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Women's Struggle in Finding Truth

- A comparative study of the South African TRC and
Rwandan Gacacas

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Abstract

The role of women in post-conflict countries in Africa has always been less prioritised when working for reconciliation. Our aim in this thesis is to compare how the gacacas in Rwanda and TRC's in South Africa treated the suffering of, and justice for women and what healing processes were put in place to help them. Truth Commissions are a form of reconciliation theory which will be further analysed in this thesis in order to investigate the participation and treatment of women in these two countries. When comparing them we have found that the truth commissions are in fact gender-biased. South African and Rwandan women were less prioritised than men in the treatment during truth commissions to find justice for their suffering.

Key words: Reconciliation, Truth Commissions, women, Rwandan gacacas, South African TRCs

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1. Introduction

Conflicts have plagued the African continent for years. Both armed conflicts and internal struggles still exist in many forms, and the aftermath of these struggles in the present, recent history and past still affect many people today. Two widely discussed cases are the genocide in Rwanda and the Apartheid violence in South Africa. Much emphasis has been laid on killings and torture while women-specific violence has largely been ignored.

1.1 Purpose of Investigation and Limitations

We intend to analyze and compare from a gender perspective, how the reconciliation processes in Rwanda and South Africa were organised and performed.

We are aware that these conflicts were very different in nature and we have taken this in consideration. The genocide in Rwanda lasted only four months while the Apartheid conflict lasted for over thirty years. However, we want to clarify that we will concentrate on discussing and comparing the treatment of women in the truth commissions and not aim to compare the different conflicts. We have mentioned the ICTR which is an important component in the Rwandan Truth Commissions; however we will concentrate on the gacaca courts in our analysis and compare them to the TRC in South Africa. The material we have used may have its restrictions as we have concentrated on views regarding unfairness of the treatment of women in these truth commissions, and therefore not fully grasped the alternative side to this subject area.

1.2 Method

We have undertaken a desk study based on relevant books and articles. We aim to discuss and work with this problem/subject. Various sources in the form of books and articles have been used in trying to find as many different approaches as possible and analyse our question based on the information we find. Hopefully this will help make a good comparison between the different cases.

1.3 Theory

When a conflict has been spurred by radical differences, as they have in South Africa and Rwanda, reconciliation is important in order to restore broken relationships and learn to live in a peaceful environment with these dissimilarities.

1.3.1 Reconciliation

The idea of reconciliation is a broad concept of peacebuilding and peacemaking. It is made up of different components that all play a crucial part in creating a peaceful outcome.

Dealing with the trauma from what has been experienced during a conflict is hard to do. Much has happened during the years of conflict, many relations have been destroyed, identities have become unclear and many violations of norms have led to distrust and trauma¹. Therefore it is important to be able to deal with the past before starting to build a future. Acknowledging the trauma is an important step in dealing with the past, but it is usually very difficult to achieve. This is especially true in the case of women as rape victims; it is very hard for them to continue everyday life as if nothing has happened, and as Emma Bonino, European Commissioner for Humanitarian aid states: “The first victims of war are often women and children. Even though they do not lose life or limbs, they are often deeply traumatised in ways not visible to the naked eye”². Psychological transformation is an important step in reconciliation if resolution is to be achieved. These problems lie deep down and are culture sensitive, and not many can recover from them.

One way of moving on from a conflict is the approach to forgive and forget, or amnesia. For some societies, experiencing trauma after conflicts makes this a successful way to not go through trials and justice (for example cultural reasons) and still receive full reconstitution of relations between former enemies. However, this is not the case for some post-conflict societies which seek vengeance for what has happened and want justice to be served³. Between the amnesia approach and the legal purges and trials, lie the truth commissions.

¹ Ramsbotham et al. 2005, *Contemporary Conflict Resolution*, p. 233.

² Ibid, p. 234.

³ Ibid, p. 235.

1.3.2 Characteristics and Purposes of Truth Commissions

Linking truth to reconciliation has been a common theme in modern peacebuilding operations. In the book “Gendered Peace, Women’s struggles for Post-War justice and Reconciliation”⁴, four main characteristics of truth commissions are discussed: Primarily, it is important to acknowledge that truth commissions focus on the recent past, but are not ongoing organizations. Secondly, the authorization of truth commissions are time bound, therefore they investigate not specific events, but patterns of abuse which are performed over a set period of time. Thirdly, truth commissions operate only temporary on an average period of around six months to two years. At the end of this period a report is presented, and if necessary the time period could be lengthened. Finally, in order to ensure that the findings and recommendations which have derived from these commissions are taken seriously, information is accessed by both armed opposition groups as well as the state. The state officially sanctions, authorizes and empowers the truth commissions⁵.

