

# Polices on Gender, Peace and Security

Akayesu Judgement, International Criminal Tribunal of Rwanda (ICTR)

Recognizing that serious violations of humanitarian law were committed in Rwanda, and acting under Chapter VII of the United Nations Charter, the Security Council created the International Criminal Tribunal for Rwanda (ICTR) by resolution 955 of 8 November 1994. The purpose of this measure is to contribute to the process of national reconciliation in Rwanda and to the maintenance of peace in the region. The International Criminal Tribunal for Rwanda was established for the prosecution of persons responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda between 1 January 1994 and 31 December 1994. It dealt with the prosecution of Rwandan citizens responsible for genocide and other such violations of international law committed in the territory of neighbouring states during the same period.

**Jean Paul AKAYESU**, born in 1953 in Murehe sector, Taba commune, served as bourgmestre of that commune from April 1993 until June 1994. Prior to his appointment as bourgmestre, he was a teacher and school inspector in Taba. As bourgmestre, **Jean Paul AKAYESU** was charged with the performance of executive functions and the maintenance of public order within his commune, subject to the authority of the prefect. He had exclusive control over the communal police, as well as any gendarmes put at the disposition of the commune. He was responsible for the execution of laws and regulations and the administration of justice, also subject only to the prefect's authority.

Between April 7 and the end of June, 1994, hundreds of civilians sought refuge at the bureau communal. The majority of these displaced civilians were Tutsi. While seeking refuge at the bureau communal, female displaced civilians were regularly taken by armed local militia and/or communal police and subjected to sexual violence, and/or beaten on or near the bureau communal premises. Displaced civilians were also murdered frequently on or near the bureau communal premises. Many women were forced to endure multiple acts of sexual violence which were at times committed by more than one assailant. These acts of sexual violence were generally accompanied by explicit threats of death or bodily harm. The female displaced civilians lived in constant fear and their physical and psychological health deteriorated as a result of the sexual violence and beatings and killing.

**Jean Paul AKAYESU** knew that the acts of sexual violence, beatings and murders were being committed and was at times present during their commission. **Jean Paul AKAYESU** facilitated the commission of the sexual violence, beatings and murders by allowing the sexual violence and beatings and murders to occur on or near the bureau communal premises. By virtue of his presence during the commission of the sexual violence, beatings and murders and by failing to prevent the sexual violence, beatings and murders, **Jean Paul AKAYESU** encouraged these activities. The Tribunal found, under Article 6(1) of its Statute, that the accused, by his own words, specifically ordered, instigated, aided and abetted the several acts of sexual violence and was found guilty of committing crimes against humanity that included, rape and torture, and acts of sexual violence included:

1. the multiple acts of rape of teen girls and women;
2. the forced undressing and public marching of naked women at the bureau communal.

The Tribunal also established that a widespread and systematic attack against the civilian ethnic population of Tutsis took place in Taba, and more generally in Rwanda, between April 7 and the end of June, 1994. The Tribunal found that the rape and other inhumane acts which took place on or near the bureau communal premises of Taba were committed as part of this attack. Amongst other sentences that corresponded to other crimes committed during the genocide, Akayesu was sentenced to life imprisonment for these acts of sexual violence that were framed as crimes against humanity.

For more information on the judgement and sentence, visit the International Criminal Tribunal for Rwanda <http://www.unictr.org/>

**(1) UN security council resolution 1325 on women, peace and security**  
<https://www.un.org/womenwatch/osagi/wps/>

On 31 October 2000, the United Nations Security Council (UNSC) unanimously adopted Resolution 1325 on women, peace and security. Resolution 1325 marks the first time the Security Council addressed the disproportionate and unique impact of armed conflict on women, recognized the under-valued and under-utilized contributions women make to conflict prevention, peacekeeping, conflict resolution and peace-building, and stressed the importance of their equal and full participation as active agents in peace and security.

For more information on the history and content of the resolution  
[http://www.peacewomen.org/security\\_council\\_monitor/](http://www.peacewomen.org/security_council_monitor/)

**(2) African Union Protocol on the Rights of Women in Africa**  
<http://www.africa-union.org/root/au/Documents/Treaties/Text/Protocol%20on%20the%20Rights%20of%20Women.pdf>

On 26 October 2005, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa received its 15th ratification, meaning the Protocol entered into force on 25 November 2005. This marked a milestone in the protection and promotion of women's rights in Africa, creating new rights for women in terms of international standards. The 32 articles of the Protocol affirm four broad categories of rights: civil and political rights; economic, social and cultural rights; the rights to development and peace; and reproductive and sexual rights. The Protocol is explicit in setting standards for addressing public and private violence against women. Article 4, for example, charges governments to take appropriate and effective measures to address issues of punishment for perpetrators of violence against women, rehabilitation of victims of violence and trafficking women in armed conflict and calls on states to respect rules of international humanitarian law applicable to conflict situations.

Initial drafts of the Protocol were in fact written by members of women's movements who based its content on their experiences of fighting for gender equality. Several articles of the Protocol are reminiscent of legal research findings of institutions such as Women in Law and Development (WiLDAF) <http://www.wildaf.org/>. Solidarity for African Women's Rights <http://www.soawr.org/en/>, a coalition of groups across Africa in which the Africa Regional Office of Equality Now <http://www.equalitynow.org/english/index.html> plays a leading role, has been campaigning for the ratification domestication and popularization of the Protocol since April 2004 after learning that the pace of ratification was very slow and concern was

raised that it might take years for the Protocol to come into force unless member states were held publicly and consistently accountable for their promises to ratify it. The countries that have ratified the Protocol as of 26 February 2008 are twenty-three: Angola, Benin, Burkina Faso, Cape Verde, The Comoros, Djibouti, The Gambia, Ghana, Lesotho, Libya, Malawi, Mali, Mauritania, Mozambique, Namibia, Nigeria, Rwanda, Senegal, Seychelles, South Africa, Tanzania, Togo and Zambia.

