true for me (0)
i. I observed other women felt understood by the women in the group when they shared their story.				
j. I observed that the other women really listen to the women in the group who shared their story				

k. I observed that the women who shared their stories felt relieved after doing so.				
j. I observed that the other women really listen to the women in the group who shared their story				
k. I observed that the women who shared their stories felt relieved after doing so.				

General Questions:

Preface: *Thank you for agreeing to take the survey. I am going to start by asking you some very general questions about yourself.*

Error! Not a valid link.

29. What is your date of birth?

- __ __ ____ (fill in with dd/mm/yyyy)
 (day) (month) (year)
 Missing: 8

30 .

What is your average monthly income?	
Less than 5,000 Rwandan Francs	1
5,000-10,000 Rwandan Francs	2
10,000-15,000 Rwandan Francs	3
15,000-25,000 Rwandan Francs	4
25,000-50,000 Rwandan Francs	5
50,000-100,000 Rwandan Francs	6
100,000-150,000 Rwandan Francs	7

150,000-300,000 Rwandan Francs	8
300,000-500,000 Rwandan Francs	9
More than 500,000 Rwandan Francs	10
Refused to answer	77
Missing	88

31. How many cows does your family own, if any?

32. How many hectares of land does your family own?

33. Have you or any members of your family been involved in the committees of the district or sector (as the secretary or treasurer, etc.)?

Yes (1)

No (2)

** IF YES: Who in your family has been involved?

34.What is your current marital status?	
now married	1
Widowed	2
Divorced	3
Separated	4
never married	5
refused to answer	7
Missing	8

35. Do you currently live with...?	Yes- (1)	No (1)
one or both parents?	yes	No
a spouse?	yes	No
one child?	yes	No
one or more adopted children?	yes	No
one or more brothers?	yes	No
one or more sisters?	yes	No
one or more nieces?	yes	No
one or more nephews?	yes	No
one or more grandparents?	yes	no
other relatives?- Please specify: _____	yes	no

Refused to answer-7

Missing- 8

Does not know-9

FINAL QUESTIONS- Status of Women In Rwanda:

For this section: 7=refused to answer

8=missing

9=N/A

Hold up the card with THIS scale on it, for the participant to view as you read the questions.

Can you rank how true the following statements are for you?	very true for me (3)	fairly true for me (2)	slightly true for me (1)	not at all true for me (0)
36. I feel that the status of women is improving in Rwanda.	3	2	1	0
37. I am happy with the efforts of the Ministry of Women in Rwanda.	3	2	1	0
38. I have seen real changes in how women are treated in Rwanda in recent years.	3	2	1	0

39. I know local officials who are women in my area.	3	2	1	0
40. I feel I will reach my goals in the future and my community will support me.	3	2	1	0

We are going to conduct follow-up interviews with several participants. Would you be willing to participate in a follow-up interview in which we would ask you some more questions about your opinions and experience?
 ___yes ___ no

Thank you very much for your time. I truly appreciate your participation. You have the Researcher's Contact information. I am going to call you in about two weeks to make sure that you are feeling okay about what we talked about. Is that okay?

I am also going to give you some information about counseling and services provided by the Red Cross.

I would also like to give you a small food basket in exchange for your time today.

It will take some time before we have the results of this study ready, but we would like to give you a summary, and the Red Cross will do that in about 1 year's time. Once again, your participation is truly appreciated.

Time of Completed Survey: _____ AM PM (circle one).

Date: _____ (dd/mm/yyyy)

Interviewer's Comments and Notes:

Appendix II: Interview Guide in English*

*Note to readers: This was a rough schedule and was sometimes delivered in a different order and was a flexible schedule in that additional follow-up questions were asked at times depending on the participant and the particulars of their situation.

1. Who is the most supportive person in your life?
2. How does that person support you? (If no one, how would you want to be supported?)
3. Are you a part of a women's organization? If yes, can you describe what you do in that organization?
4. What does justice mean for you?
5. How did you decide to take or not to take your case of sexual violence to gacaca? What was your decision-making process?
6. (If they took the case to gacaca): How do you feel about your decision to take your case to the gacaca courts?
7. What do you think about the gacaca courts?
8. What are your suggestions to improve gacaca courts for survivors of sexual violence like you?
9. Do you have any additional information that you would like to share with us?