Along with these characteristics, the following six purposes should be fulfilled in order to achieve full reconciliation:

1. To clarify and acknowledge truth
2. to respond to the needs and interests of victims/survivors
3. to contribute to justice and accountability
4. to outline institutional responsibility and recommend reforms
5. to promote reconciliation and reduce tensions resulting from past violence
6. to meet the rights of victims/survivors and society to the truth⁶.

When looking at these points, it is evident to see that they are very hard to achieve and most do not accomplish all of the points mentioned above. However, depending on the conflict analyzed, different possibilities of how to accomplish these criteria of truth commission are presented.

When looking at post conflict societies today, it is evident that women and children suffer most from traumas during the war period. Therefore, it is important that women are presented fairly in these truth commissions in order for them to find some justice and acknowledgement in their sufferings.

In the words of Kofi Annan, former UN Secretary General: “Conflicts happens in societies that can least afford it, takes its toll on those who least deserve it and hits hardest those least equipped to defend themselves”, and this was particularly true for the women during apartheid in South Africa and Rwanda. Therefore, it was important to recognize their traumas in the Truth and Reconciliation Commission in post-apartheid South Africa⁷ and in the gacaca courts of Rwanda.

⁴ Pankhurst, *Gendered Peace, Women’s struggles for Post-War justice and Reconciliation*, p. 10ff.

⁵ Ibid, p. 10.

⁶ Ibid, p. 11.

⁷ Ibid, p. 137.

2 Acknowledging Truth

2.1 TRC – Truth and Reconciliation Commission in South Africa

The truth and reconciliation commission in South Africa was put into motion in 1995 and acted as a quasi-judicial body. The purpose of the truth commission was to gain and promote national unity and reconciliation procedures. The following practices were facilitated in order to fully comprehend how to heal the conflicts and divisions of the past⁸. First of all, it was important to try to create an understanding and an overall view of the extent of human right violations 1960-1993. Hearings were held where both the victims and perpetrators views were presented and documented. This allowed the victims to tell the nation their story, while the persons responsible for the deeds would be guaranteed protection of rights. The second process was to grant conditional amnesty to the perpetrators, meaning that they would be granted full indemnity from both civil and criminal accusation if they pleaded guilty, and their confessions were made public. The third process was the establishment and awareness of the whereabouts of victims and that their civil and human dignity was to be repaired. Findings and activities of the TRC's should be presented in a report as well as recommendation of how to prevent human rights violations and what measures should be taken if they reappear in the future is the fourth process⁹. Finally, the fifth process was to investigate the degree and nature of how human right violations were committed. In order to achieve these ambitious practices, three committees were put into place. The Amnesty Committee which would grant amnesty to perpetrators, the Human Rights Committee (HRVC), where people could testify in public hearings of the assault and suffering they witnessed and suffered, and finally the Reparation and Rehabilitation Committee which would identify victims and recommend these to the President of what measures of compensations were to be initiated¹⁰. Most of the hearings were translated into English, even though most of the witnesses would be speaking different forms of English, switching to other languages such as Sotho, Xhosa, Zulu, Tonga or a mixture of these¹¹. No transcripts of the true languages spoken during testimonies have been recorded, and

⁸ Ibid, p. 144.

⁹ Ibid, p. 145.

¹⁰ Oboe, 2007. "The TRC Women's Hearings as Performance and Protest in the New South Africa", p. 72.

¹¹ Ibid, p. 62.

thus many statements got lost in translation. Some of the TRC hearings would be presented through religious symbolism, singing hymns or poetry making it a type of theatrical performance making it easier to comprehend. However, “despite framing the equality and sympathy which is at the core of the TRC, forms of social, cultural and gender inequality did get into the proceedings, which were uneasily located between past horrors and present dreams of reconciliation and justice” and this will clearly be seen when analysing the role of the black woman in the TRC hearings¹².