For full text visit the African Union's website <http://www.au.int/en/>

For information on women's rights activism on the Protocol visit Pambazuka News <http://www.pambazuka.org/en/> or Equality Now Africa. <http://www.equalitynow.org/africarising>

Also see Roselynn Muza et. al (eds). 2006. *Breathing Life into the African Union Protocol on the Rights of Women in Africa*. Fahamu. <http://fahamubooks.org/book/?GCOI=90638100872720>

Monica Juma, 'The Role of the African Union Machinery in promoting gender justice in post-conflict societies', in *African Women for Peace*, Centre for Human Rights and United Nations Fund for Women (UNIFEM), September 2005.

### **(3) Solemn Declaration on Gender Equality**

At the Third Ordinary Session of the African Union (AU) Assembly of Heads of State and Government in Addis Ababa, Ethiopia in July 2004, the Heads of State and Government adopted the *Solemn Declaration on Gender Equality in Africa (SDGEA)*. The Declaration is an important African instrument for promoting gender equality and women's empowerment as it strengthens African ownership of the gender equality agenda and keeps the issues alive at the highest political level in Africa. Through the Solemn Declaration, Heads of State and Government commit themselves to report annually on progress towards gender equality. In addition, the Chairperson of the AU Commission is expected to submit an annual report to the Assembly on progress made in the implementation of the Solemn Declaration as well as on the state of gender equality and gender mainstreaming at the national and regional levels.

To assist Member States in its reporting responsibly, the Ministers responsible for Women's Affairs and Gender, at their First AU Conference held in Dakar, Senegal in October 2005 adopted two documents, namely the *Implementation Framework for the Solemn Declaration on Gender Equality in Africa (SDGEA)* and the *Guidelines for Monitoring and Reporting on the SDGEA*.

For more information see the African Union's website. <http://www.au.int/en/>

The complete text can be found here. <http://tinyurl.com/b69I47y>

### **(4) UN Security Council Resolution 1820**

On 19th June 2008, the Security Council demanded the "immediate and complete cessation by all parties to armed conflict of all acts of sexual violence against civilians", expressing its deep concern that, despite repeated condemnation, violence and sexual abuse of women and

children trapped in war zones was not only continuing, but, in some cases, had become so widespread and systematic as to “reach appalling levels of brutality”.

Capping a day-long ministerial-level meeting on “women, peace and security”, the 15-member Council unanimously adopted resolution 1820 (2008), which noted that “rape and other forms of sexual violence can constitute war crimes, crimes against humanity or a constitutive act with respect to genocide”. It also affirmed the Council’s intention, when establishing and renewing State-specific sanction regimes, to consider imposing “targeted and graduated” measures against warring factions who committed rape and other forms of violence against women and girls.

The resolution also noted that women and girls are particularly targeted by the use of sexual violence, including in some cases as “a tactic of war to humiliate, dominate, instil fear in, disperse and/or forcibly relocate civilian members of a community or ethnic group”. Stressing that such violence could significantly exacerbate conflicts and impede peace processes, the text affirmed the Council’s readiness to, where necessary, adopt steps to address systematic sexual violence deliberately targeting civilians, or as a part of a widespread campaign against civilian populations.

For more information on the text of the United Nations Security Council Resolution 1820, <https://www.un.org/News/Press/docs/2008/sc9364.doc.htm>

#### (5) **The US Africa Command - AFRICOM**

The **United States Africa Command (USAFRICOM or AFRICOM)** is a Unified Combatant Command of the United States Department of Defense that is responsible for U.S. military operations and military relations with 53 African nations - an area of responsibility covering all of Africa except Egypt. Africa Command was established October 1, 2007 as a temporary sub-unified command under U.S. European Command, which for more than two decades was responsible for U.S. military relations with more than 40 African nations. Africa Command was formally activated on October 1, 2008, during a public ceremony at the Pentagon attended by representatives of African nations posted in Washington, D.C.

Officials from Africa Command have repeatedly stressed that they are not seeking headquarters or basing locations in Africa. In June 2007 early plans, predating the establishment of the command, discussed the possibility of a distributed command that would be networked across several countries rather than a single combatant command headquarters. However, following wide-ranging international consultations, leaders of the new command said they chose to focus on building programs and partnerships while suspending discussions about possible locations until after the command was well established. In February 2008 a spokesman for AFRICOM stated that its headquarters will be located in Stuttgart for the foreseeable future

AFRICOM threatens to heighten militarization in Africa and insecurity at local, regional and international levels. There is still lack of research on how the AFRICOM might affect men and women’s experiences of insecurity and how it might impede efforts to demilitarize African communities, particularly those that are recovering from decades of mass violent conflict.

For a critical insight on perspectives on AFRICOM from African activists see:

Mama, Amina and Okazawa- Rey. (2008) "Editorial: Militarism, Conflict and Women's Activism". *Feminist Africa* 10. [http://agi.ac.za/sites/agi.ac.za/files/fa\\_10\\_editorial.pdf](http://agi.ac.za/sites/agi.ac.za/files/fa_10_editorial.pdf)

Campbell, Horace, "George Bush Visits Africa to Promote US Africa Command".

[http://www.peacewomen.org/assets/file/Resources/Academic/wps\\_teachinggenderconflictpeace\\_gwsafrica\\_oct2009.pdf](http://www.peacewomen.org/assets/file/Resources/Academic/wps_teachinggenderconflictpeace_gwsafrica_oct2009.pdf)