

model democracy cannot have a subservient Parliament. Certainly, what is happening in Botswana is not what Dicey (*Introduction to the Study of the Law of the Constitution*, 1885) had in mind when discussing the principle of the supremacy of Parliament. Clearly, Parliament is not supreme in Botswana: there is indeed a deficit of democracy.

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Genocidal Gender and Sexual Violence: The legacy of the ICTR, Rwanda's ordinary courts and *gacaca* courts, by Usta Kaitesi. Cambridge, Antwerp, and Portland, OR: Intersentia, 2014. xiii + 271 pp. € 55.00 (paperback). ISBN 978 1 78068 210 5.

'Those with the power to decide or even help tend to silence victims by not creating mechanisms through which they may receive justice or by silencing them even when they want to have access to such mechanisms because we have socially labelled their experiences as unspeakable or unbearable,' concludes Usta Kaitesi, Principal of the College of Arts and Social Sciences, University of Rwanda (p. 239).

The language of this extract is representative of Kaitesi's monograph, based on her PhD thesis in law at the Netherlands Institute of Human Rights. She tackles a highly relevant topic but her style makes the text hard reading, even if her provocative hypothesis is spot on and the book is engaging. 'Speaking about gender and sexual violence is not an easy task,' Kaitesi rightly reminds us (p. 238). She suggests that rape as a constitutive element of Rwanda's genocide was not addressed adequately in the legal, practical, or theoretical realms, thereby reducing the 'complex reality' of the genocide.

Much has been written about the legal legacy of gender and genocide in Rwanda. Kaitesi's contribution to the discussion of justice, gender, and memory therefore walks on well-trodden paths, reinterpreting prominent case studies such as the Akayesu trial (in which rape and sexual violence were for the first time considered instruments of genocide), and reviewing seminal feminist legal classics, including African feminism. What makes this a remarkable contribution to an extensive literature is the author's holistic approach and her view from within, drawing on her experience as Rwandan attorney and trainer for the *Inyangamugayo* ('those who detest dishonesty'), the lay judges of Rwanda's famous *gacaca* courts. With this training behind her, Kaitesi's own role shapes her awareness of the misrepresentation of victims' experiences in the legal realm and in society's recognition of this. Her first-hand experiences, proverbial wisdom, and insights into post-genocide legal and parliamentary discussions make this study remarkable and inspiring in the sometimes very controversial academic debates surrounding Rwanda.

In eight chapters Kaitesi develops a complex picture of the genocide and demonstrates that sexual violence was not only a 'by-product of war' or a 'sign of patriarchal

norms' but also a 'planned and targeted policy', which therefore qualified as 'genocidal gender and sexual violence'. This is not new but worth reinforcing. She addresses the intersectionality of gender and ethnicity, challenges feminism's role in neglecting female perpetrators and male victims, and sheds light on the dialectics of legal decisions and social perceptions. This nexus of discourse, violence, and justice is welcome and perceptive. Kaitesi claims that the definition of rape and sexual violence remains ambiguous because 'it lacks sufficient legal language' (p. 239). This lack, as Kaitesi argues, is due to fear and reluctance to both talk and hear about sexual violence. Yet, without learning about the victims' experiences, she regrets, no justice can be achieved and the genocidal dimension of sexual violence is omitted. In order to unpack and make sense of legal language, Kaitesi interprets the mechanisms of the International Criminal Tribunal for Rwanda and Rwanda's two domestic courts. While her discourse analysis remains rather implicit, she sticks to a reinterpretation of well-known case studies. Although she often alludes to her first-hand experiences as a 'researcher from within', she rarely reflects on her particular positionality. Certainly, Kaitesi is a legal scholar and not a social scientist; however, a lot is taken for granted and remains rather abstract for the reader. For instance, while she highlights her work as trainer for the *Inyangamugayo*, we do not learn the English translation of this term, nor do we gain insights into the details of her work.

The most eye-opening aspect of her study is the interpretation of parliamentary discourse on what exactly genocidal gender and sexual violence entails, demonstrating that legal issues shape and are equally shaped by social, political and historical dynamics. Is the ineffective prosecution of rape and sexual violence a result of a conscious political will? Kaitesi suggests that the confluence of socio-political norms, historical developments, and misogynistic views challenges the Rwandan and international judiciary and becomes visible in the legislative narrative. Significantly, it is by far the shortest chapter of this book.

It is laudable that Kaitesi brings various engaging issues together in this volume. Unfortunately, often she provides relevant arguments without grounding them sufficiently in quantitative (statistics) or qualitative (interviews) data, so readers have to believe that, for example, 'victims and witnesses had offered to testify about rape and sexual violence although the prosecution had not taken the initiative to investigate and prosecute those crimes' (p. 242). This speculative tone weakens her argument drastically as she meanders between questions of individual stigma, legal imperatives, and social justice.

The book ends with a concise summary rather than a conclusion, while the individual chapters often fail to reinforce the main argument in a structured way. This impression of messiness is also mirrored by many repetitions and typos. The bibliography is far from complete and a glossary would have been useful. A concise article on her central findings would be a welcome addition.

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