2.2 The Gacaca System and the ICTR in Rwanda

Initially the gacaca courts were postcolonial community based tribal courts. They were traditionally working with smaller crimes like thefts and simple disputes. In 1999, the Rwandan government decided to revive the gacaca system and introduce truth telling into it as a way to reconcile the society, and as a response to the slow progress of the national courts and the International Criminal Tribunal for Rwanda (ICTR). The idea was inspired by the TRCs in South Africa¹³, and containing the same characteristics as mentioned above. The gacacas focused on the recent past, i.e. atrocities committed during the genocide and closely related to it. They were given jurisdiction over crimes committed from October 1st 1990 to December 31st 1994, and were to operate from 2005 to 2007¹⁴. The Rwandan government was responsible for the funding of the gacaca courts¹⁵. They also gave them the duty to guarantee both sides from the conflict to have their say, and that the findings and recommendations from the courts should be taken seriously¹⁶. In its active years, an estimated 800,000 were tried in the gacaca courts¹⁷, compared to the ICTR’s total of 29 completed cases at the end of 2008¹⁸.

The project was launched in the whole country in 2005¹⁹. The trials were informal, held out in the open in the villages, and anyone could participate. For a trial to start, at least 100 persons had to be present. The judges were elected by the villagers, and out of 200,000 judges about 35% were women²⁰. The suspects were taken to the hearings, and those who had anything to say about them and their role in the genocide would speak. A critique directed at the way the gacacas were held, was the fact that the witnesses sometimes were interrupted by the audience, which contained friends and family of the ones standing accused. This was a way to disrupt the hearing and frighten the witness²¹.

¹² Ibid, p. 63.

¹³ Schabas, 2005, “Genocide Trials and Gacaca Courts”, p. 3.

¹⁴ The Centre for the Study of Violence and Reconciliation, 2008, “Gacaca Courts”.

¹⁵ Mibenge, 2004, “Enforcing International Humanitarian Law at the National Level: The Gacaca Jurisdictions of Rwanda”.

¹⁶ Pankhurst.

¹⁷ The Centre for the Study of Violence and Reconciliation, 2008, “Gacaca Courts”.

¹⁸ ICTR Official Homepage, <http://69.94.11.53/ENGLISH/cases/status.htm>.

¹⁹ Kirkby.

²⁰ Mibenge, p. 4.

²¹ Brounéus, 2008, “Truth as a Talking Cure”.

The goal and the belief of the gacaca is the same as in South Africa; truth works healing and will help to reconcile the society. In reality though, the effects have been a bit different. Research from the South African TRCs, the gacaca courts and the ICTR shows that witnessing can cause re-traumatisation for the victims²². Women would suffer the most from these flashbacks. To be forced to tell their story in front of the whole village, facing the perpetrators who might have raped them or killed their family caused a lot of women to feel like they were reliving the months of April 1994 all over again²³.

2.2.1 The ICTR

The ICTR was established in November 1994 and is located in Arusha, Tanzania. The court has been blamed for being slow and insufficient²⁴ and has not contributed to lowering the pressure on the national courts of Rwanda as promised. Compared to the gacacas, the ICTR is less well-known among the people, due to its location, but also because of the lack of information to the people in Rwanda. Reports from the ICTR are mostly written in English and French. This limits those who only speak Kinyarwanda, one of the three official languages in Rwanda, to follow the progress of the trials. The information rarely reaches the rural areas of the country, leaving the people unknowing of the progresses of the ICTR²⁵. The jurisdiction of the ICTR is for the year of 1994 only, giving the gacacas a greater span to operate with and thus being able to prosecute more suspects.

²² Ibid.

²³ Ibid.

²⁴ Corey et al. 2004, "Gacaca Courts in Rwanda".

²⁵ Nowrojee, 2008, "Your Justice is too Slow", p. 126.

3 Women's Role in Society

3.1 South Africa

With the arrival of the Europeans in South Africa in the 15th century, segregation became a fact between the two groups of people – Africans and Europeans. In 1948, the government fully adopted the system known as Apartheid, which had been developing since the beginning of the century. The goal with Apartheid was to separate the different ethnic groups from each other. Reserves, known as *Bantustans* or *homelands*, were created for the black majority of the population, and special laws and regulations were introduced²⁶.

Africans had to carry an individual pass or reference book with them, which stated who they were, where they were allowed to go, etc. The idea was that the black population should leave their homelands for the white areas and act as guest workers. Without this book they could not enter the white areas, and failing to carry it could result in losing their employment. In general, it was easier for men to get a job than it was for women, and those not working in the white areas were banished to the homelands, which made up about 13% of the country's territory, containing a majority of the population²⁷. The life in the homelands was poor and tough. Starvation, malnutrition and disease were a common feature, and lack of doctors and supplies was a fact.

Overall, black people had a submissive role compared to the whites, and even lower ranked were the black women. It was harder for them to get paid employment, making women the ones who mainly lived in the reserves, together with children and the elderly. As a result of Apartheid-regulations, a married woman was not allowed to live together with her husband if he worked in a white area, and she did not. The result of this was that a lot of married couples lived separated during their fertile part of life, and if they did get children, they grew up without getting to know their father. In the homeland, the woman had to cultivate the unfertile land to support her children, and possibly her parents and other relatives too. The woman was dependent on her husband sending money to her to be able to feed and dress her family. If he did not send money, or if it was not sufficient, the woman had to go look for an employment elsewhere, outside the homeland. The regulations stopped her from taking her children with her, forcing her to leave them with relatives, or whoever would take them.

As a result of the Apartheid regulations a traditional family life was not possible for black people, where many chose not to get married, e.g. causing a lot of children to be

²⁶ Bernstein 1975, *For Their Triumphs and for Their Tears*, p. 8ff.

²⁷ *Ibid*, p. 36ff.

born outside of marriage, and children growing up without one, or even both of their parents.

3.2 Rwanda

In April 1994, a horrible deed plagued the Central African country Rwanda. An ethnic cleansing against the minority ethnic group Tutsis was initiated by the majority group Hutus. The Genocide lasted only for a few months but over 800,000 people were brutally murdered. Although the majority that was killed was men, the women were the ones who suffered the most. They were raped, tortured and mutilated²⁸. When looking at the history of women in Rwanda, their position in society is not much unlike other African countries. The women's role is very traditional; they have an inferior status and are very dependent on male relatives. Their main responsibility is to take care of the children, the household and work hard in the fields. Fertility is very important in Rwandan society, and the more children the women could produce, the more valued they were, and as Logan states: "the ideal image of a Rwandan woman is that of a hard worker who is fertile and reserved"²⁹.

The history of unrest between these two ethnic groups can be traced far back in history. The Tutsi community was the wealthier group and was favoured during the Belgian colonial era, which mounted the Hutu hate toward this more successful group. The Tutsi women were regarded as more beautiful and more sexually desirable, far out of reach for Hutu men who believed they felt that they were 'too good' for them³⁰.

It was believed that almost every woman or adolescent girl that survived the genocide had been raped. One of the main purposes of this massive rape toward the Tutsi women were to humiliate them, forcing them to have sex with children who were supposed to respect them, or performing the rapes in the presence of family members³¹. Many women who survived have contracted HIV/AIDS, and this was one of the Hutu methods in ensuring the extinction of Tutsis. Witnesses at the scenes of the genocide could describe the mutilations forced upon the women victims. The majority had clear indications of rape, the way their bodies were left, showing that this was how they were finally killed. Mass rape on children was also common, and surviving such torture as rape was considered worse than being killed. As UN peacekeeping force commander Roméo Dallaire's assistant states: "Massacres kill the body. Rape kills the soul. And there was a lot of rape"³². For the women who survived, it was important that they achieved justice in the horrors which they witnessed and experienced. Angélique

²⁸ Logan, 2006, "Remembering the Women in Rwanda: When Humans Rely on the Old Concepts of War to Resolve Conflict", p. 235.

²⁹ Ibid, p. 236.

³⁰ Brysiewicz et al., 2008, "The Lived Experience of Genocide Rape Survivors in Rwanda", p. 383.

³¹ Logan, p. 383.

³² Pankhurst, p. 108.

Mukamanzi, a survivor of the genocide states the following when describing her life after the genocide: “From now on, I consider this desolate time that passes before me as an enemy. I suffer from being tied to this present life, which is not the one I was supposed to have”³³. The peacebuilding process in Rwanda began, where women survivors searched for justice and resolution in trying to live a normal life again.

³³ Hatzfeld, 2006, *Life Laid Bare the survivors in Rwanda speak*, p. 88.

4 Women's Struggle and Treatment in Truth Commissions

4.1 TRC South Africa

“The TRC was criticised for locating women in the private realm as supporters of men but not in the public realm as resisters of oppression”.³⁴

The truth and reconciliation commission in South Africa did prove to be successful in prosecuting perpetrators in a fair manner, as well as recognising the victims suffering and injustice. However, it has become very clear that the process of the TRC was gender biased³⁵. The women victims of the apartheid years would testify against acts of violence committed toward others, but were very reluctant in discussing their own pain and sufferings during the apartheid years. Even though many women suffered greatly during the conflict, their experiences did not fall under the category ‘gross human rights abuses’ which primarily focused on killings, abductions or torture. Their suffering was not included as an involvement in the conflict and was therefore not acknowledged³⁶. It is important to remember that one of the most serious consequences of Apartheid is poverty, and the main victims of this are women and children. One of the biggest shortcomings of the TRC is the focus on the extreme abuses but the horrors that black women faced everyday in order to survive was practically ignored³⁷. By not acting by political motive, “millions of ordinary people, especially women, who suffered from the structural violence of apartheid but were not victims under this narrow definition, would not receive any compensation” and this limited their own testimonies in the TRCs³⁸.

Women were only encouraged to talk about male family members, and many were scared to share their own experiences of rape or torture because of cultural norms and morals. In order to break this gender-biased trend, women movements pushed toward acknowledging the women and encourage them to share their experiences. This led to the TRC’s decision of dedicating, in each region, at least one hearing for women only³⁹.

These hearings would consist of a panel of women commissioners with only women attendees, giving the women full courage to tell their stories without the presence of

³⁴ Graybill.

³⁵ Pankhurst, p. 150.

³⁶ Graybill, 2001, “The contribution of the truth and reconciliation commission toward the promotion of women's rights in south Africa”, p. 4.

³⁷ McEwan, 2003, “Building a Postcolonial Archive? Gender, Collective Memory and Citizenship in Post-Apartheid South Africa”, p. 746.

³⁸ Graybill, p. 4.

³⁹ Ibid, p. 5.

male reporters or commissioners. The women would be able to share their stories of abuse or tell the stories on behalf of other women. Groups of women would come together to share their stories as a collective hearing to make it easier to comprehend⁴⁰.

Many women were ashamed of discussing their rape and assaults as this could give consequences in their societal status as well as many women blamed themselves for what happened when they were abused or raped⁴¹. This comes to show that gender violence and gender-bias is still present in South African society. The women TRC hearings were not even bothered to be covered by the media as “violations against women are not regarded as sensational given its almost commonplace nature in South African society”⁴². Women were seen as less of a threat toward the apartheid state thus it was no point in killing or abducting them, but that did not mean that they did not suffer from the actions of men and their violence.

4.2 Gacacas in Rwanda

The gacaca courts were created to reconcile the Rwandan society and its inhabitants, making it mandatory to attend the trials in hope to make the process as successful as possible. One thing that was not considered when introducing them was the security of the witnesses. Telling the truth in a gacaca might not be as positive in reality as it is in theory. McKay argues that truth telling might involve more risk for women than it does for men, due to the dishonour of sexual violence⁴³. Interviews conducted with Tutsi women in Rwanda after the genocide tells of experiences of threat, fear and sorrow as a result for their participation in the gacaca. One woman concluded: “At the gacaca, I pointed out the person who killed my husband and my children. Afterwards they considered me an enemy. (...) My enemies sought a way to kill me. That is why I now live in Umudugudu”⁴⁴. (An Umudugudu is a small community of ten houses where survivors live together). This is a reality for a lot of the women who have witnessed in the gacaca courts and also in the ICTR. Before the trial, they were getting along, not trying to remember what happened. After their testimony, they receive threats. If they ask for help from the officials, most commonly they are either ignored or their report are not taken seriously⁴⁵. As a consequence some women have felt a fear of their security and the need to leave their villages for a new one where they are not recognized.

⁴⁰ McEwan, p. 745.

⁴¹ Graybill, p. 7.

⁴² Ibid, p. 5.

⁴³ Brounéus, 2008, p. 6.

⁴⁴ Ibid.

⁴⁵ Ibid.

4.2.1 Rape as a crime against humanity

With the creation of the ICTR and in response to the fact of the use of rape as a strategy in the Rwandan genocide, rape was made a crime against humanity in 1998 in the ICTR⁴⁶. In the statute of the International Criminal Court (ICC) rape, sexual slavery, forced prostitution, etc. are classified as crimes against humanity, as a result of what was decided in the ICTR⁴⁷. Even though sexual violence has been given a prioritised role on paper, in reality it has not been a main concern in either court. Sex as a topic is still a tabooed subject in Rwanda, making it shameful for the women and the men who were raped to talk about their experiences. The women face the risk of bringing dishonour over the family if she tells her story, making many women choose not to. As Anderlini states: “Rape is considered to be the most shameful act that could be brought upon a family, and the female victim is held responsible”⁴⁸. A cultural phenomenon makes the perpetrators of rape walk free. An estimated 250,000 to 500,000 women are believed to have been raped in the months of 1994, but the numbers of unreported cases are still numerous⁴⁹. As a consequence to the many rapes, about 2,000 to 5,000 children are believed to have been born⁵⁰. Venereal diseases were also widely spread, still affecting the women today as they lack sufficient medical care, especially when it comes to HIV/AIDS. Compared to the men in custody, who receive medical treatment for their diseases, these women do not, causing many of them to die before the tribunals have finished, never living to see justice⁵¹.

There are three categories of genocide crimes in the gacaca system, defined in the revised Organic Law 16/2004. Category one consists of the leaders and the creators of the genocide, and to this sexual violence was added as a crime in 2004. Category two are those suspected of homicide, or serious attacks that not necessarily lead to death. Category three contains offences against property. The gacaca courts have jurisdiction for offences committed under categories two and three. Category one is reserved for the national courts and the ICTR⁵². Limiting the gacacas from jurisdiction over sex-related crimes has both positive and negative effects. As there are so many victims of rape and not being able to prosecute this in the gacacas, may risk that it is not recognized enough as a crime, and the ones who are guilty of rape may not be punished for this. On the other hand, it has been made such a serious crime it has to be taken to the International Court, making the statement that it is not acceptable at all⁵³.

⁴⁶ Anderlini, 2008, *Women Building Peace – What They Do, Why It Matters*, p. 160.

⁴⁷ Ibid, p. 169.

⁴⁸ Ibid, p. 158.

⁴⁹ Brounéus, 2008.

⁵⁰ Kumar, 2001, “Women & Civil War”, p. 31.

⁵¹ Nowrojee, 2008, “Your Justice is too Slow”.

⁵² Brounéus, 2008.

⁵³ Anderlini, p. 183.

4.2.2 Research on the gacaca system

Research made by Karen Brounéus about witnesses in the gacaca courts and the risk for re-traumatisation, shows that the ones most susceptible for depression and posttraumatic stress disorder (PTSD) due to witnessing are women. Those who were targeted during the genocide, i.e. Tutsis and Hutu moderates, are the ones most vulnerable. Her study shows that an average of 38% of the victims got depressed after witnessing. There is a significant difference between the results of men and women, where an estimated 47% of the women got a depression after witnessing in the trial, compared to 28% of the men, of the ones participating in the research, (which was conducted in March 2006 with 1,200 adult Rwandans who were chosen at random). 37% of the women in the research got symptoms of PTSD after witnessing, compared to 16% of the men⁵⁴. The reason why women lead a greater risk is not given in the research, but one explanation could be the development resulting from the genocide. For example, the 1998 inheritance law made it legal for women to inherit property in their own name, open a bank account without permission from her husband, etc, changing the traditional role of women which has not yet been accepted by everyone⁵⁵.

Another reason why women are targeted for witnessing is the fact that their perpetrators are punished. More women survived the genocide, but were instead victims of rape and abuse. Many of them are widows and lost family members, leaving them without the support and protection from a husband or a male relative. If not widowed, an average of the ones kept in prison is men, leaving the women by themselves⁵⁶. Therefore, women are today left to tell their stories. Sexual violence has been hard to prove in the national courts and the ICTR, due to lack of skill to collect information and proof and initiative from judges and lawyers⁵⁷. Nowrojee also points to a political unwillingness when it comes to prosecute perpetrators of rape and abuse, giving the crimes against women a lower priority.

To make these women come forward with their stories they need to be encouraged and be shown that if they tell, it is going to lead to something. Security needs to be provided for them, both during the trial, and especially afterwards when they risk getting punished for their testimony by family or friends to the ones found guilty⁵⁸.

⁵⁴ Brounéus, 2006, "The Trauma of Truth Telling". p.7ff.

⁵⁵ Burnet, 2008, "Gender Balance and the Meaning of Women in Governance in Post-Genocide Rwanda".

⁵⁶ Anderlini, p. 178.

⁵⁷ Nowrojee.

⁵⁸ Ibid.

5 Discussion and Analysis

Similarly in both the South African TRCs and the Rwandan gacacas is the lack of focus on the psychological health of the witnesses. In Rwanda, the judicial system has been criticised for not prosecuting the Tutsis in the RPF for the violence committed by them, mainly on Hutu women, when they stopped the genocide when entering the country from the North⁵⁹. These crimes carried out by the RPF have been established as war crimes, and not genocide crimes. As a result they are not treated in the gacaca courts, as they only prosecute genocide crimes⁶⁰. Corey and Joireman point to the more successful aspect of this in South Africa, where they made sure both victims and perpetrators were viewed with equality, not creating a “victor’s justice”, as was done in Rwanda. It is also important to understand that these conflicts were very different in nature. When discussing rape and sexual abuse in the Rwandan case, it is between the two ethnic groups that this violation took place. The Hutus raped and tortured the Tutsis. In the South African case however, it was the apartheid regime that created a system where rape and sexual abuse on women was natural in the black society.

Both the commissions in South Africa and in Rwanda were characterised by the purposes given by Pankhurst. Our comparison shows that they are similar in many ways, but differ in other aspects. This can be due to the different natures of the conflicts, but also different approaches to the resolutions of them. The first point “to clarify and acknowledge truth” is the most obvious purpose of truth commissions. Women have been reluctant to talk about their experiences when it comes to sexual abuse, as culture norms and traditions surrounding the subject of sexual violence is seen as taboo⁶¹. This has been evident in both countries as women have a less cultural and social status in society. Their set identity and role in society have led to a limitation in political and civil status. This leads to the exclusion of women as representatives for households and a formation of a patriarchy where the men have more power and authority in society compared to women⁶². This is clearly shown in both countries before and during the conflict, and as a result their suffering and abuse was not taken as seriously as that of men. Justice was not fully granted these women, as many women decided not to speak of rape and sexual exposure because of their belief and culture. Women were reluctant to talk about their own sufferings and abuse because it was seen as forbidden. It is seen as inappropriate to discuss women’s bodies and their functions which need to be done when discussing rape or sexual abuse. This could lead to the women getting blamed for the violence inflicted upon them and they would be seen as dishonouring their

⁵⁹ Corey et al.

⁶⁰ Ibid.

⁶¹ Nowrojee.

⁶² Oboe, p. 72.

families⁶³. This is common in many African countries today, and this traditional belief needs to be adjusted in order for women's suffering and abuse to be acknowledged for the horrors that they inflict upon many victims. Only a partial truth was presented in these hearings, as the women who faced the everyday violence and suffering and survived were reluctant to share their stories of abuse which made it hard to fully understand the extent of violence that was inflicted, thus not fully acknowledging the truth⁶⁴.

Attempts were made to recognise women in the TRC hearings in South Africa through establishing women-only hearings. This helped women understand that they were not alone in their suffering and that they could trust women-only commissioners to listen to their stories. However, although this was a good attempt in contributing justice to these women it showed not to be enough with only three hearings. The area of the Eastern Cape was not included and this is where most human right violations took place⁶⁵. These attempts were not made in Rwanda where security was not provided for the witnesses in the gacacas or the ICTR. It was mandatory for women to witness in the courts, and even though it was well-known that it was difficult for women to talk about sexual abuse, the judges did not take these charges seriously. In one case the judges present at the hearing burst out laughing while a victim of multiple gang rapes presented her testimony⁶⁶. If some of these hearings in Rwanda could have been for women-only (as they were in South Africa), more women could have found justice and courage to witness and tell their stories regarding the abuse and assault they had suffered.

Another aspect of being a witness at these hearings was the revealing of abuse forced upon these women by government officials or admitting to husbands and families who had raped or abused them. In South Africa pressures from government ministers demanded many women not to testify. This scared away many women from testifying, and therefore they could not address the public and thus not present or publish the truth, which is an important purpose of truth commissions⁶⁷. In Rwanda this was also the case, and it was known that many women did not testify because the fear of exposure following publicity. One woman who testified, stated: "today I would not accept to testify, to be traumatized for a second time. No one apologised to me. My house was attacked. My fiancée has left me. In any case, I'm already dead"⁶⁸. This has led to many women feeling insecure, and has even made them leave their villages. If they were assured not to be stigmatized from society if they did share their experiences of abuse, it would have been possible for them to gain justice and tell the truth.

Even though many female victims of rape and abuse have not been fully and fairly acknowledged in the truth commissions in these countries, the ICTR did recognize rape as a crime against humanity. This was done after many years of not acknowledging the suffering of women. In some cases, sexual violence perpetrated on men was seen as

⁶³ Anderlini, p. 158.

⁶⁴ McEwan, p. 746.

⁶⁵ Ibid, p. 745.

⁶⁶ Nowrojee, p. 130.

⁶⁷ McEwan, p. 745.

⁶⁸ Nowrojee, p. 131.

torture, but rape of women was not⁶⁹. This was a step toward recognising rape and abuse toward women for what it really was- a form of cruel torture. This was a main limitation in the TRC agenda – only physical assaults among which rape was not considered were treated. Also the psychological trauma of women-directed violence was ignored. Many women would share the horrors that their husbands or sons would have gone through, were eager to tell the truth of what had happened to them, but their own suffering would not be mentioned and, as many women felt, would better be forgotten⁷⁰.

5.1.1 Women today, in South Africa and Rwanda

After the ending of Apartheid women got a more prominent role in society. Under the presidency of Nelson Mandela, more women were elected into the parliament and more women made a career instead of staying at home as housewives⁷¹. With the end of Apartheid, the ban on the political party ANC was lifted. A quota system was introduced, where at least 30% of the political appointments should go to women⁷². Even though women got more important roles in South Africa, their role was still limited due to their sex. One woman-politician told that women working in parliament and other official places, had to think of whom they spoke to, how they dressed, make sure they were not alone with a male co-worker, and in general be had to be “spotless” to be accepted and not talked about behind their backs⁷³. One thing that was assumed about women making a career in the South African parliament was that: “(...) you have to make a choice if you wanted to be a mother or you wanted to be a politician, and these things seemed to be incompatible”. The role of women was developing, but traditional assumptions followed with it⁷⁴.

In Rwanda the results shown is somewhat different to that of South Africa. One of the outcomes of the horrible events in Rwanda in 1994 is the changed role of women in the Rwandan society. As more casualties were men, the women were left to rebuild the country. They had to do the traditionally male dominated jobs, like building roads and houses, at the same time as they cultivated the land, because if they did not, no one would. They started help organisations and took care of the 500,000 orphans due to the mass-killings. The 1998 inheritance law has also lead to a bigger independence for women, and as in South Africa a quota system was introduced, guaranteeing at least 30% of the parliamentarians to be female. The Rwandan government is today the most gender-equal in the world, where 48% are women⁷⁵.

⁶⁹ Walsh, 2008, “Gendering International Justice: Progress and Pitfalls at International Criminal Tribunals”, p. 36.

⁷⁰ Graybill.

⁷¹ Byrnes, 1996, “South Africa: A Country Study”, <http://countrystudies.us/south-africa/58.htm>.

⁷² Ibid.

⁷³ Geisler, 2004, *Women and the Remaking of Politics in Southern Africa*, p. 174f.

⁷⁴ Ibid, p. 176.

⁷⁵ SVT, 2005, ”Kvinnor bygger nya Rwanda”.

6 Conclusion

Through reconciliation processes, societies and populations learn how to deal with the past and gain justice for their sufferings. However, when looking closer at certain aspects within reconciliation, it becomes apparent that they are gender-biased. This is particularly true when looking at the Truth and Reconciliation Commission (TRC) in South Africa and the gacaca courts in Rwanda. Truth Commissions are an important composition of reconciliation processes. The roles of women in these African countries have always been subordinate that of men and their treatment in their respective truth commissions clearly portrays this. Women are the ones who suffer most in wars and conflicts, especially in the aftermath when trying to rebuild their lives. The majority of the casualties in these conflicts have been men, and therefore the sufferings of the women have not been taken as seriously.

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